

HIGHLIGHTS OF THE DOGRIB AGREEMENT-IN-PRINCIPLE

BACKGROUND

Approximately 3,000 Dogrib live mainly in the communities of Behcho Ko (Rae-Edzo), Wha Ti (Lac La Martre), Gameti (Rae Lakes) and Wckweti (Snare Lake) in their traditional territory in the area commonly known as the North Slave region of the Northwest Territories. Other communities in the region are the City of Yellowknife and the Yellowknives Dene communities of Ndilo (within the city of Yellowknife) and Dettah, across Yellowknife Bay from the city.

Formal negotiation of a Dogrib comprehensive land claim began in January 1994. It is the third of the Mackenzie Valley Dene and Metis claims. The Gwich'in agreement came into effect in December 1992; the Sahtu Dene and Metis in June 1994. With the release of the federal self-government policy, the negotiating mandate was changed, in 1997, to include self-government. It is the first joint land claim and self-government mandate north of 60°.

APPROVAL OF THE AGREEMENT-IN-PRINCIPLE (AIP)

The Dogrib First Nation will consider the AIP for approval at their annual assembly at Gameti, NWT in August 1999. If approved by the Dogrib, the Government of the Northwest Territories and the Government of Canada would consider the AIP for approval.

If all three parties approve it, the AIP would be signed (probably in late 1999) and negotiations would begin to conclude a final agreement ("the Dogrib Agreement").

THE AGREEMENT-IN-PRINCIPLE

General

- Nothing in the final Dogrib Agreement would be construed to affect, recognize or provide any rights under section 35 of the *Constitution Act, 1982* for any Aboriginal peoples other than the Dogrib First Nation.
- In accordance with overlap agreements with Aboriginal groups in adjacent regions, Dogrib would continue to have the right to harvest wildlife within those areas of the Northwest Territories and Nunavut which they have traditionally used and continue to use for that purpose.
- Aboriginal groups in adjacent regions would have similar rights in the settlement area.
- The Dogrib Agreement would provide certainty with respect to Dogrib rights, title and obligations.
- All laws of general application would continue to apply to Dogrib Citizens and the Dogrib First Nation Government.
- Generally, a person would be eligible to be enrolled as a "Dogrib Citizen" if that person is a Dogrib and a Canadian citizen.

Settlement Area

- The traditional territory of the Dogrib First Nation is that area of the Northwest Territories commonly known as the North Slave region.
- The "settlement area" is the area in which most of the rights and benefits under a Dogrib Agreement would apply. Its boundaries have not been defined yet.
- For the purpose of finalizing the boundary lines of the settlement area, the Dogrib Treaty 11 Council would meet with the Deh Cho First Nations, the Yellowknives Dene and other NWT Treaty 8 First Nations.
- The attached sketch map of the North Slave region is for illustrative purposes only.

Dogrib Primary Use Area

- Exclusive or priority rights for the Dogrib First Nation would not be provided throughout the whole of a Dogrib settlement area because the Dogrib share the use of that area with the Yellowknives Dene First Nation.
- The AIP would propose a solution to this problem - namely, certain exclusive or priority rights could be recognized for the Dogrib in that part of their traditional territory in which they have "primary" use.

Governance

- On the effective date, the Dogrib Treaty 11 Council, the Dog Rib Rae, Wha Ti First Nation, Gameti First Nation and Dechi Laoti First Nation bands would cease to exist and would be succeeded by the Dogrib First Nation Government.
- The Constitution of the Dogrib First Nation Government would provide:
 - protections for Dogrib Citizens and for other persons by way of rights and freedoms no less than those set out in the *Canadian Charter of Rights and Freedoms*;
 - a system of political and financial accountability to Dogrib Citizens; and
 - the ability to challenge the validity of Dogrib laws.
- The Dogrib First Nation Government would have a wide range of law-making powers on Dogrib lands and over Dogrib Citizens off Dogrib lands.
- The Dogrib First Nation Government would have the power to tax Dogrib Citizens on Dogrib lands.
- The Dogrib First Nation Government generally would be tax exempt regarding its government activities like other governments in Canada.
- Before the Dogrib Agreement is ratified, government and the Dogrib Treaty 11 Council would enter into a taxation agreement setting out:
 - the manner in which Dogrib First Nation Government taxation would be coordinated with existing federal and territorial tax systems; and
 - the sharing of government revenues from direct taxation of Dogrib Citizens in Dogrib communities, and the extent, if any, to which the Dogrib First Nation Government could tax persons who are not Dogrib Citizens on Dogrib lands.

