

Dehcho Negotiations

FRIDAY, JUNE 17, 2011

Briefs from the floor of your future

SESSION YELLOWKNIFE, NT



We cannot ignore the wrongs of the past or the rights flowing from the historical relationships between Aboriginal and non-Aboriginal people in Canada.



But we are not prisoners of the past, and we can restore and renew that relationship on the basis of mutual recognition and respect, sharing and responsibility.

Report of the Royal Commission on Aboriginal People Vol.2 Part 1. Restructuring the Relationship.

Negotiations Summary; May 31-June 2, 2011

The norm for the Dehcho First Nation Negotiation sessions is to begin with a review of the agenda, a brief discussion on follow-up documents and record of conclusions. Following this there are a number of matters that are discussed at each session for the purpose of updating all the parties of the status of each file. During this recent negotiation session updates were provided on the Leadership Think Tank which will be covered in this newsletter.

Continued page 3

DAY ONE **MAY 31, 2011** **9am - 5pm**

- 1) **Opening Prayer**
- 2) **Main Table Updates**
 - a. Review of Follow-up document
 - b. Dehcho Land Use Plan
 - c. Acho Dene Koe
 - d. Dehcho Trout Leadership Mtg.
 - e. Land Withdrawals
- 3) **Discussion of On-Going**
Chapters:
 - a. Eligibility and Enrolment
 - b. Ratification
 - c. Dispute Resolution
 - d. Social Housing
 - e. Income Assistance
 - f. Post-Secondary Education

DAY TWO **June 1, 2011** **9am - 5pm**

- 4) **Continuation of Items Remaining from Previous Day**
- 5) **Discussion of On-Going**
Chapters:
 - a. Adoption
 - b. Child and Family Services
 - c. Treaty Benefits
 - d. Community Government
 - e. Dehcho Government
 - f. General Provisions
 - g. Plant Harvesting
 - h. Tree Harvesting
 - i. Wildlife Harvesting

DAY THREE **June 2, 2011** **9am - 3:30pm**

- 6) **Continuation of Items from Previous Days**
 - a. Migratory Birds - Paul Latour from Environment Canada to join at 10:00am
- 7) **General Discussion**
 - a. Protected Areas Chapter
 - b. DCRMA - GNWT Forest Management and Renewable Resource
 - c. Harvesters Compensation and Traditional Activities Advocate
 - d. Elements of a Dehcho Constitution
- 8) **Scheduling for June Video Conference**
- 9) **Closing Prayer**

Grand Chief Address

Dehcho First Nations Est. 1993



Grand Chief Samuel Gargan

As I enter the third year of my term as Grand Chief, I am very aware of the honour it has been for me to represent our communities and our people. As one of your leaders carrying the responsibility of fulfilling the vision of our elders, I am amazed at their wisdom and their patience. They have spoken about the importance of protecting our lands and of being strong by working together.

We talk about being one house. To have a strong lasting house it must be built on a strong foundation. The cornerstone of that foundation has always been our Treaty relationship with the Crown. Right now we are working towards the completion of building our foundation. The Final Agreement with negotiations of the Dehcho Process. Our negotiations are sticking closely to the requirements of the framework agreement, which says the new treaty will build on Treaties 8 and 11.

This is a collective process that requires the guidance of our Leaders and our members. We don't always agree with each other, but there is always respect for one another and that is how we have continued to achieve a consensus to continue with negotiations. Some of the approaches have changed from the start

but as we continue to work together the Agreement will continue to get stronger.

There remains some hard work ahead of us which will require sacrifice, commitment and some compromise. Conditions have changed since we began the Dehcho Process. A big change happened last month with the majority Harper government being elected. Just to remind you, that when the Tlicho Agreement came before Parliament, the Conservatives voted unanimously against it. So we must be strong and continue to work hard to convince the New Majority Conservative Government our position as First Nation of our desire to self-reliant, self-determination and self-government.

During our last meeting, the Think Tank session in Trout Lake. The leaders directed the negotiation team to have the AiP close to completion in 6 months. To achieve that requires us to move forward with a strong and united front. I should point out that the main table has agreed on a two year work plan to bring us to the point of ratifying the Agreement in Principle.

