

DEHCHO PROCESS MAIN TABLE
Negotiation Session Follow Up from
October 6-7 and 12-14, 2011 VIDEO CONFERENCES

SUBJECT MATTER	ISSUE / DESCRIPTION	RESPONSIBLE PARTY	STATUS
<p>1) DCRMA Outstanding item since June 3-4, 2009 session in YK</p>	<p>The DFN provided a paper on the DCRMA and tabled the document during the June 3-4, 2009 session in YK. The DFN have requested that Canada respond with a similar document, outlining the federal view of the DCRMA.</p>	<p>Canada</p>	<p>Canada has committed to providing a paper on the DCRMA although when Canada will be in a position to respond remains unclear.</p> <p>May 18, 2010 – Canada indicates that they are without instructions on the DCRMA but will take it back to see where it fits between the Main Table and John Pollard’s mandates.</p> <p>February 8, 2011 – Canada indicated that Mr. Pollard has met with all the groups and is formulating an approach to his report</p>
<p>2) Dehcho Paper on Jurisdiction on and off Dehcho Ndehe Outstanding item since Sept 1-3, 2009 session in Trout Lake</p>	<p>The DFN tabled a paper on Dehcho Jurisdiction on and off Dehcho Ndehe.</p> <p>In June of 2010 the parties had a discussion on the non-land and resource sections of the paper.</p>	<p>Canada</p>	<p>Canada has committed to responding to the land and resource sections of the Dehcho’s paper although when Canada will be in a position to respond remains unclear.</p>

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3) DFN Treaty 11 rights in the Yukon Outstanding item since Jan 14. 10 video conference	The DFN asked what Canada's position was with respect to DFN Treaty 11 rights in the Yukon	Canada	Canada committed to seeking instruction
DFN Treaty 8 rights in Alberta. Outstanding item since the May 18.10 session in Ottawa.	The DFN asked what Canada's position was with respect to DFN Treaty 8 rights in Alberta.		Same as above.
4) Harvesters Compensation Outstanding item since Jan 14. 10 video conference	<p>DFN would like Canada to respond to whether it will support the creation of a Traditional Activities Advocate and contribute to the cost of the position.</p> <p>Canada provided response during May 31-June 2.11 session, explained that this creating the position by virtue of the Agreement was not a possibility but that nothing would prevent the Dehcho Govt from creating the position post Effective Date.</p> <p>Item was discussed again during Oct 12-14.11 video conference and GNWT proposed alternative language that the advocate 'may make representation'</p>	DFN / Canada	Canada and DFN to consider new language.

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5) Harvesters Compensation Outstanding item since January 14, 2010 video conference	Canada explained that the chapter, in its current draft, is still problematic because compensation still includes the Dehcho being compensated for a loss of harvesting of plants. The issue is that the absolute liability model is to apply only to wildlife harvesting. Canada requested the section that includes plants be removed and the DFN agreed to take this back to give it some further thought.	DFN	After hearing back from Canada, DFN committed to seeking instruction on this proposed revision to the chapter. February 8, 2011 - DFN indicated their willingness to make a deal if there can be a compromise.
6) Eligibility and Enrolment March 2011 Session in Fort Simpson	Canada to examine E.1.1 Eligibility Criteria and the necessity of including Status Indians, considering Dehcho concerns related to Spouses.	Canada	Canada to respond
7) Local Airports May 2011 session in Ottawa	The DFN questioned if the Community Government would have the ability to make by-laws in relation to the operational management of the local airport. Canada to confirm	GNWT	GNWT to study 1995 Arctic Airport Transfer Agreement.
8) Dehcho Government - Structure of Chapter May session in	Parties briefly discussed the structure of the Dehcho Government chapter and how it each subject relates to its separate chapter, ie to what extent does the chapter need to address certain subject matters as it relates to jurisdiction if it can be addressed in its own	LTC	Parties directed the LTC to review and provide recommendations to the main table. LTC to review during August 8-10.11 meeting.

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Ottawa (taken from RoC as an outstanding item)	chapter. Do we have a general governance chapter that speaks to structure and have separate chapters to address each jurisdiction?		
9) Community Government – CG4.3 (taken from RoC as an outstanding item)	Canada expressed preference that this provision be in the negative form and that it was also better suite in the General Provision chapter <i>For greater certainty, the Government of Canada will have the exclusive authority to enact laws that are criminal laws or in relation to criminal procedures</i>	DFN	DFN removed provision from Community Lands but it has not be reinserted in GP
10) Forest Management May 31-June 2.11 session in YK & June 22-23.1 Video Conference	Parties reviewed GNWT paper on Forest Management from 2008. DFN requested that the paper be transformed into a chapter GNWT informed parties during June 22-23.11 video conference that the chapter will not be provided until the parties discuss DCRMA	GNWT	GNWT to provide chapter when DCRMA is discussed.
11) Treaties 8 & 11 May 31-June 2.11 session in YK	Parties discussed how the ongoing relationship between Canada and the DFN in relation to Treaties 8 & 11 would continue in a Final Agreement	DFN	DFN to draft language and bring to September 13-15.11 session

