



NORTHWEST TERRITORY MÉTIS NATION



Our Combined History

~ The Birth of a Nation ~



Our Combined History

- In the 1700's when the North West Company explored the Great Slave Lake area they met Francois Beaulieu I and his Chipewyan wife Ethiba.
- Francois Beaulieu I and his family were one of many Métis families already established in the region. Many NWTMN Beneficiaries can trace their ancestry to one of these original families – Houle, Mercredi, Beaulieu, Lafferty, Cayen Tourangeau, Mandeville, Poitras, St Germain.

Our Combined History

- Francois Beaulieu I was one of Alexander Mackenzie's voyageurs while on his epic journey down the Mackenzie River to the Arctic coast in 1789.
- The earliest Métis were traders, interpreters, guides and hunters and traveled the NWT extensively.
- Many early Métis gained the respect and trust of the Dene and have acted as advisors and facilitators during tribal wars and treaty negotiations.

Our Combined History

- In the 1800's Francois Beaulieu II and Francois Baptiste "le Camarade" de Mandeville travelled with Sir John Franklin to Great Bear Lake and the Arctic Coast.
- In 1852 Francois Beaulieu II brought the first Catholic priest, Father Faraud, north of the 60° to Fort Resolution.
- NWTMN Métis founded many communities among them Fond du Lac (near Lutsel K'e), Fort Smith, Reliance and the Village of Little Buffalo River.

Our Combined History

- During the 20th century many Métis helped build the NWT and have played a role in most major developments – political, economic and social.
- NWTMN Beneficiaries were part of the founding members of the Indian Brotherhood and later the NWT Métis Nation.
- Collectively our combined history is extensive and far reaching. We continue this tradition as we move forward into the 21st century.

Our Nation Today

~ On the Road to Self Government ~



Our Nation Today

- The NWTMN has 5000 beneficiaries who mainly reside in Fort Smith, Fort Resolution, Hay River and Yellowknife.
- Beneficiaries can trace their ancestry to the South Slave Region prior to December 31, 1921.
- NWTMN beneficiaries are not included in the Akaitcho Process, because Akaitcho chose to pursue Treaty Land Entitlement, which excludes Métis (Indian Act does not apply to Métis).

Our Nation Today

- Because of our exclusion from the Akaitcho Process the Government of Canada provided the NWTMN a unique opportunity to enter into negotiations.
- *The NWTMN is the only Métis organization in Canada who are engaged in Land and Self Government negotiations.*
- The NWTMN are the only Métis in the NWT who can claim a separate and an inherent right to land and resources. A right we derive from our earliest ancestors.

Our Nation Today

Significant Milestones

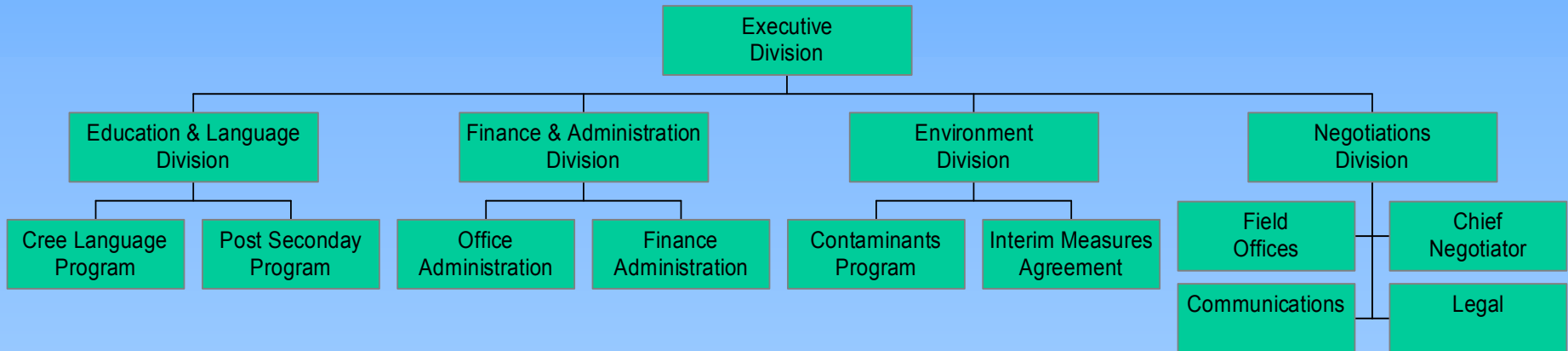
- 1996 - Signed a Framework Agreement with the GNWT & Government of Canada, this began the formal negotiations process.
- 2001 - Signed a protocol agreement with the GNWT that outlines cooperation on a number of political issues.
- 2002 - Interim Measures Agreement signed between the NWTMN, GNWT and Federal Government.