A new challenge we face is the Devolution Agreement in Principle between Canada and the GNWT. It directly impacts on our negotiations. There is strong united opposition from

the Gwich'in, Sahtu, Dehcho and Akaitcho. We have registered our opposition in a letter to Prime Minister Harper in a letter co-signed with the Gwich'in Tribal Council. On January 26th 2011, the AiP was signed. DFN organized a public demonstration and received strong support and media coverage. I want to thank all those who made the effort to participate, especially our elders and harvesters who stood out in the cold to express their concerns.

In closing, we are faced with many problems, unemployment, lack of training, education that hasn't changed since our residential school days, our language and culture is slowly being chipped away, poverty, low income and so on. We all have issues we want to improve on, change the status quo, change perhaps our position, and change our mind or direction. We want to act in the best interest of our people.

Just remember, I am with you. I feel your pain, anxiety, your compassion for your people, your land and who you are. We must not act in haste, we need to be cautious, decide in the best interest of those we cherish. I also share the joys of our successes and I want to experience with you the celebration of having our own government.

Love yourself, no one deserves it more

www.dehcho.org

Negotiations Summary

Written by: Assistant Negotiator Bernadette Norwegian

Continued from page 1

Interim Land Withdrawal

On May 31, 2011 the Land Negotiations Office of INAC, Yellowknife wrote to our Grand Chief, Sam Gargan and Chief Negotiator Georges Erasmus advising that the Nahanni National Park Expansion would not be included in the proposed renewal of Order in Council for the extension of the Interim Land Withdrawal being requesting. A new

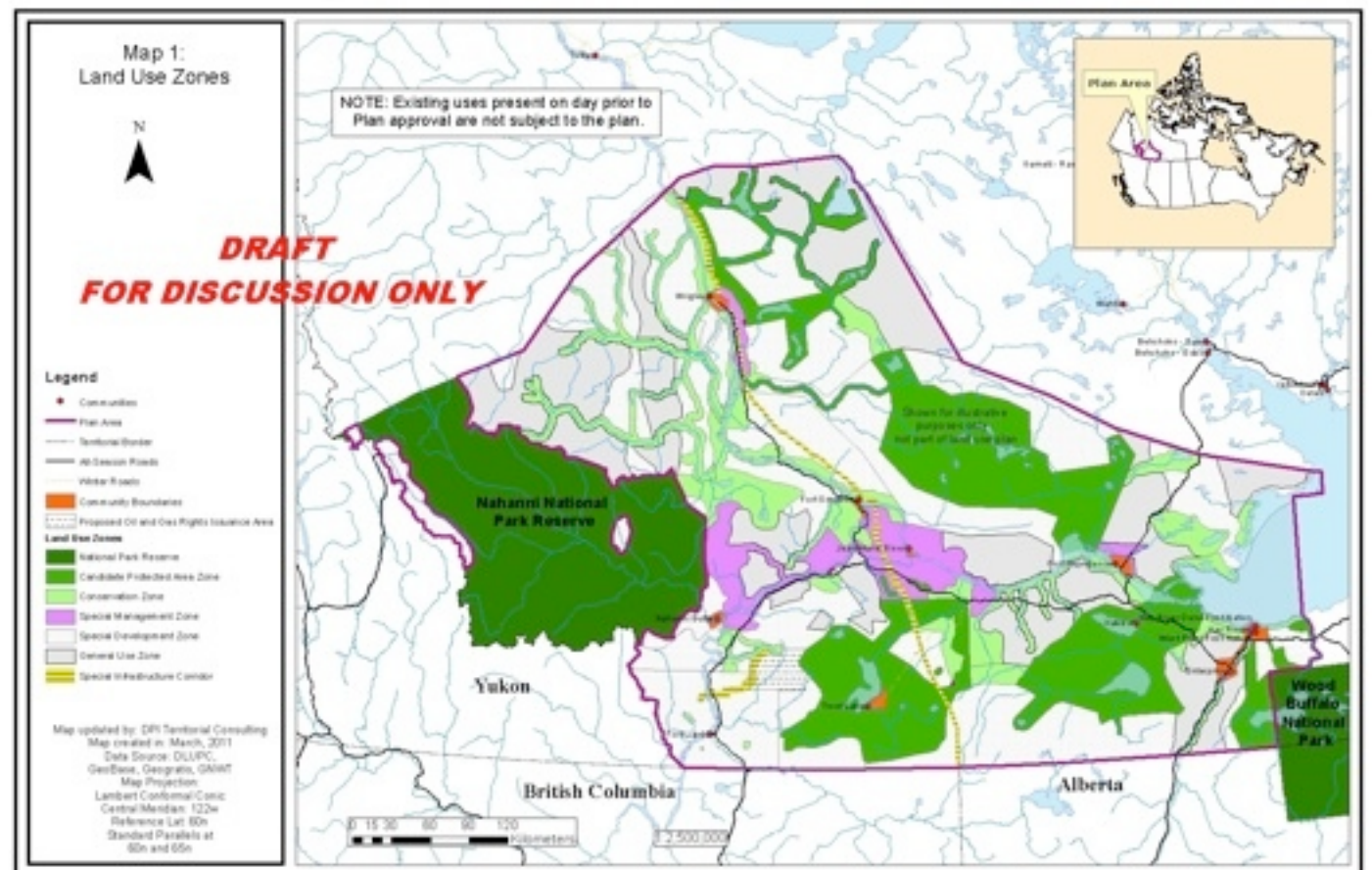
map depicting the amendment was provided with the letter. DCFN accepted the suggestion and with the approval of the Grand Chief initialled a new map. The exclusion of the Nahanni National Park Expansion area does not impact the land withdrawal we are seeking. The current status of the Interim Land Withdrawal is the request for an extension will take affect at the beginning of October for an additional 3 years.