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12) Culture, Heritage and Language - Dividing the chapters June 22-23.11 Video Conference	GNWT proposed the option of splitting the Culture, Heritage and Language chapter into 2 separate chapters, one on Culture & Language and the other on Heritage Resources. DFN committed to considering this	DFN	DFN to follow up
13) Social Housing - Definition of Social Housing June 22-23.11 Video Conference	DFN expressed an interest in having the chapter title changed to Social and Public Housing, or as an alternative, to modify the definition to reflect 'public' being included. GNWT committed to consider	GNWT	GNWT to follow up, will be discussed in November 2011.
14) Child and Family Services - CF 4.1 June 22-23.11 Video Conference	DFN raised concern with CF 4.1 and questioned if this applies outside the NWT GNWT committed to verify	GNWT	GNWT to follow up
15) Eligibility and Enrolment - Initial and Preliminary Periods	The DFN had concern with calling the periods "Initial" and "Preliminary". The idea is that there is the Initial or Preliminary (what ever you call it) after AIP. Prior to the initialling of final, the idea is that the enrolment would	Canada	Canada to follow up

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Oct 6-7.11 Video Conference	<p>“resume”. So need to think of a different name for that period (formally known as the Preliminary period).</p> <p>Canada agreed to consider options</p>		
<p>16) E.1.6</p> <p>Oct 6-7.11 Video Conference</p>	<p>DFN asked what would happen if a person removes themselves from a non-Dehcho band list to enrol as a Dehcho Citizen but the Dehcho Agreement does not become ratified and the person’s original band does not take them back?</p>	Canada	Canada to follow up
<p>17) E.6.4.b)</p> <p>Oct 6-7.11 Video Conference</p>	<p>DFN asked for clarity</p>	Canada	Canada to follow up
<p>18) E.6.4.d)</p> <p>Oct 6-7.11 Video Conference</p>	<p>DFN asked if this was standard in agreements</p>	Canada	Canada to follow up
<p>19) E.6.4</p> <p>Oct 6-7.11 Video Conference</p>	<p>DFN asked if NWT Supreme Court is a court of supreme/inherent jurisdiction</p>	GNWT	GNWT to follow up

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20) Ratification Vote & issue of a non-vote Oct 6-7.11 Video Conference	DFN asked about what is someone were in a comma, would their legal guardian be able to vote for them. Canada said that person would be able to be enrolled but have not yet determined if that person can also vote. Canada to confirm	Canada	Canada to follow up
21) Certainty & Self Determination Oct 6-7.11 Video Conference	DFN propose to include self determination as an inherent right (RC 1.5). Canada requires more information on what this means.	DFN	DFN to provide information
22) Child and Family Services - term "Dehcho Child" Oct 6-7.11 Video Conference	In CF 4.1, concern around the term "Dehcho Child" and how that would be defined. Parties suggested "child of a Dehcho Citizen" or "Child who is a Dehcho Citizen" as options.	GNWT	GNWT to explore options and follow up at main table.
23) Expropriation - EX 2.8 and EX 2.9 Oct 6-7.11 Video Conference	Canada had raised concern the way the current language is drafted may suggest that expropriation will only occur once the parties have reached agreement on the compensation	Canada	Canada to propose new language.

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	Canada offered and parties agreed that Canada can draft new language to clarify		
24) Expropriation – new language on the Exchange of Lands Oct 6-7.11 Video Conference	DFN pointed out that they would likely be more comfortable with the chapter if it included more language around the attempt to exchange land occurs prior to expropriation being a necessity	Canada	Canada to propose new language
25) Expropriation – 2.12 b) Oct 6-7.11 Video Conference	Canada had raised concern that about double compensation. The market value of the land will include the market value of the improvements, with depreciation. DFN pointed out that it market value doesn't always include replacement value, and that was why they chose to have b) in the section. Canada to discuss internally	Canada	Canada to follow up
26) Expropriation – 2.13 d) Oct 6-7.11 Video Conference	Canada asked what the blank should be “Subject to ____” and recommended it read “Subject to market value”.	DFN	DFN to consider

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27) Administration of Justice – Penalties and Environmental Fractions Oct 6-7.11 Video Conference	In reviewing the chapter, Canada recognized the need for additional language for penalties associated to environmental fractions, a new AJ 3.2 d)	Canada	Canada to propose new language
28) Administration of Justice – AJ 3.2 c) Oct 6-7.11 Video Conference	DFN raised concern with locking in \$10 K as the maximum when, with time, that amount should increase. Canada proposed to include language to reflect that concern by allowing for the possibility of matching existing fines set by other governments.	Canada	Canada to propose new language
29) Administration of Justice and establishment of a court Oct 6-7.11 Video Conference	DFN had previously requested information from government if this was a possible option GNWT confirmed that it has the mandate to negotiate Canada to confirm but has made it clear already that it would not be in a position to fund a court system	Canada	Canada to confirm
30) Definitions for Migratory Birds	Parties reviewed definitions chart and agreed that some parties should be responsible for	Canada	Canada to propose definitions

