



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

NWT

Plain Talk

On Land and Self-government

Young People Take an Interest in Negotiations



Photo : INAC

You are never too young to learn about negotiations. These two boys stopped by the band office after school and picked up a postcard about the Acho Dene Koe and Fort Liard Métis community-based land, resource and governance negotiations.

The boys pictured above may be too young to fully understand what land, resource and self-government negotiations mean to their future. However, there is no question in Acho Dene Koe Chief Steve Kotchea’s mind what the young people in his community mean to the negotiations and the future of Fort Liard.

“These kids will likely be voting on this deal one day or helping us to implement it afterwards,” said Chief Kotchea. “We need them to be thinking about post-secondary education and how they can get prepared to help us take on added responsibilities.”

Last fall, high school students in Fort Liard had a chance to get more involved by attending a negotiation session. They spent a couple of hours with the federal and territorial negotiators after the negotiation session.

Negotiators were asked to describe their backgrounds, and how they came to work in that particular field. Students also took the opportunity ask a wide range of questions about the negotiations. Some of the questions and answers are featured in this edition of Plain Talk.

A member of the federal negotiation team, Caroline Dennill, thought the young people were very interested in the details of the negotiations and they expressed concern about how development is having an impact on the land and the animals. “This was definitely a highlight of our community session,” she said. The federal negotiation team hopes to expand on this success by doing more sessions with young people in the coming year. 🐾

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Fall 2009



Canada

The purpose of our newsletter is to keep you informed on the progress of land and self government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of Indian and Northern Affairs Canada (INAC), we hope you will find our newsletter informative and easy to read.

Who Represents Canada

in negotiations and how do they do it?

Publications and news stories on land, resource and governance negotiations often talk about “Canada” being a party to the negotiations while identifying Indian and Northern Affairs Canada (INAC) as the main federal department involved in negotiations. It may not always be clear who represents the Government of Canada at the negotiation table and what that actually means.

In fact, Canada’s negotiation team consists of a number of people, most of whom are INAC employees. With a few exceptions, the team is responsible for representing the entire federal government in the negotiations. In practical terms, this means the INAC negotiation team must consult and take guidance from 15 or more federal departments and agencies that have the information and authority in important areas covered by land, resource and self-government agreements.

Canada’s negotiation team is usually led by a Chief Federal Negotiator, supported by negotiators and advisors, including legal counsel from Justice Canada and policy experts, sometimes from other departments. This team also works with many other subject-matter experts throughout the Government of Canada. Together, they study the issues under negotiation to understand all the angles and to negotiate agreements that balance the wide range of environmental, social, economic, legal and policy interests of Aboriginal people and all Canadians.

Once the team has an agreement to recommend for approval, it needs to be reviewed by all affected departments and approved by the Government of Canada. This process normally takes several months.

Here are some of the departments involved in negotiations, and examples of the negotiation topics they are involved with.

- **Canadian Heritage:** heritage resources, language and culture provisions and intellectual property issues
- **Canadian Wildlife Service:** migratory birds and protected areas
- **Finance Canada:** financial arrangements and taxation (Finance Canada directly negotiates taxation, rather than INAC)
- **Fisheries and Oceans Canada:** fish and fish habitat
- **Foreign Affairs and International Trade Canada:** international legal obligations
- **Human Resources and Skills Development Canada (Labour Canada):** labour matters
- **Industry Canada:** intellectual property issues
- **Justice Canada:** general legal language, certainty, dispute resolution and administration of justice
- **National Defence:** access for military operations
- **Parks Canada:** national parks, protected areas and historic sites
- **Privy Council Office:** overall governance considerations, consistency with national priorities and policies
- **Public Service Commission:** public service employment
- **Public Works and Government Services Canada:** contracting
- **Treasury Board:** contracting, accessing funding and financial proposals 

Negotiation Questions

from Grade 9 students in Fort Liard

The following is based on some of the questions Grade 9 students submitted to the federal negotiation team last fall. They are all related to the ongoing Acho Dene Koe and Fort Liard Métis community-based land, resource and governance negotiations.