Our Nation Today

- Today the NWTMN is governed based upon democratic principals. We elect an Executive and Assembly.
- Our Administration is Headquartered in Fort Smith and employs 30 people, a vast majority of which are beneficiaries.
- NWTMN Administration delivers programs to Beneficiaries and are also engaged in economic and environmental programs and monitoring.

Our Nation Today

Our Government Structure



Our Nation Today

- The NWTMN Negotiations Division anticipates an Agreement-In-Principal in 2004.
- With the ratification of an AIP the NWTMN will then turn to negotiating an extensive self government agreement that will see a number of programs and associated funding transferred to the NWTMN.
- In the meantime, the NWTMN is engaged in economic development projects – ie: Taltson Hydro Project & real estate.

Our Land, Our Resources

~ Our Past, Present and Future ~



Our Land, Our Resources

- NWTMN Beneficiaries, like our ancestors, cherish the land that has provided us sustenance and a livelihood.
- The NWTMN is committed to protecting our interests in our traditional territory.
- The recently signed Interim Measures Agreement provides a temporary vehicle for the NWTMN to exercise some involvement with activities occurring on our lands.

Our Land, Our Resources

IMA History

- Signed June 22, 2002 between the NWTMN, GNWT and the Government of Canada.
- Allows for a process whereby the NWTMN will pre-screen land use & water applications.
- The IMA is temporary till such time that a final agreement is reached.
- The IMA Office has been operating since November 2002, with an office located at the NWTMN HQ in Fort Smith.

Our Land, Our Resources

Activities Covered By the IMA

Canada

- Land Use Permits
- Water Licenses
- Disposition of Surface Crown Lands
- Parks & Protected Areas

