

Dehcho Process Main Table Negotiations
Ottawa, November 24- 27, 2025
Summary of discussion Day 1

Migratory birds – Chapter 29

The session was delayed due to travel problems and began in the afternoon. As a result discussions on the DCRMA (Deh Cho Resource Management Act) (Chap 10), Land Use Planning (Chap 36) and Heritage Resources (Chap 25) were deferred until later in the week. The session began with Dehcho negotiators laying out the DFN position regarding the harvesting of migratory birds pointing out that those same rights extend to other wildlife. Harvesting rights are a treaty right and they extend to all kinds of harvesting – birds, fish and wildlife. Those rights apply primarily within Dehcho Territory but Dehcho members must continue to exercise their Treaty 11 right to harvest within the whole settlement area which extends as far as the coast. Mobility of rights is the issue. Harvesting rights for Dene in the Tlicho and the Sahtu in their respective areas are now subject to legislation. But, as Chief Norwegian said, the DFN is standing firm on treaty rights.

The DFN pointed out that General Hunting Licences (GHL) may be issued by the GNWT but that doesn't confer any rights on the GNWT. The authority to harvest remains with the DFN. Treaty holders in the NWT don't need a GHL. The GHL is the current vehicle for recognizing harvesting rights but it doesn't address the full range of rights guaranteed under Section 35. The final agreement must not restrict treaty harvesting rights and that needs to be stated clearly in the Dehcho Treaty and not made subject to legislation. The DFN would be free to enter into reciprocal agreements with neighbouring groups but there needs to be a single regime to manage harvesting on Dehcho lands. All parties agreed to come back to the table with the right wording. Clarity will be required after the effective date.

Parks Canada felt the provisions suggested in the Migratory Birds chapter were consistent with agreements signed with other aboriginal groups in Canada and they had no issues with it. Their only concern was to have clarity for enforcement and conservation purposes, to know who has the right to be harvesting where. They pointed out that there are no harvesting restrictions in national parks for treaty holders.

Gifting and Trading

Negotiators agreed to expand the gifting and trading provisions of the migratory birds chapter. The section covers the traditional trading of edible and non-edible parts of migratory birds. Previous provisions had called for the Dehcho to map out their traditional trading practices with neighbouring first nations but that was rejected by the DFN. There was agreement at the table to extend the scope of gifting and trading to include all areas of Canada because gifting and trading is seen today as being a universal aboriginal right. Traditional trading includes low-level commercial transactions. A definition of 'trade' is

contained in the chapter on fish but a clearer definition is needed and the parties will return with suggestions.

Parks – Chapter 37

Parks Canada made a detailed presentation on their practices and policies in the establishment of parks, particularly regarding their updated policies regarding partnerships with aboriginal groups. They ambitiously hope to have 25% of Canada designated as protected areas and parks (terrestrial and marine) by the end of this year and 30% by the year 2030. Currently only 3.4 % has been set aside nationally. The Yukon has 21%. It is estimated that already in the Dehcho 48% of the land has been protected. The DFN felt the Parks proposal contained too much detail and too much legal language to be included in an AIP. It could tie the hands of the DFN in the future. The DFN said the Parks chapter should contain principles and a barebones framework for a process only. The DFN will develop its position further and all parties agreed to have further discussions regarding the establishment of parks in January, not necessarily as part of the main table negotiations. The Grand Chief noted the relations between the DFN and Parks Canada were generally good and could be a model for the rest of the country.

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Summary of discussion Day 2

Following a delay on the previous day, the Grand Chief formally opened proceedings by informing negotiators that the DFN was acting on the direction of the elders. The goal is to establish a public government for everyone who lives in the Dehcho – the One House concept – and the hope is to formalize an AIP by June.

Ratification and Eligibility – Chapter 48

Discussions began with Ratification and Eligibility and Enrollment. The DFN negotiator noted that is one of the issues that has to be revisited a few times. At issue is the ratification of the final agreement after an AIP has been reached. The final Dehcho Treaty will define eligibility rules for voting and for holding office in the new Dehcho government but the eligibility for voting to accept the final agreement or not is necessarily different. The DFN works on consensus and collective decisions take time. The leadership can propose eligibility rules but in the end all decisions must be made by delegates at a Dehcho Assembly.

Dehcho negotiators pointed out that not all members are on board. People mistrust government and they are not going to agree to anything. Extinguishment of Treaty rights is still an issue. Dehcho Chiefs said people need to be better informed but governments are cutting back funding at this critical time. Communities simply don't have the funding or the capacity to make informed decisions and that could stop ratification. The leadership suggested that each community have its own representative at the negotiating table as a way to keep people better informed.

Two treaty ratification options were presented:

- Majority of Majority: A majority (50% + 1) of all eligible voters would be required to vote for the final Treaty and a majority (50% + 1) of those who participated would have to vote in favour of the agreement.
- A threshold of 25% could be set where 25% + 1 of all eligible voters would be required to vote and with over half of those who vote voting in favour of the agreement.