The Free-Entry System (Mining)

Under the NWT and Nunavut Mining Regulations, anyone over the age of 18 can obtain a prospection license and then stake claims to any Crown lands in the NWT where the subsurface has not been withdrawn. Once a claim is staked the Mining Recorder “shall” record the claim, without any consultation with affected First Nation communities. The prospector is then deemed to own the minerals and has a right to conduct exploration. Any attempt by governments to restrict exploration or mining by the prospector would be considered expropriation of the prospector’s interests, triggering a duty to compensate.

Expropriation: Take away property (land) from its owner.



2011 Draft Interim Land Use Plan with changes from the 2006 LUP

Eligibility and Enrolment

There are some fundamental questions that arise when discussing who the Dehcho Dene are and who would be entitled to be called Dehcho Dene or a Dehcho Citizen, as a result of acquired rights through marriage or partnership, when the Agreement is completed. Rest assured, those who meet the first and fundamental eligibility requirement are Dehcho Dene because they are descendents of Dene who were born before December 31, 1922. This includes Metis born in the Dehcho Region who are descendents of Dehcho Dene and all those who have been adopted out and their descendents. Where necessary there will be a community acceptance process for those who may qualify through marriage or who have lived amongst the Dehcho Dene. There are some concerns Canada has regarding the Indian Act definition of who a Status Indian is and those who acquired status by virtue of marriage. But it is something the negotiating team

continues to work on and hopes to resolve soon.



Rodney Norwegian on the Edehzhie

Dehcho Negotiations

Negotiations Summary

Education

One of the issues regarding the Dehcho Government having jurisdiction from K to 12 under discussion is standards for graduation from grade 12. GNWT suggests that for universities to recognize a Dehcho Government Graduation certificate, then a Dehcho government would have to follow the Alberta curriculum. DFN negotiators don't accept that as we could follow any other province's standards initially while developing our own. DFN is also negotiating to have the jurisdictions to establish its own college and university programs, to run adult education and preschool programs.

Adoption and Child and Family Services

GNWT tabled revised chapters on these subject matters. Discussion on adoption of children of Dehcho Dene in the NWT and children of persons residing in the Settlement Area focused on the legal aboriginal rights of the children as well as legal obligations in different areas of the NWT or nationally. The laws have to be compatible between all parties. Information-sharing is key to the process. Much discussion took place on which laws apply when children are adopted from one NWT claimant group to another – say Gwich'in to

Dehcho. In such instances both government laws may apply. It will be some time before the discussion is resolved given that there are also GNWT laws and jurisdiction to contend with.

On Child & Family Services there is general agreement that considerable work is required. It was suggested that this chapter needs to address Dehcho Jurisdiction. For the time being the negotiating team has decided to look at and perhaps start with the provisions in the Tlicho Final Agreement.