Is this a comprehensive land claim or a specific land claim?

Acho Dene Koe and the Fort Liard Métis are jointly negotiating the first community-based comprehensive land claim in the NWT.

Comprehensive land claims are modern treaties that exchange undefined Aboriginal rights for well-defined rights and benefits. Some of these include:

- Title to lands and resources,
- Guaranteed wildlife harvesting,
- Participation in land and resource management systems,
- Financial compensation,
- Resource revenue sharing, and
- Economic development measures.

Under a comprehensive land claim agreement, selected lands are not be considered “reserve” lands.

Will we be able to get a share of the royalties collected on lands we do not select?

In addition to land ownership, the Acho Dene koe and Fort Liard Métis can negotiate receive a share of resource royalties from development (diamonds, other minerals, oil and gas) in the Mackenzie Valley.

Will water, hunting, trapping, fishing, lumber, mineral, trading, etc., etc. be a package for negotiations in this modern treaty?

Yes, these are all topics for negotiation within this modern treaty. Acho Dene Koe and Fort Liard Métis rights in relation to water, hunting, trapping, fishing, lumber, minerals, trading, etc. will be clarified in this agreement. See Section 4 of the Framework Agreement for a complete list of topics for negotiation.

If this is a comprehensive claim, will education rights from Kindergarten to university be enshrined in the modern treaty?

These negotiations will happen in two phases. The first phase includes land, financial payments, public community government, wildlife harvesting and a range of other matters listed in the Framework Agreement.

Education is listed as a topic for negotiation in Phase II. Phase II negotiations may begin 10 years after the effective date of the Phase I Agreement, at the request of any of the parties (ADK, GNWT or Canada).

For now, the GNWT will continue to deliver key programs and services such as health care, education and other social programs and services in Fort Liard.

Are all other services, such as health, healing social programs, housing, economic, public works, etc., part of the negotiations of this modern treaty?

Yes, these are all topics for negotiation in Phase II, with the exception of public works. Public works, referred to as Municipal Works in the Framework Agreement, is listed as a topic for Phase I negotiations.

Is the money negotiated in these modern treaty talks to be used for cost of services that are part of the negotiations? If not, where is the Acho Dene going to get the finances to run the programs?

ADK is not expected to use the cash compensation component of a final agreement to deliver services that are part of the negotiations.

Most subject matters dealing with programs and services will be dealt with in the Phase II negotiations. The cost of Aboriginal self-government is shared among federal, territorial and Aboriginal governments and is subject to negotiations.

Government policy also requires that an implementation plan be negotiated amongst the parties before a final agreement is reached. The implementation plan breaks down the formal obligations of each of the parties into activities, timeframes and funding required. Based on this plan, funding is provided so that the agreement can be put into operation. Initial implementation plans are usually for a period of 10 years.

Taxation is also a topic for negotiation in both Phase I and Phase II. It may be a possible source of revenue.

What is a Chief Federal Negotiator?

A land, resource and governance negotiation team is usually led by a head negotiator. In Canada's case, this head negotiator is called the Chief Federal Negotiator, or CFN. This person represents Canada at the negotiation table and is appointed by, and accountable to, the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians. It is the CFN who recommends any agreements to the Government of Canada for signature. Here is a bit of information about three of the CFNs currently working on negotiations in the NWT.

John Klassen



John Klassen was appointed as Canada's Chief Federal Negotiator for both the Akaitcho Dene and Northwest Territory Métis negotiations in June 2007. John was born in Edmonton and has lived across Canada. He has a Bachelor of Arts and a Master of Arts in Political Science. He has worked on behalf of the federal government in Canada and around the world in various capacities for nearly 32 years.

His approach to negotiations:

"I believe in a cooperative, collaborative approach to negotiations. Of course, there are

differences, but these can be overcome with hard work plus respect, honesty and fair-mindedness in our treatment of each other."