Ratification could also take place community by community. The DFN wants all Dehcho citizens to have equal rights but differences in status created by government have to be considered. There is a difference between ordinary Dehcho citizens and those with Section 35 rights. Status conferred and denied under the Indian Act and Bill C-31 must be accounted for.

Voting and eligibility in the Dehcho Government have yet to be decided on. Residency requirements for office and voting age have to be worked out and these may not be decided until the final agreement is negotiated. The federal government said a clear government structure needs to be established before an AIP can be reached.

Child and Family Services (CFS) – Chapter 16

The federal government presented its policy on CFS. The government recognizes that too many aboriginal children have been taken into care and they have adopted policies to correct that situation. Two options were presented in their Pathways Document which was explained to the leadership. The government recognizes the inherent right of self-government groups to have authority over CFS. Aboriginal law will have ultimate force but minimum standards of care must be applied nationally. The DFN raised concerns about the participation of the territorial government in CFS. Since CFS is a treaty right the GNWT should have no role to play, except to maintain its current contribution of funding. DFN raised the issue of indexing federal funding. Adjustments will be made for areas with higher costs like the North but no details are yet available. This is a very complicated issue and much work will be needed by the leadership before CFS can be properly incorporated into the final Dehcho Treaty. Having the Dehcho Chiefs at the table was seen as a first step in beginning to undertake that work.

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Summary of discussion Day 3

Taxation – Chapter 27

The federal government presented its proposed two-part tax regime entitled Tax Matters. The document deals firstly with tax powers. It proposes that the DFN would have:

- The authority to tax its members
- Would share jurisdiction over tax matters concurrently with both the federal and territorial governments
- DFN taxations powers would apply only within the settlement area
- The DFN would have the power of direct taxation

DFN negotiators pointed to several problems with the federal position. The Dehcho government will be a public government and not all citizens will be members of the DFN. The government accepted this point and said they were prepared to accept that the DFN taxation powers would extend to all citizens.

The DFN raised serious concerns with concurrent taxation. As it stands there would be three levels of taxation powers; the federal government, the territorial government and the Dehcho Government. DFN negotiators made it clear that there is no role for territorial government in a taxation regime for the Dehcho. It needs to be accepted that the DFN will be assuming over time all taxation authority currently claimed by the territorial government. That would be the case if the DFN were to choose reserves and so they should not be penalized for choosing a different model of government.

The DFN pointed out that the policy as it is being promoted by the federal government is just that, a policy, and an outdated policy at that. Their proposals reflect very different situations in the provinces where they mostly apply to single community governments with only status members, not public regional governments with several communities like the Dehcho. The DFN reminded the government that a Dehcho government aims to erase all distinctions between status and non-status members. A new model is needed so the DFN is proposing a hybrid model with concurrent powers shared between just the DFN and the federal government. Three levels of taxation would place an unfair burden on Dehcho citizens. Decolonization of the tax system needs to happen and the new arrangement needs to be guaranteed in the Dehcho Treaty. Taxation agreements need certainty and durability into the future and not be subject to government whims. All parties agreed that a great deal of work is required if tax matters are to be settled by the time an AIP is reached in June of next year.

Fiscal – Chapter 43

The DFN negotiators said the model being proposed by the federal government for the Manitoba Metis Federation is close to what is required in the Dehcho where public and aboriginal governments will be merged in to a single public government. The single community regime proposed for BC and being promoted for the Dehcho is the wrong model. It leaves too much decision-making power in the hands of the federal government. A collaborative process needs to be established and guaranteed in the final agreement. The definition of ‘expenditure needs’ and ‘sufficiency’ must be subject to negotiation, not to one-sided decisions and interpretations by the federal government, and the commitment must be guaranteed in the final Treaty. Predictable fiscal arrangements are needed to plan for the future success of a Dehcho government.

Land Use Planning

Because of the length of time negotiations have been going on some of the language and definitions originally proposed years ago are no longer appropriate. The DFN wants to have Land Use Planning approvals contained in the Interim Measures Agreement put into the Final Agreement. All parties agreed to make changes, principally to remove reference to Interim Land Use Planning in the AIP. Land Use Planning proper will be deferred and dealt with in the Final Agreement. The lawyers were directed to return with updated legal wording. Issues surrounding the DCRMA (Deh Cho Resource Management Authority) are to be discussed later.

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Summary of discussion Day 4

Heritage Resources – Chapter 25

This agenda item was postponed from Day 1 of the session. Discussion centred mainly on the consideration of burial sites. These sites need protection but with some limited access allowed. A list of relevant sites can be made but the DFN are concerned that the list not be made public. The issue requires further discussion and it was decided this item could be deferred until after the AIP and included as part of the final agreement. A clear definition of ‘spiritual’ and ‘sacred’ sites needs to be made.