Bompass Elementary: Kindergarten Graduation 2010

Dehcho First Nations

DEHCHO DENE EDETS'Ç K'AHOGUDÉH GHA EDÎHTĀ'ÉH K'EH EGHÁLAGENDA



Charles Yohin at Old Nahanni Butte, Prince of Whales Northern Heritage Centre: N-1992-255-0237

Dehcho Dene edets'ç k'ahogudéh gha edîhtĀ'éh megháádé agot'î k'eh Sambaa Nálée gohéh eghálats'ênda. Áié sa taonét'e Dehcho Dene gogha eghálagidéh Sambaa Nálée gohéh áéagedéh gots'éh edîhtĀ'éh dáõndíh t'áh

megháádé edets'ç k'ahots'udéh ginidhê gháádé zhek'eh eghálagenda. Káa thaah mek'eh eghálats'índá kóó káa ndahéh godaadhéh.

Zhundii Nahechoke dágedíndí ílé gogondii ts'ûtõ, mets'edutsi íle ts'edi t'áh k'endah

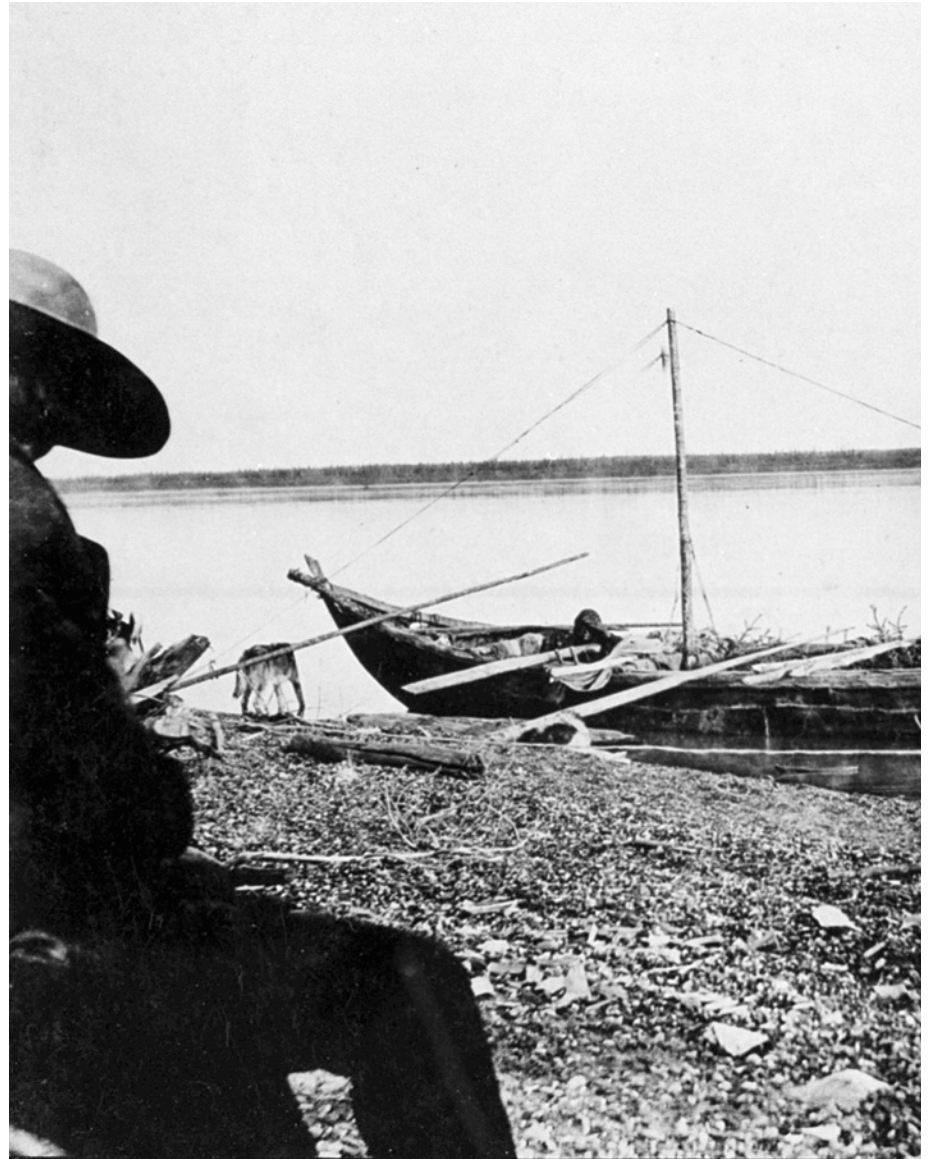
eáehéh egháts'enda. Názhaati zhek'eh kázhaegíhti gháádé Dehcho Dene ts'ílí ndéh gots'éh tu ets'edíhchá t'áh mek'éhudíh gots'éh mets'edutsi íle ts'edi gháádé k'éndah mek'eh Sambaa Nálée gohéh eghálats'ênda. Ndéh k'eh golôâ chu azhô mek'éhudíh gots'éh ts'îodhi íle gedi gots'éh k'éndah meka ats'et'î gha t'áh mek'eh eghálats'ênda.

