

# Tłegóhtł Got'jné Government

“The Government of the People Where the Oil Is”

HISTORY - WHERE WE ARE TODAY

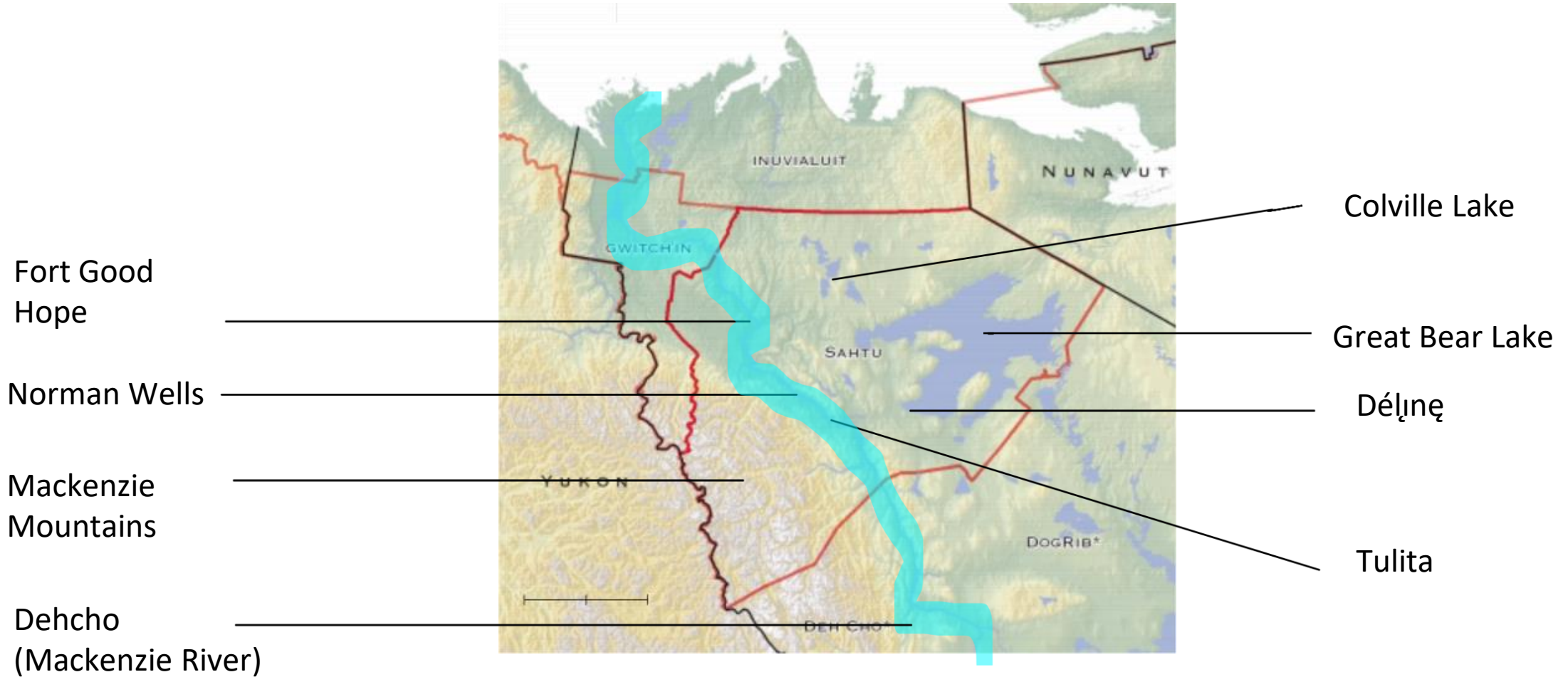
THE NEXT STEP - RATIFICATION

# This is About Your Rights

- Your Dene ancestors lived and died along the Dehcho, the river Canada calls the Mackenzie, in the Sahtu, the lands between what Canada calls Great Bear Lake in the east and what Canada calls the Mackenzie Mountains in the west.
- As the Indigenous People of the Sahtu, your ancestors governed themselves, their communities, and their interactions with neighbouring Indigenous Peoples.
- Their rights, as the Indigenous people of the Sahtu, both to the land and to self-determination and to self-government, are collective rights passed from generation to generation – from them, to you, to your children, and your children's children. They are your Inherent Rights.
- The Inherent Rights of Indigenous People in Canada have not always been respected or protected or even acknowledged.

# The Sahtu

<https://www.srrb.nt.ca/people-and-places/sahtu-atlas/99-sahtu-atlas/the-sahtu/176-forging-a-new-map-the-sahtu-land-claim>



# HISTORY – IN POINT FORM

- Starting in the 1500's French explorers and settlers in eastern North America claim the land for the King of France and English explorers and settlers claimed the land for the King of England.
- In 1670, the King of England granted the Hudson's Bay Company the exclusive right to trade with the Indigenous People in what he called "Rupert's Land", all the lands draining into Hudson's Bay.
- No one consulted the Indigenous People of eastern North America. No one consulted the Indigenous People of "Rupert's Land".

- In the 1700's trade between the French and English colonies in the east and the Indigenous People of North America expanded west, across the Great Lakes, onto the prairies, and into western and northern lands that did not drain into Hudson's Bay. The English called those western and northern lands the North-Western Territory.
- The activities of the Hudson's Bay Company in Rupert's Land and the expansion of trade into the North-Western Territory were not just commercial enterprises. They were a manifestation of French and English claims to all lands in North America.
- No one consulted the Indigenous People of the prairies. No one consulted the Indigenous People of the North-Western Territory.
- Communities of a new Indigenous People, the Metis, arose along the trade routes.