GNWT

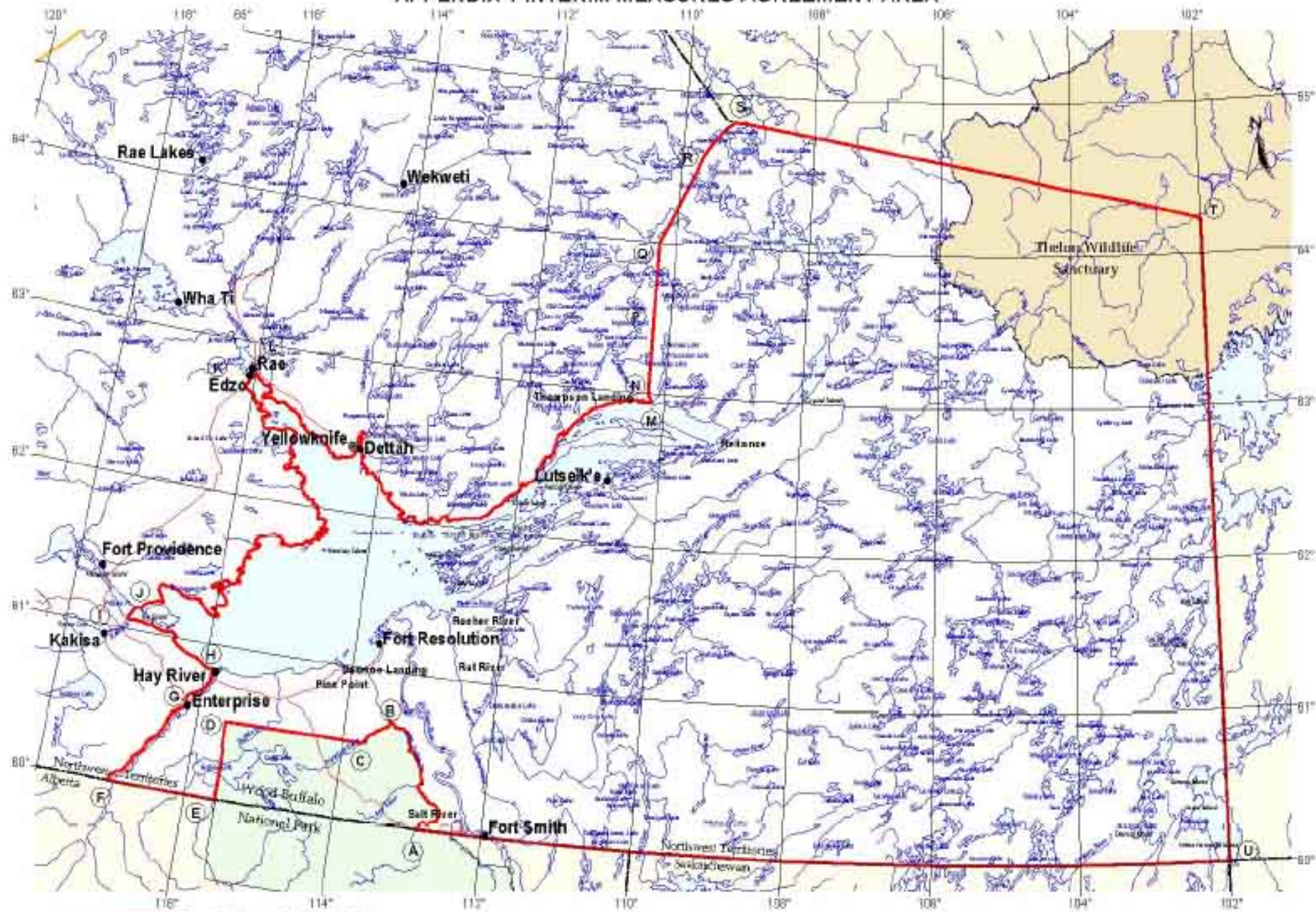
- Disposition of Commissioner's Land
- Forest Management
- Tourism & Outfitter Operations
- Parks & Protected Areas

Our Land, Our Resources

Area Covered by the IMA

- The area covered by the IMA is a vast territory that encompasses the south-eastern portion of the NWT.
- The IMA area is not an accurate representation of the NWTMN's traditional territory.
- Our traditional territory that was used by our ancestors spans as far north as Deline, west as far as Fort Simpson, east into Nunavut and south into portions of Alberta and Saskatchewan.

APPENDIX 1 INTERIM MEASURES AGREEMENT AREA



Legend: South Slave Métis IMA Area
 Not including areas within the community government boundaries of Yellowknife, Ndilo, Dettah, and Rae-Edzo