What he enjoys most about being a CFN:

"I particularly enjoy learning much more about the history, society and traditions of Aboriginal people; learning about a part of Canada that I did not know well, especially visiting the smaller communities; and working on all sides with wonderful people committed to a better future for all concerned."

Tim Christian



Tim Christian is a lawyer and professor of law with extensive experience in constitutional, labour and administrative law. Since 1995, he has been involved in a number of negotiations with Aboriginal groups on behalf of Canada and has achieved agreements with Smith's Landing First Nation (2001), Salt River First Nation (2002) and Fort McKay First Nation (2003). Tim took on the role of CFN for the Dehcho Process negotiations in 2004. He is also Canada's CFN for the community-based negotiations with Ache Dene Koe First Nation and Fort Liard Métis (Fort Liard).

His approach to negotiations:

"I believe in interest-based negotiations. This means trying to understand the interests of all parties and finding options for satisfying their interests. Of course, this is easier said than done.

Still, I always try to see behind the positions stated at the table to the underlying interests. If one really understands the interests it is possible to design quite creative solutions. There is nothing more rewarding than discovering a compromise that works for all parties."

What he enjoys most about being a CFN:

"It is a great honour to represent Canada in efforts to reconcile the sometimes difficult relationship between Aboriginal groups and Canada. One has the feeling of participating in nation-building. I most enjoy the intense interaction with all the different people involved. There is rarely a dull day and there is often great humour. I have had the good fortune to work with very talented and committed people on both sides of the table, and I have made some lifelong friends."

Darrel McLeod



Darrel McLeod is Nehiyaw (nay-hee-yow) or Cree from Northern Alberta, and is currently negotiating self-government agreements with four Sahtu Dene communities. Previously, he has worked with the Assembly of First Nations (AFN) in

various capacities on national and international projects. He was also the lead organizer of the Second Indigenous Peoples' Summit in Buenos Aires in 2005. Darrel has been a Director of Intergovernmental Relations for the INAC-BC Region, a senior negotiator in BC, a teacher, a school principal, a director of curriculum at the post-secondary level, and special advisor to the BC Minister of Advanced Education. In addition, Darrel has been chair of the UBC President's Advisory Committee for 12 years.

What is your approach to negotiation?

"Negotiations demand a variety of approaches, techniques and skills. The theoretical framework that I follow is, of course, interest-based negotiations. There is often a great deal of commonality in the vision, goals and intent between the parties to the negotiation and the challenge is to have the patience, openness and willingness to find that common ground and build on it. To facilitate this, it is very important to establish strong and effective relationships with the Chief Negotiators and their respective teams. It is also critical to have a thorough understanding of the 'on the ground' reality of the communities with which we negotiate."

What do you enjoy most about being a CFN?

"It is a fascinating experience to work with the Sahtu Dene and Métis people and a privilege to spend time in their communities. I enjoy the incredible demands that the negotiating process places on me and my team. I enjoy the intensity of the process and the excitement of arriving at constructive solutions to issues that are complex and often emotionally-charged. I also enjoy working with wonderful and talented people on all sides of the table. It is very rewarding to arrive at reconciliation between an Aboriginal community and Canada and to have the community validate that they are pleased with the outcome."

Just Plain Fun!

What’s in a Name?

Well, lots actually! Did you know that most communities in the NWT have an official and a traditional name? These traditional names often tell us a lot about the history and special features of a community. See if you can guess the traditional name for the communities in the NWT. For an added challenge, see if you can guess what they mean.