Zhundii 2006 K'ágee Tu áéts'ehde ekúh Sambaa Nálée ndéh ndah Dehcho Dene zhek'égudíh gots'éh zhets'ç k'ahogudéh gedi t'áh gondáh agedíndí kóó Dehcho Dene ndéh nechá ôt'e íle gedíndí íle t'áh ezhi tĀ'á k'áhla gohéh meghôh gots'êndeh gha góæô.

Dehcho First Nations



Prince of Whales northern Heritage Centre; N-1990-022-0234



Prince of Whales northern Heritage Centre; N-1979-004-0022

Køç Zhágóla gogha
K'ahogedéhke, azho køç
åíe zhíeh náts'edéh élnh
t'áh náts'edóozhá gots'êh
eåehéh eghálats'únda
gedi. Kaôndíh énidé zô
éhsãã nezûh zhundah
godededhé gha. Edi
edíhtã'éh k'eh
eghálats'ênda tâ'a dezôâ
zhudáh zhánázhéh nezûh
di ndéh t'áh agut'ñ
gots'êh nezûh di ndéh
k'eh nágudéh gha á ôt'e
gedi.

Zhundíi Sa k'eh Køç
zhágóla gogha
K'áhogidéhke gots'êh
ôhndah Sambaa K'e
åégehde. Ôki dzê gots'ç
názhaati. Edets'ç
k'ahots'edéh gha énidé
dáôndíh t'áh ats'eleh
gots'êh dáôndíh t'áh
eghálats'enda gha,
dáôndíh gogha moodat'î
meghát's'indá. Azhôô køç
åíe zhíeh náts'edéh
láôndíh gots'êh eåehéh
náts'edóozhá t'áh
eghálats'ênda énidé zô
éhsãã nezûh godededhé
gha ts'enídhê. 1921

ekúh sambaa náhzha îlée
Sambaa Nálée dágedîndí
îlée mek'eh náts'edóozhá
gots'êh mets'ot'ô t'áh
náts'edóozhá ts'enidhê.
Zhundaa dezôâ
zhándázhéh nezûh di
ndéh k'eh nágudéh
gots'êh nezûh di ndéh
t'áh agut'ñ gha á ats'edi.
Di ndéh Dene ndéhé á
ôt'e t'áh mets'ot'ô gots'êh
mets'edutsi île ts'endidhê.
Káa nezûh agoat'ñ t'áh
k'endah kaôndíh
åénats'edéh énidé á nezû
ts'inidhê.

Written By Violet Jumbo, Language Specialist

Governance

Based on a story by Phil Lane, Jr., Four Worlds Development, University of Lethbridge, Lethbridge, Alberta, as retold by Richard Wagamese. Royal Commission on Aboriginal People. Restructuring the Relationship Vol.2 Part 1. Page 105

In the time before there were human beings on Earth, the Creator called a great meeting of the Animal People.

During that period of the world's history, the Animal People lived harmoniously with one another and could speak to the Creator with one mind. They were very curious about the reason for the gathering. When they had all assembled together, the Creator spoke.

"I am sending a strange new creature to live among you," he told the Animal People. "He is to be called Man and he is to be your brother.

"But unlike you he will have no fur on his body, will walk on two legs and will not be able to speak with you. Because of this he will need your help in order to survive and become who I am creating him to be. You will need to be more than brothers and sisters, you will need to be his teachers.

"Man will not be like you. He will not come into the world like you. He will not be born knowing and understanding who and what he is. He will have to search for that. And it is in the search that he will find himself.