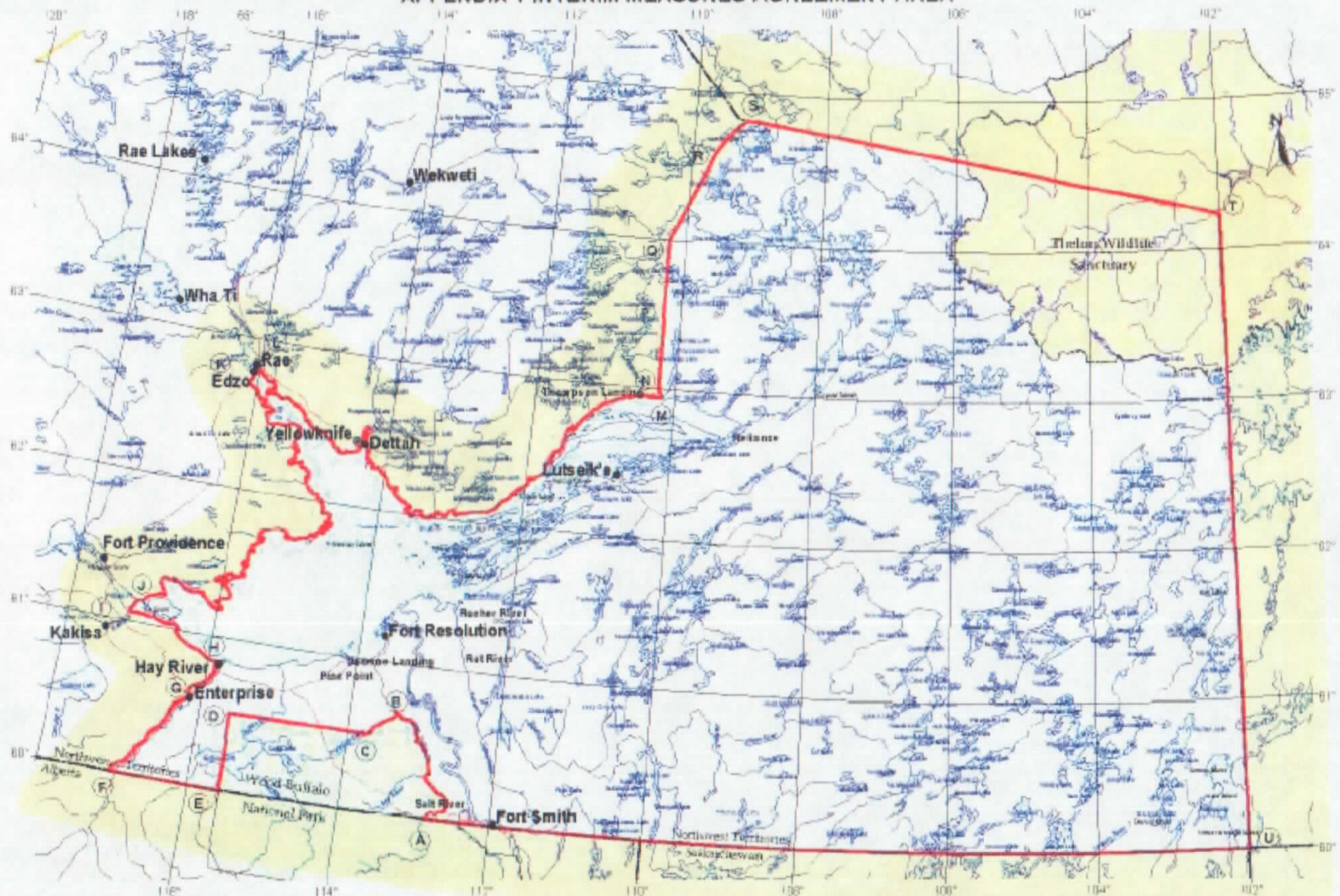
The map is for visual purposes and should not be used for defining legal boundaries. Administrative decisions should be based on legal documents and legislative plans. The map should not be used for purposes other than for which it was designed.

Our Land, Our Resources

Areas Outside of the IMA

- Section 3.1 (a) of the IMA also establishes a responsibility to consult should any application or development occur on lands outside the IMA area, that will have an adverse effect on lands or water within the NWTMN IMA.
- Developers, although not bound by the IMA, should make every effort to consult the NWTMN when conducting activity in proximity to the IMA boundary (please refer to following map).