- After the effective date, the parties could negotiate an agreement respecting the extent to which the Dogrib First Nation Government could enact laws for the direct taxation of persons who are not Dogrib Citizens and who are on Dogrib lands or in a Dogrib community.
- There would be certain types of laws the Dogrib First Nation Government could not enact, including laws:
 - authorizing the use of water or the deposit of waste in water;
 - establishing a permitting system for the use of the surface of Dogrib land;
 - related to the management of fish or fish habitat;
 - relating to broadcasting or telecommunications or to intellectual property; and
 - relating to criminal laws or criminal procedure, establishing a court, imposing fines or imprisonment beyond general limits provided for general summary conviction offences in the *Criminal Code* for which no specific punishment is provided.
- The Government of the Northwest Territories would be responsible for implementing and enforcing penalties imposed for violations of Dogrib laws.
- Dogrib laws would not displace federal or territorial laws. Dogrib laws would be concurrent with those of government, and in the case of conflict with:
 - a federal law, the federal law would prevail to the extent of the conflict; and
 - a territorial law, the Dogrib law would prevail to the extent of the conflict.
- Before the Dogrib Agreement is ratified, government would enter into an intergovernmental services agreement that would provide for a single mechanism to manage and deliver health, education, welfare, family and other social programs and services to Dogrib Citizens and other persons in the Dogrib primary use area. The first intergovernmental services agreement would be in effect for 10-15 years.
- The funding of the Dogrib First Nation Government would be a shared responsibility of the parties and a financing agreement would be negotiated before the Dogrib Agreement is ratified. It would set out the amounts to be paid by government to the Dogrib First Nation Government.

Dogrib Lands

- Subject to existing rights, the Dogrib First Nation Government would own a single block of approximately 39,000 square kilometres of land, including the subsurface resources, adjacent to or surrounding the four Dogrib communities.
- There would be a public right of access to Dogrib lands and waters overlying Dogrib lands. A person exercising this right of access could also harvest wildlife.

Public Government in a Dogrib Community

- There would be a public government for each of the communities of Behcho Ko, Wha Ti, Gameti and Wekweti established by territorial legislation. The lands within the boundaries for a community government would be owned by that government, subject to existing private rights.

- A Dogrib community government would have the power to enact laws relating to "municipal" matters.
- A Dogrib community government would be comprised of a Chief and an even number of councillors. Depending on the size of a community, a council would have no fewer than four and no more than 12 councillors.
- The Chief of a community government would be a Dogrib Citizen who is an "eligible voter" in that community.
- Any Canadian citizen who is an eligible voter could also run for office as a councillor in community elections.
- In a community election, those nominees with the most votes would be elected as councillors provided that no more than half of the council seats may be filled by persons who are not Dogrib Citizens.

Capital Payments

- The Dogrib First Nation Government would receive \$90 million (1997 dollars) which would be paid over a period of years. As well, they would receive a share of resource royalties received by government annually from the Mackenzie Valley.

Mackenzie Valley Resource Management Act (MVRMA)

- The land and water regulation and environmental assessment provisions of the *MVRMA* would apply to all development activities in the settlement area, including those on Dogrib lands.
- At least one member of the Environmental Impact Review Board established under the *MVRMA*, would be a nominee of the Dogrib First Nation Government.
- A North Slave Land and Water Board would be established, on the effective date, by legislation, as an institution of public government, to regulate land use and water use in the North Slave region.
- Excluding the chairperson, 50 percent of the members on the Board would be nominated by government and 50 percent would be nominated by the Dogrib First Nation Government and by other Aboriginal groups in the North Slave region.
- At least one member on the Board would be appointed by the Dogrib First Nation Government. Legislation would determine who makes the other appointments.
- Under the *MVRMA*, certain decisions of the North Slave Land and Water Board would be subject to policy directions from the Minister. The *MVRMA* would also provide that, in relation to land use on Dogrib lands, the decisions of the Board would also be subject to policy directions from the Dogrib First Nation Government.
- Part IV of the *MVRMA* requires that a land and water board be established for the whole of the Mackenzie Valley. It is expected that the Mackenzie Valley Board will be functioning in early 2000.
- At least one member of the Mackenzie Valley Board would be an appointee of the Dogrib First Nation Government.

- The North Slave Land and Water Board would be a regional panel of the Mackenzie Valley Board.
- Government, the Dogrib First Nation Government and the Dogrib community governments could agree to establish a land use planning body and a mechanism for the preparation, approval and implementation of a land use plan for all of the settlement area, other than established national parks. Upon the approval of such a plan, government, the Dogrib First Nation Government and the Dogrib community governments and their departments and agencies, including the North Slave Land and Water Board, would exercise their powers in accordance with the plan.