"He will also have a tremendous gift that you do not have. He will have the ability to dream. With this ability he will be able to invent great things and because of this he will move further and further away from you and will need your help even more when this happens.

"But to help him I am going to send him out into the world with one very special gift. I am going to give him the gift of the knowledge of Truth and Justice. But like his identity it must be a search, because if he finds this knowledge too easily he will take it for granted. So I am going to hide it and I need your help to find a good hiding-place. That is why I have called you here."

A great murmur ran through the crowd of Animal People. They were excited at the prospect of welcoming a new creature into the world and they were honoured by the Creator's request for their help. This was truly an important day.

One by one the Animal People came forward with suggestions of where the Creator should hide the gift of knowledge of Truth and Justice.



GOVERNANCE CHAPTERS

Dehcho Community Government and Dehcho Government are in the early stages of drafting. Both Canada and the GNWT have agreed to provide some drafting notes to the current documents. The Community Government chapter is now being called Dehcho Community Governance. These chapters will be discussed again in September. The Dehcho has further work to do internally. We need to decide on both the structure and the powers of each community government and the regional Dehcho government. We need to complete a Dehcho constitution and community constitutions.



Karsen Lafferty

The Concept of an open government. Some people say this could be wrong. "Why would we want to include white people in our government?" That is a big question with an answer that falls mainly on a quality that we all have within us.

"Give it to me, my Creator," said the Buffalo, "and I will carry it on my hump to the very centre of the plains and bury it there."

"A good idea, my brother," the Creator said, "but it is destined that Man should cover most of the world and he would find it there too easily and take it for granted."

"Then give it to me," said the Salmon, "and I will carry it in my mouth to the deepest part of the ocean and I will hide it there."

"Another excellent idea," said the Creator, "but it is destined that with his power to dream, Man will invent a device that will carry him there and he would find it too easily and take it for granted."

"Then I will take it," said the Eagle, "and carry it in my talons and fly to the very face of the Moon and hide it there."

"No, my brother," said the Creator, "even there he would find it too easily because Man will one day travel there as well."

Animal after animal came forward with marvelous suggestions on where to hide this precious gift, and one by one the Creator turned down their ideas. Finally, just when discouragement was about to invade their circle, a tiny voice spoke from the back of the gathering. The Animal People were all surprised to find that the voice belonged to the Mole.

The Mole was a small creature who spent his life tunnelling through the earth and because of this had lost most of the use of his eyes. Yet because he was always in touch with Mother Earth, the Mole had developed true spiritual insight.

The Animal People listened respectfully when Mole began to speak.

"I know where to hide it, my Creator," he said. "I know where to hide the gift of the knowledge of Truth and Justice."

"Where then, my brother?" asked the Creator. "Where should I hide this gift?"

"Put it inside them," said the Mole. "Put it inside them because then only the wisest and purest of heart will have the courage to look there."

And that is where the Creator placed the gift of the knowledge of Truth and Justice.

Dehcho First Nations

THE NEWSPAPER LOREM IPSUM MAGNUM SINCE 1955 / EXERCITATION ALIQUAM / LOREM IPSUM / PRICE 0.99

Negotiations Summary



Elder Ted Landry, Wayne Sabourin and Chief Joachim Bonnetrouge of Deh Gah Gotie

Background to the Agreement in Principle

The Dehcho Process began in 1999 with negotiations on both a framework agreement and an interim measures agreement. In 2001, the DFN, Canada and the GNWT signed a framework agreement which sets out an agenda and timetable for negotiations towards an AiP and a final agreement.

The Framework Agreement says that the Dehcho Agreement (final agreement) will **not** replace Treaties 8 & 11, but will **“clarify and build upon the existing treaties”**.

Certainty

There would be no “extinguishment” of Treaty or Aboriginal rights or title in the Dehcho AiP or final agreement. However, Canada expects the DFN to agree that all the rights and jurisdiction which the Dehcho will exercise will be exhaustively (totally) set out in the Dehcho Agreement. For Canada, this Certainty and finality is essential.

Canada has proposed Certainty clauses based on the Tlicho model. If the Tlicho certainty model is used, the DFN would agree that if there are any Aboriginal or Treaty rights which are not set out in the final land claim and governance agreement, they will not be exercised. The agreement will be binding on all DFN members. This is known as the “non-assertion” model.

