

Dehcho Process Annual Report – June, 2008

Executive Summary

The Dehcho Process began in 1999 with the intention of negotiating an agreement which would recognize a Dehcho public government which would have ownership and jurisdiction over all lands and resources in the Dehcho Territory. In 2001 a Framework Agreement and Interim Measures Agreement (IMA) were signed. In 2003 the DFN and Canada agreed to a package of interim land withdrawals to protect sensitive lands during the negotiations process, as well as an agreement to jointly manage Nahanni National Park Reserve and a Memorandum of Understanding (MoU) to expand the boundaries of the Park to protect the South Nahanni watershed.

AiP Negotiations

The Dehcho Process entered a critical phase over the past year. Exploratory discussions continued throughout the year until December, when Canada indicated that negotiations could not go much further unless the Dehcho Negotiating Team obtained a mandate to negotiate a land claim agreement based on the federal Comprehensive Claims policy. Canada said that having a mandate to “explore” a land selection agreement was not sufficient to move further ahead on the main issues.

Canada said that it will only negotiate a comprehensive land claim agreement with the Dehcho which is “comparable” to other agreements in the NWT, based on land selection. Under Canada’s “comparable” formula, the DFN could end up owning between 47,000 and 70,000 square kilometers of the Dehcho territory, depending upon how the DFN interests are compared to other settlement areas. DFN would also be able to participate in management of lands throughout the rest of the Dehcho territory through nominations to the Mackenzie Valley Land and Water Board and the Mackenzie Valley Environmental Impact Review Board. As well, the traditional harvesting rights of DFN members would be preserved on all Crown lands throughout the Dehcho territory.

Based on their comparisons between the Dehcho and the Tlicho, Canada’s negotiators say their current mandate does not allow them to agree to a land quantum of more than 47,000 sq km, which would mean that Canada would own the remaining 168,000 sq km. Any increase to that mandate will require the approval of Cabinet.

The November, 2006 Special Assembly gave DFN negotiators a mandate to “explore” land selection, which was reaffirmed at the 2007 Assembly. The Assembly also directed that the DFN continue to stress the importance of compliance with existing agreements between the DFN and Canada, especially agreements in which Canada promised to implement a completed Land Use Plan (LUP).

DFN negotiators have tabled documents on a variety of issues towards achieving an AiP. (Agreement in Principle). These documents include proposed AiP wording for chapters on:

- Dehcho Resource Management Authority

- Eligibility and Enrolment
- Expropriation of Dehcho Lands
- Access to Dehcho Lands
- Treaty Rights
- Housing, Education and Health
- Harvester Income Support
- Protected Areas
- National Parks

As well, main table discussions have also included brief discussions on taxation, culture and heritage, Metis issues and capacity building.

Nahanni National Park Reserve Expansion

Several DFN assembly resolutions and leadership resolutions have called for the protection of the South Nahanni watershed through the expansion of Nahanni National Park Reserve.

In 2003 the DFN and Canada signed an Interim Park Management Arrangement, which placed Nahanni National Park Reserve under the joint management of Canada and the DFN under the Naha Dehe Consensus Team. Canada and the DFN also signed a MoU on Park Expansion in which both parties agreed to work cooperatively to protect the South Nahanni watershed by expanding the boundaries of the Park. To implement the MoU Canada and the DFN formed a Nahanni Expansion Working Group (NEWG) which reports to the CEO of Parks Canada and to the DFN Grand Chief. Jonas Antoine has been a strong representative for DFN on the NEWG.

Discussion on the expansion of Nahanni Park is now in the final stages. The NEWG submitted its final recommendation to the CEO and to the Grand Chief in December, 2007 for approval. The NEWG recommended that the Park boundaries be expanded to protect approximately 97% of the watershed from mining and other industrial activities, while allowing for existing third party dispositions, including those at the Prairie Creek mine site.

The recommendation is now before the Minister of the Environment, John Baird, for final approval. Mr. Baird supports the recommendation, but needs approval of the federal Cabinet. Although the GNWT is not a party to the MoU and their support is not technically needed, Canada will consult with the GNWT before making a final decision on expansion. Baird has asked DFN leaders to lobby the GNWT to support Park expansion.