Subsurface

- Before any hard rock mining exploration, development or production activities take place in the settlement area, where such activities require a land use permit or a water licence, government would notify the Dogrib First Nation Government to provide it with an opportunity to present its views on the matter.
- An operator proposing such activities would consult with the Dogrib First Nation Government on range of issues. Similar consultations would also be required for oil and gas activities.
- Government has undertaken to develop measures, within one year of the effective date, to ensure that the proponent of a major mining project that would impact on Dogrib Citizens would enter into negotiations with the Dogrib First Nation Government to reach agreement on certain matters relating to the project including environmental impact, impact on wildlife harvesting, Dogrib employment opportunities, safety, health and hygiene.
- The agreement would be related to the impacts of the project on Dogrib Citizens and could not place an excessive burden on the proponent or undermine the viability of the project. The Dogrib First Nation Government and the proponent could agree that an agreement would not be required.
- The Dogrib First Nation Government would receive a share of the resource royalties which government receives each year from the Mackenzie Valley.

Wildlife Harvesting

- Subject to certain limitations, Dogrib Citizens would have the right to harvest all species of wildlife, throughout the settlement area at all times of the year, and the exclusive right to harvest fur bearers throughout the Dogrib primary use area. However, persons who are not Dogrib Citizens could hunt, but not trap, wolves and coyotes on lands other than Dogrib lands in the Dogrib primary use area.
- Subject to certain limitations, such as small privately owned parcels that are fenced or posted, Dogrib Citizens would have the right of access to all lands within the settlement area for the purpose of harvesting wildlife.
- There would be no commercial harvesting of fish in the Dogrib primary use area.

- In the Dogrib primary use area, the Dogrib would have the right to acquire any new licences for commercial activities related to:
 - harvesting of wildlife other than fish;
 - propagation, cultivation or husbandry; and
 - non-consumptive activities.
- The Dogrib would have the exclusive right to be licensed to conduct commercial wildlife activities on Dogrib lands.
- A developer would be liable for any losses or damage suffered by a Dogrib Citizen as a result of that developer's activities. If a developer and a Dogrib Citizen were unable to agree on a claim for compensation, either party could refer the matter to the dispute resolution process.
- A North Slave Renewable Resources Board would be established, as an institution of public government, to be the main instrument of wildlife management in the settlement area.
- Government would appoint half the members and the remainder would be appointed by the Dogrib First Nation Government and other Aboriginal groups in the settlement area.
- The primary powers of the Board would be in the areas of wildlife management, forest management, plant management and protected areas.
- The Board could make a final determination:
 - regarding a total allowable harvest level, except for fish;
 - regarding the allocation of any total allowable harvest levels; and
 - subject to any management plan for the Bathurst caribou, for the management of that caribou herd in the settlement area.
- The Board could make recommendations to the parties on other matters.

Trees and Plants

- Subject to certain limitations, a Dogrib Citizen could harvest trees and plants throughout the settlement area but not on private lands, lands being used for military or national security purposes or where it would conflict with an authorized activity.
- If legislation in the future regulates the harvesting of plants in the settlement area, the legislation would provide a preferential right of plant harvesting in the Dogrib primary use area by Dogrib Citizens for food, medicine, cultural and other personal uses.

Parks and Other Protected Areas

- For any national park established in the Dogrib primary use area, an impact and benefit plan would be prepared. The plan would address matters related to the establishment and development of the park, its impact on the affected Dogrib community or communities and the training of Dogrib to assist them to qualify for employment in the park.
- Government would consult the Dogrib First Nation Government and with affected local communities before establishing any protected areas or changing the boundaries of an established protected area. "Protected areas" would include all areas and locations of land set apart and protected by government in the settlement area, including historic parks and sites, national wildlife areas, migratory bird sanctuaries, territorial parks, conservation areas, and

archaeological sites. Benefit agreements negotiated for any new protected areas could include provisions relating to employment and training of Dogrib Citizens. Where commercial wildlife activities are permitted in protected areas in the Dogrib primary use area, the Dogrib First Nation Government would have the first opportunity to take up any new licences for such activities.