Protected Areas

This chapter has not been discussed for a long time. Key issues raised in this discussion are in regards to the DCRMA and what happened with Edehzhie land withdrawal. As a result there is a lack of trust. Consent and consultation are two big ones. In essence, the Protected Areas Chapter envisions a DCRMA that would issue authorizations for such things as research, define consultation, includes other Protected Areas like Tribal Parks, new initiatives with a management body overseeing how land is managed and used. To quote our Chief Negotiator, “Law making on Dehcho Ndehe will be clear. [In the future] We will want to create parks and such. When you get beyond that, in the shared areas, you bring in other government departments. That is why we see the role of the DCRMA which would be created the way we want. It will be empowered by the Dehcho and the government. The [All of our lands including the subsurface and parks] area will be protected by the DCRMA”.

General Provisions

These two chapters will define the rights that will flow from the new Treaty we will have. Our Treaty 8 and Treaty 11 rights and benefits will be more clearly defined and the new Dehcho Dene Treaty will add onto our existing rights by way of the creation of a Dehcho Government. The Certainty provisions will also confirm ownership of lands retained. We are very early in the discussion of these fundamentals but one thing is clear, ‘What is central to us is what is in the Treaties’.



Jimmy Isaiah's Cabin at Martin River

Dehcho First Nations

Social Housing

This is one of the Big Treaty Ticket Items! We know that housing is understood to be a treaty right. GNWT is doing the initial draft of this chapter. Dehcho has told GNWT that the chapter needs to include housing for Elders, young couples, and those in need because of income stability. The term “Social Housing” is too narrow. We could use ‘Social and Public Housing’ or alternatively Public Housing which includes the GNWT Housing Programs and maybe go one step further and include ‘Subsidized Housing’. Dehcho negotiators suggested that references be changed to ‘social public housing’ which should cover most of what we deem benefiting from our Treaty Right to housing.

Harvesting Chapters

The Harvesting chapters are very near completion. These chapters include Trees, Plants, Migratory Birds and Wildlife and, together they define Dehcho Dene rights to harvest, hunt

and gather. The final touches are being done to the terms that need defining. Additionally, the negotiators went through the Harvesters Compensation chapter. Of particular concern to the Federal negotiator is the proposed creation of the Traditional Activities Advocate, which DFN has proposed. The Advocate would work with harvesters to assist them in receiving compensation should development or government activity harm their traplines. Canada stated that in land claims, specific positions are not funded and that such a position should not be created through an Agreement but rather it can be created after a Final Agreement has been signed. The primary issue is funding and how the office of the Traditional Activities Advocate will be recognized and how it will operate. Elder Rita Cli provided valuable input by stating that ‘Harvesters are the eyes and ears of the land. They are the first contact with the land. All three Governments should be together on this. We might not have this ourselves so it is something for the future generations’.

Chapters Nearing Completion

The following Chapters are completed or near completion.

Income Assistance: Completed.
Dispute Resolution: Near Completion.
K-12 Education: Completed.

All the Harvesting Chapters - Trees, Plants, Migratory Birds and Wildlife Harvesting are near completion.

There are many other chapters we continue to work on and negotiate. But, we are making progress. At our Trout Lake meeting, the leaders urged us to have most matters completed in six months. Canada and the GNWT have agreed to try and move things more quickly in their governments. The Dehcho Negotiating Team hopes that you find this update useful. If you have any concerns, questions, observation or generally just want to talk about where we are at in the Dehcho Process, please do not hesitate to contact us.



Douglas Jr. Norwegian on the South Nahanni River

Dehcho First Nations

Dehcho First Nations Est. 1993

Today is the first day
of the rest of your life



Camp at Telimea

COMMENTS:

Negotiation Team

Chief Negotiator: Georges Erasmus

Assistant Negotiator: Bernadette
Norwegian

Assistant Negotiator: Richard Lafferty

Language Specialist: Violet Jumbo

Communication Specialist: Felix Isiah

Administrative Assistant: Leona Louie

Legal Counsel: Chris Reid

Negotiations Coordinator: Patrick Scott

Feedback or Questions

Members of our negotiations team need comments, ideas and questions from you so the Dehcho Agreement provides the self government members hope to have. You are encouraged to talk to us at any time. Please note that more information can be found at

www.dehcho.org

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