DFN would achieve most of its objectives through the Park expansion proposal recommended by the NEWG. Regrettably, to date the GNWT has not supported DFN on the proposed Park expansion.

Land Use Plan

The tri-partite Land Use Planning Committee (LUPC) was established by the IMA in 2001 and submitted a complete Land Use Plan for approval in Spring, 2006. The Plan was approved by the DFN at the 2006 Assembly, but Canada then refused to approve the Plan, despite their promise in the Settlement Agreement signed in 2005 to approve the Plan as soon as possible after its completion. Canada has insisted on significant changes to the Plan approved by DFN in 2006.

In April 2007 the DFN and Canada agreed to a new work plan for the LUPC to revise the Plan and Canada and the GNWT changed their appointees on the LUPC. Mike Nadli replaced Herb Norwegian as Chair of the LUPC. The LUPC is now working on amendments to the Plan. While they are making progress, a complete revised Plan may not be ready for approval at this year's Annual Assembly.

At this point, even if a revised Plan is approved by the DFN and Canada this year, there is still no assurance that it will be implemented by Canada. In fact, Canada continues to say that they will not implement the Plan until the DFN approve an AiP based on land selection. The DFN will still have to work hard to have the revised Plan implemented whether or not progress is made towards an AiP.

The new LUPC completed numerous revisions to the Land Use Plan and expect to have it finished by the fall of 2008. The DFN Negotiating Team continues to insist that the Interim Land Use Plan be completed and implemented as soon as possible.

Communications

The communications group, led by internally renowned author and journalist, Hugh McCullum has revamped the communication tools. The newsletter was suspended temporarily while personal requirements were reviewed. Dehcho Vision is once again being published. As well, the Dehcho website, www.dehchofirstnations.com has been revised and is now updated on a regular basis. All the documents tabled during negotiations are being put on the website, as are the reports of the leaderships meetings. The site remains an important link for Dehcho members wanting regular information but unable to attend negotiation sessions. In addition, the team has been producing a special documentary video on the Dehcho Process. The final video is scheduled to be premiered at the Annual Assembly in Kakisa. In the meantime a short 2:40 minute 'trailer' has been posted on the website.

The negotiations team has also undertaken a series of community visits, traveling to almost every community at least twice to provide information on the Dehcho Process and to listen to members concerns. Unfortunately in a few communities some of the sessions were not well attended.

Funding

The end of the fiscal year, March 31, 2008 also marked the end of the increased negotiations funding DFN has been receiving through the 2005 Settlement Agreement. This means that DFN will probably have a reduced budget for negotiations during the current year of 2008 -2009.

KFN

The Katlodehechee First Nations continues to negotiate a separate TLE Agreement with Canada. Their negotiations are in camera and very little detail has been provided to the DFN Negotiations Team, or main table by KFN or Canada.

ADK

According to Canada, the Acho Dene Koe First Nation and the GNWT are negotiating a framework agreement with Canada and the GNWT to enter into comprehensive negotiations outside of the Dehcho Process. No information has been provided to the DFN negotiations team on the details of these talks, although we understand that Canada and the ADK have reached a “handshake” framework agreement.

South Slave Metis

DFN Negotiators were informed that the NWT Metis, previously called the South Slave Metis, have tabled maps in their negotiations with Canada and the GNWT that claim traditional land use interests within the Dehcho territory. These maps have not been seen by DFN negotiators.

Next Steps

If this Assembly gives DFN negotiators a mandate to negotiate a Comprehensive Claim agreement based on land selection, the negotiations team intends to form a number of working groups, using Dehcho members and some experts from outside the region. Each of the working groups will be tasked with assisting the DFN team and leadership in the development of detailed positions for a Dehcho Agreement. The groups will focus on the following:

- Education, Training and Language
- Language, Culture and Heritage Resources
- Health and Social Services
- Governance
- Harvesters' issues

In addition we have asked Jim Antoine to become the overlap and implementations negotiator. Jim will work on internal overlap issues if discussions on land selection begin, and with external groups such as the NWT Metis, the Dene Tha and the Akaitcho.