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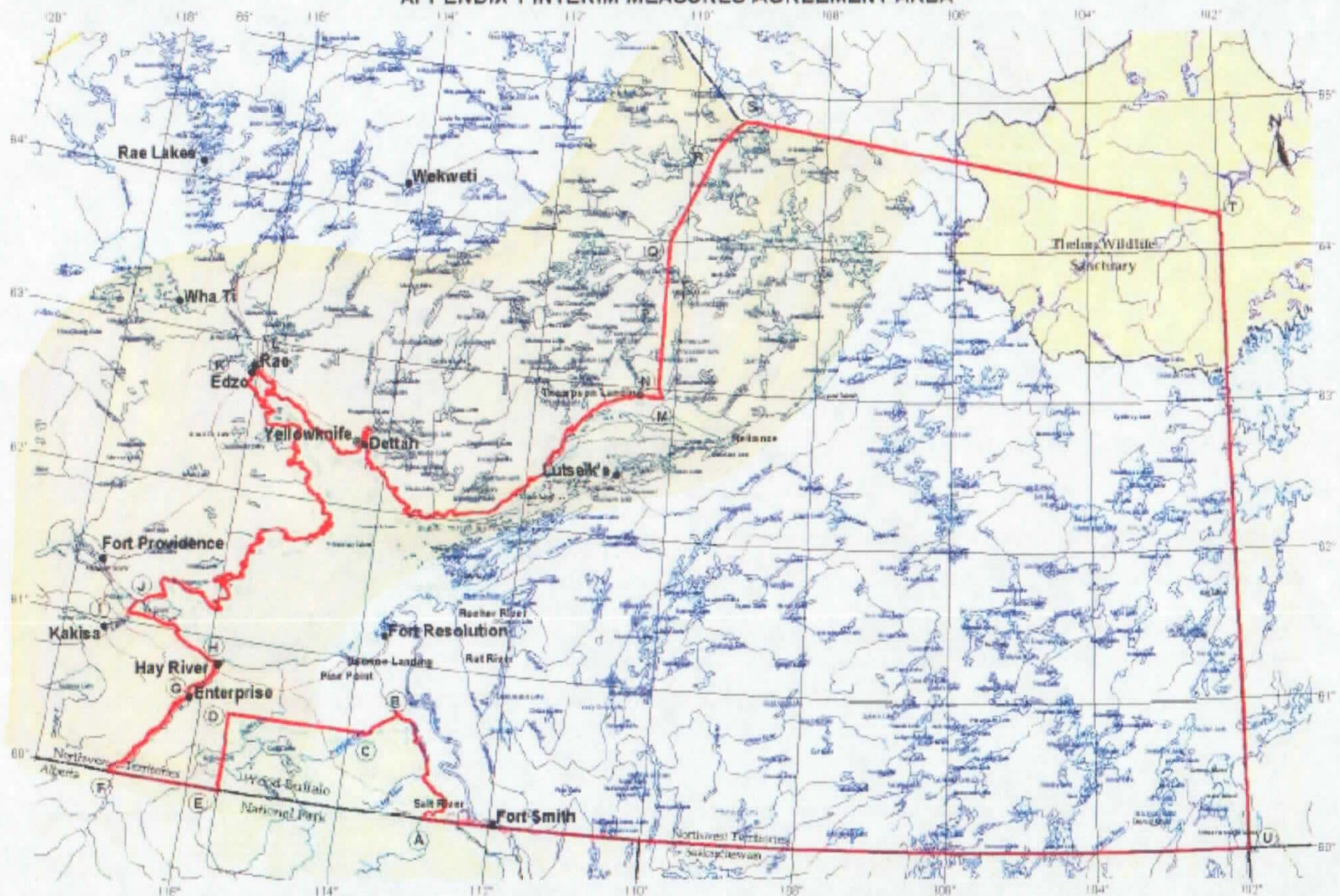
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Our Land, Our Resources

Territorial Overlap

- The majority of the IMA area overlaps with the Akaitcho Nation.
- There is territorial overlap in the north (North Slave Region) with the Dogrib Nation.
- There is also territorial overlap to the west with the Deh Cho Nation.
- Developers should make every effort to include all Nations when overlap occurs.