Traditional Names

- a. Saamba K’e (sahm-ba-k-ay)
- b. Pedzéh Kí (pedh-zehkeenh)
- c. Behchokò (beh-cho-kohn)
- d. Sòmbak’è (sawm-ba-k-ay)
- e. Dél̃ne (day-linh-nay)
- f. Tthenáágó (t-theh-na-ah-go)
- g. K’ágee (k-a-gay)
- h. Xátł’odehchee (hat-hlow-deh-chee)
- i. Łíídlı́ Kúǵé (hlih-dlinh-kwenh)
- j. T’èzehda (h-eh-eh-da)
- k. Ttheł’éhdélı́ (t-theh-k-ay-day-leenh)
- l.Rádeyılłkóé (rah-day-inh-linh-kway)
- m.Echaot’je Kúǵé (etch-ah-oat-eenh-kwenh)
- n. Inuuvík (ı-noo-vík)
- o. Tuktuujaqr̥tuuq (tuck-too-yak-took)
- p. Ikaahuk (ıh-kah-hook)
- q. Zhahtı́ Kúǵé (ja-tea-kwenh)
- r. Denínu Kúǵé (deh-nih-noo-kwenh)
- s. K’áhbamı́túé (k-ah-ba-meenh-tway)
- t. Tthebacha (t-theh-batch-ah)
- u. Łútsèłk’é (hloot-sul-k-ay)
- v. Akłarvík (a-klah-vıhk)
- w. Ulukhaqtuuq (oo-luke-hak-took or oo-loo-hak-took)
- x. Teetł’ıt Zheh (tet-hlih-t-zhay)
- y. Gahmı́ti (gah-minh-tea)
- z. Tłegóhtı́ (t-hleh-gonh-teenh)
- A. Paulatuuq (pall-a-tuck)
- B. Tsugehtshik (tsıh-gay-chik)
- C. Tulıt’a (too-lee-tah)
- D. No traditional name identified
- E. No traditional name identified
- F. No traditional name identified

Meaning

- 1. Mouth of the iron river
- 2. Where there is material for ulus
- 3. Between the willows
- 4. People from the land of giants place
- 5. Burnt point
- 6. Barrenground grizzly place
- 7. Moose island place
- 8. Looks like a caribou
- 9. Marten Lake
- 10. Money Place
- 11. Moving or flowing water
- 12. Rock lake
- 13. At the head of the waters place
- 14. Place where rivers come together
- 15. Beside the rapids
- 16. Where the waters meet
- 17. Place to which you cross
- 18. Rapids place
- 19. Strong rock
- 20. Hay River
- 21. Place of man
- 22. Place of the Łútsèł – a type of small fish
- 23. Ptarmigan net place
- 24. Rabbit-net place
- 25. Water flowing over clay
- 26. Place of coal
- 27. Trout lake place
- 28. Mission house place
- 29. Clay place
- 30. Where there is oil
- 31. No meaning identified
- 32. Mbehcho’s place

To learn more about this and other interesting aspects of the NWT’s heritage, visit the Prince of Wales Northern Heritage Centre or its website at www.pwnhc.ca.



Aklavik (v, 6), Behchokò (c, 32), Colville Lake (s, 23), Dél̃ne (e, 11), Dettah (j, 5), Enterprise (D, 31), Fort Good Hope (l, 18), Fort Liard (m, 4), Fort McPherson (x, 13), Jean Marie River (k, 25), Kakisa (g, 3), Łutselk'e (u, 22), Nahanni Butte (f, 19), Norman Wells (z, 30), Paulatuk (A, 26), Sachs Harbour (p, 17), Trout Lake (a, 27), Tsiigehtchic (B, 1), Tuktoyaktuk (o, 8), Tulit'a (C, 16), Ulukhaktok (w, 2), Wekweèti (E, 12), Whati (F, 9), Wrigley (b, 29), Yellowknife (d, 10)

Got something to tell us?

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Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. It is not a legal document.

Our Vision

The NWT region of INAC is a respected partner in a strong and healthy Northwest Territories. We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in healthy ecosystems;
- northern control over northern resources;
- responsive and accountable northern government as partners; and
- national initiatives that reflect the interests of all Northerners.

On the Web

Government of Canada programs and services
www.gc.ca

INAC - NWT Region
nwt.inac.gc.ca

Youthbuzz on the NWT
nwt-tno.inac-ainc.gc.ca/yb/yb-0-eng.asp

Agreements
nwt-tno.inac-ainc.gc.ca/atr/ent-agr-eng.asp

Plain Talk on the web
nwt-tno.inac-ainc.gc.ca/atr/fp-pt-eng.asp

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