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Chapter Oct 12-14.11 Video Conference	proposing definitions of certain chapters. In looking at Migratory Birds, agreement that Canada should propose definitions		
31) Expropriation and Public Roads Oct 12-14.11 Video Conference	Canada, in previous drafts, had recommended a section be included on the expropriation for the purpose of Pubic Roads. DFN requested clarification why it is drafted to not include compensation	Canada	Canada to research and provide response
32) Wildlife Harvesting Footnotes Oct 12-14.11 Video Conference	The parties reviewed the footnotes in the Wildlife Harvesting chapter and, in an attempt to clean up the chapter, identified which footnotes could be deleted. Canada to verify if footnote #4 could be deleted	Canada	Canada to follow up
33) Wildlife Harvesting – W. 2.3 and W.2.4 Oct 12-14.11 Video Conference	The parties discussed if these two provisions need to be in the Wildlife Harvesting Chapter or moved to General Provisions. DFN agreed to verify	DFN	DFN to follow up

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<p>34) Tax reference in the Harvesting Chapters</p> <p>Oct 12-14.11 Video Conference</p>	<p>The parties discussed the tax provision found in the Harvesting chapters:</p> <p><i>“Dehcho Citizens will not be subject to any tax, fee or requirement for license”</i></p> <p>The concern from the DFN is being taxed on the game hunted, but that is not what the provision says. DFN to redraft to reflect concern.</p>	DFN	DFN to provide new language
<p>35) Financial Payments</p> <p>Oct 12-14.11 Video Conference</p>	<p>1) DFN asked for examples of negotiation loan payment schedules.</p> <p>2) DFN also asked for additional information on FDDIPI</p> <p>3) DFN asked if the negotiation loans get readjusted should negotiations stop and then restart 10-20 years later</p> <p>4) DFN requested information regarding how much they own from the Dene/Métis loans and how much of what is owing is in interest</p>	Canada	Canada to provide information
<p>36) Inclusion of Begae Shuhagont'ine</p>	<p>DFN asked if the repayment of the Dene/Métis loans includes the membership they have in Tulita, or if they have already</p>	DFN	DFN to follow up

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(Tulita) Oct 12-14.11 Video Conference	been accounted for. Canada said they would look into it but first need more information about this group (how many, etc)		
37) Community Governments & Local Services Oct 12-14.11 Video Conference	Parties discussed the two chapters and the GNWT proposed to create a chart to show the differences & similarities between the chapters.	GNWT	GNWT to provide chart
38) Dehcho Government – DG 1.2 Oct 12-14.11 Video Conference	Canada raised concern with the language <i>“<u>In addition to anything else necessary in relation to the Dehcho Government, the Dehcho Constitution shall provide for ...</u>”</i> DFN proposed to modify the provision to add “consistent with the Dehcho Agreement”.	Canada	Canada to consider
39) Community Lands and leasing Oct 12-14.11 Video Conference	On CL 2.2 and CL 2.3, DFN asked if the community lands could also be leased	GNWT	GNWT to provide information
40) Community Lands	DFN asked why the list of existing interests	Canada	Canada to provide

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- CL 3.1 & Footnote 5 Oct 12-14.11 Video Conference	cannot be attached to the AIP. Canada to look into this		information
41) Contaminated Sites Oct 12-14.11 Video Conference	DFN proposed the option of creating a chapter on Contaminated Sites in which all contaminated site issues would be discussed. Parties to consider	All	All parties to consider
42) Definitions and Interpretation - 1.2.6 Oct 12-14.11 Video Conference	Canada would like further language to address repealed statutes and suggested bringing forward language	Canada	Canada to provide new language
43) Definitions and Interpretation - General Oct 12-14.11 Video Conference	DFN raised concern about the amount of detail in the chapter and how it was not necessary for an Agreement-in-Principle. DFN agreed to provide a list of provisions it recommends be removed from the AIP	DFN	DFN agreed to provide list
44) Implementation Oct 12-14.11 Video Conference	1) I.5.2 says that Canada will be responsible for publishing the annual report. DFN asked if Canada would pay for publishing the report in Dene Zhatie as well. 2) I.4.2 specifies Implementation	Canada	Canada to follow up

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	Committee and GNWT questions if it should not be "Parties" 3)		
45) Economic Measures Oct 12-14.11 Video Conference	DFN requested explanation on the change in approach to economic measures chapter and Canada committed to providing explanation at a future session	Canada	Canada to follow up