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Our Land, Our Resources

Application Process

Developer's Application

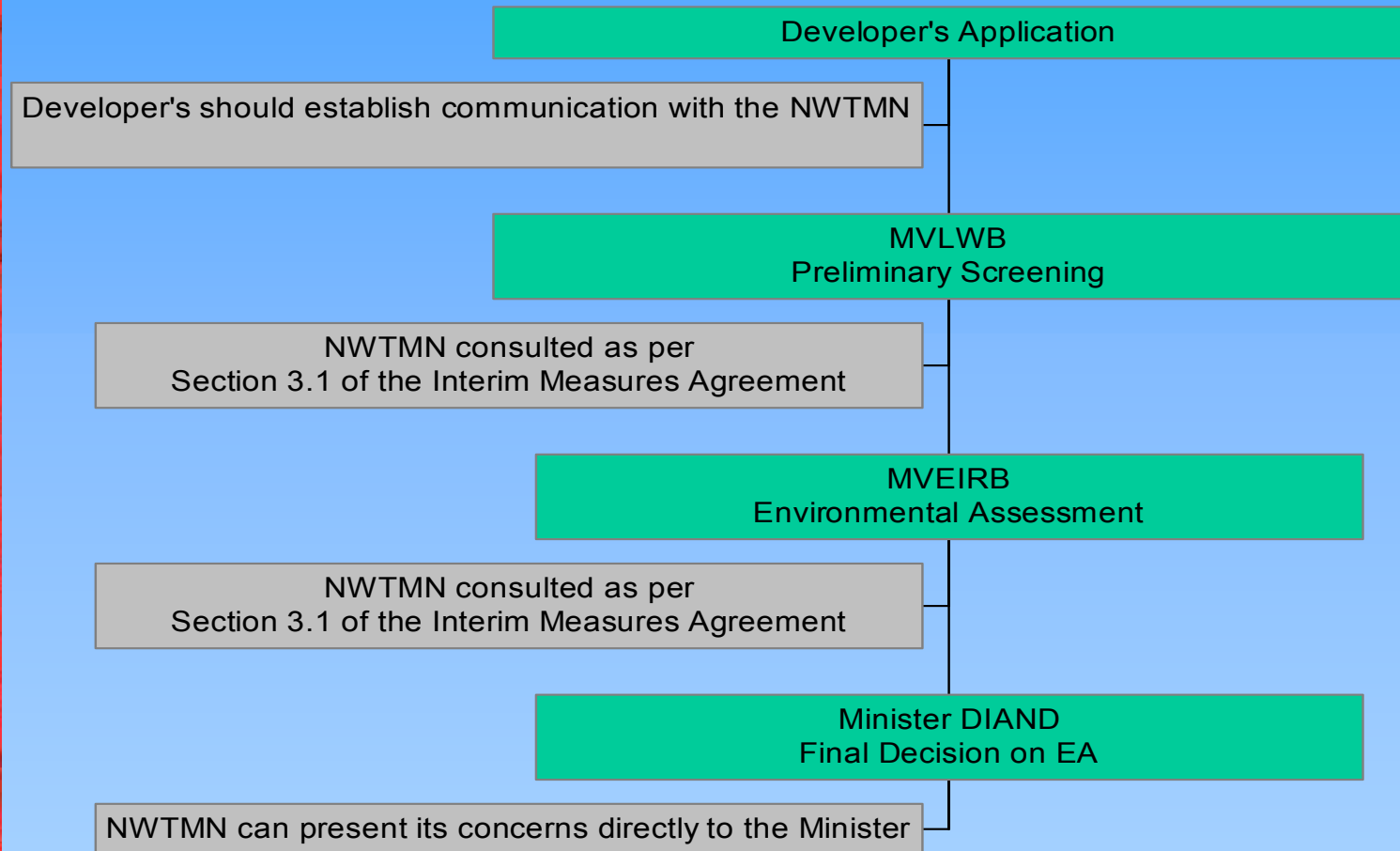
MVLWB
Preliminary Screening - Approved or referred to EA

MVEIRB
Environmental Assessment (EA)

Minister DIAND
Final Decision on EA

Our Land, Our Resources

Our Involvement in the Application Process



Our Land, Our Resources

IMA Work to Date

- To date (year 2003) the IMA office has been consulted on 70+ applications for land or water use permits, including 6 Environmental Assessments.
- Applications received by the IMA Office are entered into a database that records development in our territory.
- Quarterly reports are released to the 3 founding communities, the Yellowknife Field Office, Executive Division & the Negotiations Division.

Our Land, Our Resources

IMA Work to Date

- The IMA also distributes digital copies, (CD's in PDF format) of all files in the central registry on a quarterly basis.
- Projects under development include: webpage design, traditional knowledge & land use collection, and, a socio-economic report on the founding communities and those beneficiaries residing in Yellowknife. When complete the NWTMN may decide to share this information with developers & exploration companies.

Setting a New Course

~ Our Nation in the 21st Century ~



Setting a New Course

- As negotiations approach completion the political development of the NWTMN will accelerate as we “gear up” for self government.
- At the present time the NWTMN is focused on capacity building of existing staff and pre-planning for future growth.
- Politically and administratively the NWTMN will take a proactive approach to resource development issues that impact our Nation.

Setting a New Course

Our Views on Resource Development

- The NWTMN recognizes the development potential of our territory.
- We are open to examining development & exploration projects that employ good stewardship & respect for the land.
- Communication is key to the NWTMN – the greater involved we are the more likely we will support the initiative.