There is a problem with the requirement for people to report any sites they discover. The Grand Chief noted that there are gravesites all along the river on both sides that outsiders are not aware of and so don’t respect. This is a sensitive issue for the DFN. The DFN negotiators also noted that not all gravesites are burial sites, that traditionally, some graves were above ground in trees or on scaffolds.

DFN wants protection to apply to the whole traditional settlement area and that the geographic area needs to be defined. Parks Canada pointed out that sites within a park are treated differently and this has to be acknowledged. Most burial sites are Dehcho Dene but some sites are non-Dehcho Dene and the GNWT would want to retain some authority. It was proposed to change the term “grave goods” to ‘funerary objects’ to prevent misinterpretation and devaluing of any and all gravesite objects.

Discussion on Heritage Resources resumed later in the day. The federal government informed DFN negotiators that, at this point, they are still listening to and absorbing what the DFN is saying. They said the term ‘Heritage Resources’ needs a clear definition before solutions can be found for any problems that are identified. This needs to be recognized in the AIP but not necessarily with a lot of detail. The DFN pointed out that Heritage Resources extends to places on the land that hold significant cultural significance. A suggestion from the GNWT that their legislation should apply was rejected. The extent to which certain trails should be included as Heritage Resources was left unresolved for the present.

Fish Harvesting – Chapter 30

The right of DFN members to harvest fish throughout the traditional territory, not just on Dehcho lands, is a Treaty 11 right and it needs to be recognized in the final agreement. This same concern applies to other types of harvesting by DFN members. The federal government is concerned that the right of anyone to harvest fish anywhere be clearly defined for conservation and enforcement purposes and that it must be determinable in the field. Discussion focused on whether that required written permissions or not.

The DFN raised the same concern about gifting and trading fish that was raised with the harvesting of migratory birds. As with birds, DFN negotiators rejected a proposal to limit those activities to areas immediately adjacent to the Dehcho as defined on a prepared map. Trading and gifting are pre-existing traditional rights and must be recognized as extending everywhere in Canada. The Department of Fisheries and Oceans (DFO) promised to investigate the issue. The DFN is proposing this arrangement for all kinds of harvesting. DFO regulations provide for the sale of fish within aboriginal communities but they are concerned about wider commercial activities.

A draft proposal requiring the DFN to sign overlap harvesting agreements with neighbouring aboriginal groups before the final agreement is signed was soundly rejected by the DFN. Rather than including completed agreements in the Dehcho Treaty the DFN wants recognition of their right to enter into these agreements to be guaranteed in the Dehcho Treaty instead without any specific provisions. Such agreements are rightfully called sharing agreements, not overlap agreements. DFO is concerned that they will be able to set limits on these activities for conservation purposes. The GNWT is concerned that all sharing agreements being considered need to be consistent. The DFO admitted they are challenged when it comes to enforcement in the NWT and they are open to turning over enforcement powers to the DFN government.

Jurisdiction on Dehcho Ndehe

This outlines the powers and jurisdiction the Dehcho Government will have to regulate activities and access to resources in the Dehcho. Clarity is needed and the DFN will promise to consult with government when instituting new laws in this regard. The federal government agrees the Dehcho should have jurisdiction on Dehcho lands but their question is: What are those lands? Water and land are different. The ownership of river and lake beds is an issue where some waters are not wholly contained within the Dehcho territory. The federal government states that Dehcho may have jurisdiction over lakes if they are within selected or owned lands. The federal government insists on retaining jurisdiction over navigable waterways.

This affects the harvesting of fish and the issuing of licences to fish. The federal government explained that they currently have jurisdiction over licensing and the GNWT is just the issuing agency. They assured the DFN negotiators that under the Dehcho Treaty there will only be one issuing agency and that will be the Dehcho Government, not the GNWT. Questions were asked about the fishing jurisdiction on Great Slave Lake and the federal government said it will not surrender their jurisdiction over the lake even though they are aware of problems. They stressed that their objectives and the objectives of the DFN are the same – to preserve the resource for future generations. DFO suggested that the guardian program they have with aboriginal communities in the south could be extended into the North.

The questions and concerns relating to fish also apply to other kinds of harvesting. It is a complicated issue that will require a lot of time and work to come up with a wholistic approach that takes into account all the provisions contained in different chapters of the AIP that pertain to harvesting.

Language and Culture – Chapter 23

The federal government supports the right of the Dehcho to establish their own structures and institutions to support language preservation and development but they do not want to see mention of support for specific structures in the Treaty. Jurisdiction and support for language could be identified in the AIP but establishing structures and institutions would be the sole responsibility of the DFN. Their concern is that all funding arrangements should be contained in the fiscal chapter (except for the initial one-time transfer payment).

Language is a vital issue for the DFN. It needs a major effort to happen sooner rather than later. The DFN questioned the hesitation of governments to support the recommendation to establish a full-time Dehcho languages board that would advise the DFN and governments. They pointed out that UNDRIP, which has been accepted by both governments, calls for language preservation and development to be supported. All parties agreed to follow up on the language issue in December.

With that, the session was adjourned.