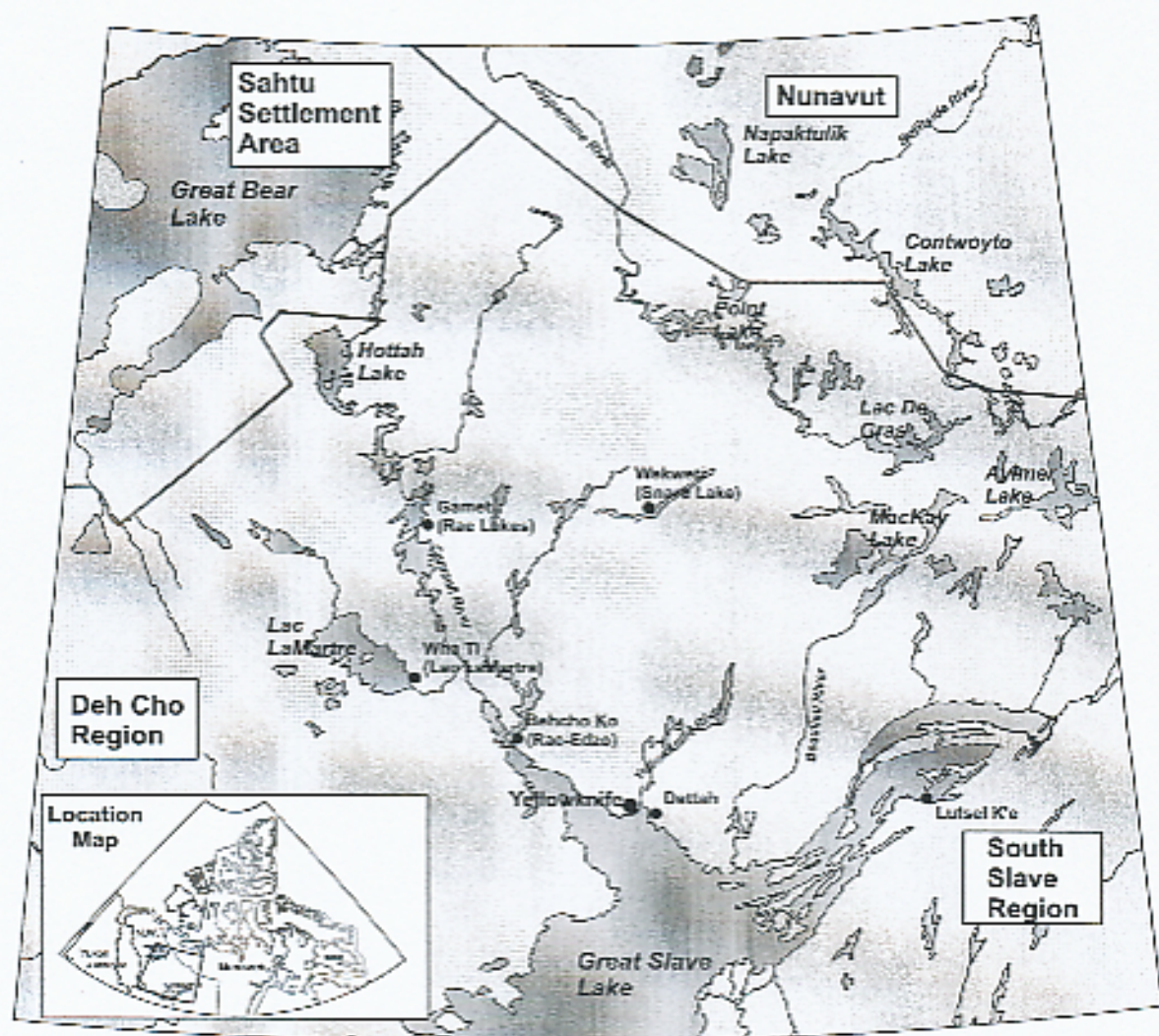
Heritage Resources

- The Dogrib First Nation Government would be the custodian of heritage resources on Dogrib lands.
- All archaeological permits relating to Dogrib heritage resources would require consultation with the Dogrib Citizens of the local Dogrib community or communities as well as other conditions.
- Dogrib heritage resources which have been removed from the settlement area could be returned to the settlement area, on a temporary or continuing basis, for study and enjoyment of Dogrib Citizens and all other residents of the Northwest Territories provided appropriate facilities and expertise exist.
- Within the settlement area, Dogrib Citizens would have preference in being hired at public sites, museums, heritage resource projects, archaeological works and similar public facilities and projects related to Dogrib heritage resources.
- The location of Aboriginal burial sites in the settlement area outside cemeteries would be recorded by government. Upon discovering a burial site, a person would notify the Dogrib First Nation Government and government. The parties would develop procedures for the protection of Aboriginal burial sites in the Dogrib primary use area.
- The Dogrib First Nation Government could, in consultation with government, name or rename lakes, rivers, mountains and other geographic features and locations wholly within Dogrib lands and that new name would be recognized as the official name.
- Where a geographic feature or location is located wholly or partly outside Dogrib lands, government and the Dogrib First Nation Government would attempt to reach an agreement on the official name.

Water Rights

- Any person engaging in commercial activity on Dogrib land which required the use of water would have the right to use water, subject to the provisions of the agreement and legislation.
- The Dogrib First Nation would have the right to have waters which are on, flowing through or adjacent to their land remain substantially unaltered as to quality, quantity or rate of flow.
- The North Slave Land and Water Board could issue a water licence authorizing a use of water which will substantially alter the quality, quantity or flow of water through or adjacent to Dogrib land, only if it determined that there would be no reasonable alternative to this use. In such circumstances, the licence holder must compensate the Dogrib First Nation Government for the loss or damage likely to be caused.

NORTH SLAVE REGION



Map for Illustrative Purposes Only