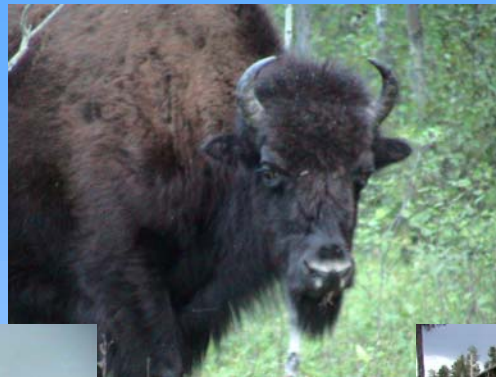
Setting a New Course

Our Views on Resource Development

- We also welcome the opportunity to take an active part in business opportunities that arise from exploration or development.
- Fundamentally, if there is a significant impact we would urge the developer or exploration company to employ mitigation. The mitigation is not limited to Impact Benefit Agreements (IBA) and can arise in many forms. We urge discussion on the issue of mitigation in an attempt to find a suitable solution for all parties.

Cameron Hills Project

~ Protecting Our Aboriginal Rights ~



Aboriginal Rights

- Aboriginal rights of Métis people have been given Constitutional protection since 1982 (Section 32 of the *Constitution Act, 1982*).
- During the last 20 years there have been several Supreme Court of Canada decisions which have established the fundamental principals of Aboriginal Law.

Decision 1: Sparrow

- Provided the framework for analyzing constitutionally protected rights. There are 4 steps:
 - The onus is on the Aboriginal claimant to prove their claim of an aboriginal right
 - The onus is on the Crown to prove extinguishment of that right
 - The onus is on the Aboriginal claimant to demonstrate a *prima facie* interference with their existing aboriginal right; and
 - The onus is on the Crown to justify any interference.

Decision 2: Van der Peet

- This case established the test for proof of Section 35 rights.
- To be an aboriginal right, the activity “must be an element of a practice, custom or tradition integral to the distinctive culture of the aboriginal group claiming the right.”

Decision 3: Delgamuukw

- Proof of aboriginal title requires the Aboriginal peoples to demonstrate their exclusive use and occupation of the land prior to the date of the assertion of Crown sovereignty.

Decision 4: Powley

- Ruled that the Powley's had a right to hunt that is protected by section 35.
- The Powley test for proving Métis rights follows on the principals of *Sparrow* and applies the basic elements of the *Van der Peet* test, modified somewhat for the unique circumstances of the Métis.

Other cases pending appeal

- *Taku River Tlingit First Nation & Haida Nation* cases both under appeal in B.C.
- The Court of Appeal held that the duty to consult can arise before proof of an aboriginal right; the duty can arise where an aboriginal right *prima facie* appears to exist, and the Crown is making decisions which are likely to have an impact upon aboriginal interests.

Assertion of our Rights

- The traditional territory of the NWTMN includes the Cameron Hills. This portion of our territory is overlapped with the Deh Cho First Nation.
- The history of our Métis ancestors identifies this area as land that was used to sustain our culture and lifestyle.

Consultation and Accommodation

- Paramount Resources has conducted resource development in the Cameron Hills without consulting or accommodating the NWTMN.
- The MVEIRB has endorsed previous resource development in the Cameron Hills without consulting or accommodating the NWTMN.
- Paramount Resources is currently pursuing permitting to conduct further development without consultation or accommodation with the NWTMN.

Consultation and Accommodation

- The absence of consultation or accommodation infringes our aboriginal rights as protected by section 35.
- The NWTMN derives our right from the land use of our ancestors and argues that this right need not be proven to trigger consultation or accommodation.

Infringement of our Rights

- The Crown and developer must make every effort to consult the NWTMN, and where applicable, make arrangements to mitigate the impacts that a development will have on Métis culture.
- Paramount has not made a concerted effort to discuss impacts or attempt to mitigate the effects caused by their expansion project.

Infringement of our Rights

- The Paramount expansion project will impact lands used by Métis, and the increased resource development will impact Métis communities (Hay River).
- Failure to consult and accommodate Métis will exclude our people from taking a meaningful and informed role in the development of the Cameron Hills.