- In February 1763, France surrendered to the English its claims to all of North America east and north of the Mississippi River – including its claims to the North-Western Territory.
- In October 1763, King George III of England issued what is commonly just called **THE ROYAL PROCLAMATION** :
  - (a) organizing British government for the former French colony of Quebec;
  - (b) recognizing there were “several Nations or Tribes of Indians” living on the lands formerly claimed by France lying west of the Appalachian Mountains; and
  - (d) reserving to those Nations or Tribes those lands as their hunting grounds unless or until they might cede or sell their lands to the Crown.
- Trade with Indigenous Peoples continued to expand in the west and north, in both Rupert’s Land and the North-Western Territory.

- In 1789, Alexander Mackenzie, with Metis and Canadien voyageurs and Indigenous guides, canoed from Fort Chipweyan on Lake Athabasca to the Arctic Ocean, travelling first down and then back up the Dehcho.
- He passed through the islands above and below Tłegóhłı, noting a waxy yellow substance – evidence of oil seepage along the river.
- He met Sahtu Dene people – your ancestors – living, hunting and fishing along the river.
- He confirmed that the Dehcho flows into the Arctic Ocean; that your ancestors' lands did not drain into Hudson's Bay. They do not lie within Rupert's Land or within any British colony mentioned in the Royal Proclamation. They are in the North-West; the hunting grounds reserved to their Indigenous inhabitants under the Royal Proclamation.

- The first permanent European trading posts in the Sahtu were built at Fort Good Hope in 1836 and at Fort Norman in 1851.
- In 1867, Britain reorganized the governments of its settled colonies in the east creating the Dominion of Canada.
- In 1870, Britain transferred the government of both Rupert's Land and of the North-Western Territory to Canada.
- In 1872, Canada enacted the first Northwest Territories Act to provide government for its new western and northern territories.
- Physical governments were first established on the Red River in Manitoba and, as Canadian/European settlers came west, in what is now Saskatchewan and Alberta.



- The first physical “Canadian government” presence anywhere near the Sahtu was the small Mounted Police detachment in Fort MacPherson established in 1903. The police had come east over the McKenzie Mountains from the Yukon goldfields.
- In 1920, Imperial Oil successfully drilled an oil well near what became called Norman Wells.
- With the discovery of oil in commercial quantities, the Government of Canada moved quickly to protect its own claims to that oil and to all other natural resources in the north and, in 1921, Canada signed Treaty No. 11 with your Dene ancestors.
- While recognizing that it should sign a treaty with the Sahtu Dene, Canada did not sign treaty with the Sahtu Metis.

- Treaty 11 is a variation of all of the numbered treaties signed by Canada with Indigenous peoples since 1871. It was written in English in Ottawa. It was presented to your Sahtu Dene ancestors for their signature after being orally translated.
- It was not negotiated between equals.
- The English words of Treaty 11 provide that the Sahtu Dene surrendered to Canada all their traditional lands. Was “surrender” understood by your ancestors? Did they understand that Canada thought they were surrendering all of the natural resources underlying their lands, including the oil?
- The English words of Treaty 11 provide that, in return for getting the lands and natural resources, Canada would help the Sahtu Dene become farmers. Was this understood by your ancestors ? Was farming even practical in the Sahtu in the 1920s?

- Treaty 11 did not deal fairly with your ancestors' Inherent Rights to the land.
- This started to be recognized in the 1970's, prompted by judgments from Canadian Courts and by the Report of the Berger Commission into development of Mackenzie Valley resources. Indeed, the Government of Canada began to recognize that the Indigenous People had Inherent Rights that, as the original inhabitants of what is now Canada, could be legally enforced.
- Canada recognized that it continued to have obligations to the Sahtu Dene notwithstanding Treaty 11.
- Canada also recognized that it had obligations to the Sahtu Metis.
- In the 1980's, Canada and its territorial government in Yellowknife (GNWT) began negotiating land and rights issues with the Dene and the Metis in the Northwest Territories.

- The Sahtu Tribal Council, representing both the Sahtu Dene and the Sahtu Metis, began negotiating with Canada and the GNWT to recognize their Inherent Rights and to fill the gaps in Treaty 11.
- In September 1993, the Sahtu Tribal Council, Canada and the GNWT signed the *Sahtu Dene and Metis Comprehensive Land Claim Agreement* which provided that:
  - the Sahtu Dene and Métis would get legal title to and management of 39,624 square kilometres of land in the Sahtu and would get legal title to and management of the mineral resources underlying an additional 1,813 square kilometres of land in the Sahtu (the Sahtu Settlement Lands).
  - The Sahtu Dene and Metis have a right to harvest wildlife and fur bearing animals within the whole Sahtu settlement area.
  - the Sahtu Dene and Metis also have a role, along with Canada and the GNWT, to manage and protect the land and water and renewable resources, hunting and fishing in the Sahtu.

- The Land Claim Agreement also provided that:
  - Canada would pay the Sahtu Tribal Council, on behalf of the Sahtu Dene and Metis, approximately 75 million dollars.
  - Canada would also pay to the Sahtu Tribal Council, on behalf of the Sahtu Dene and Metis, a share of all resource royalties it collects from future resource development in the Mackenzie River valley.
  - the Sahtu Tribal Council or designated Sahtu organizations (“DSOs”) would use the income from that money to benefit of the Sahtu Dene and Metis - “Permitted Activities” under Chapter 11.
  - Canada and the GNWT would negotiate self-government agreements with each of the 5 Sahtu Dene and Metis communities of Deline, Tulita, Norman Wells, Fort Good Hope, and Colville Lake.

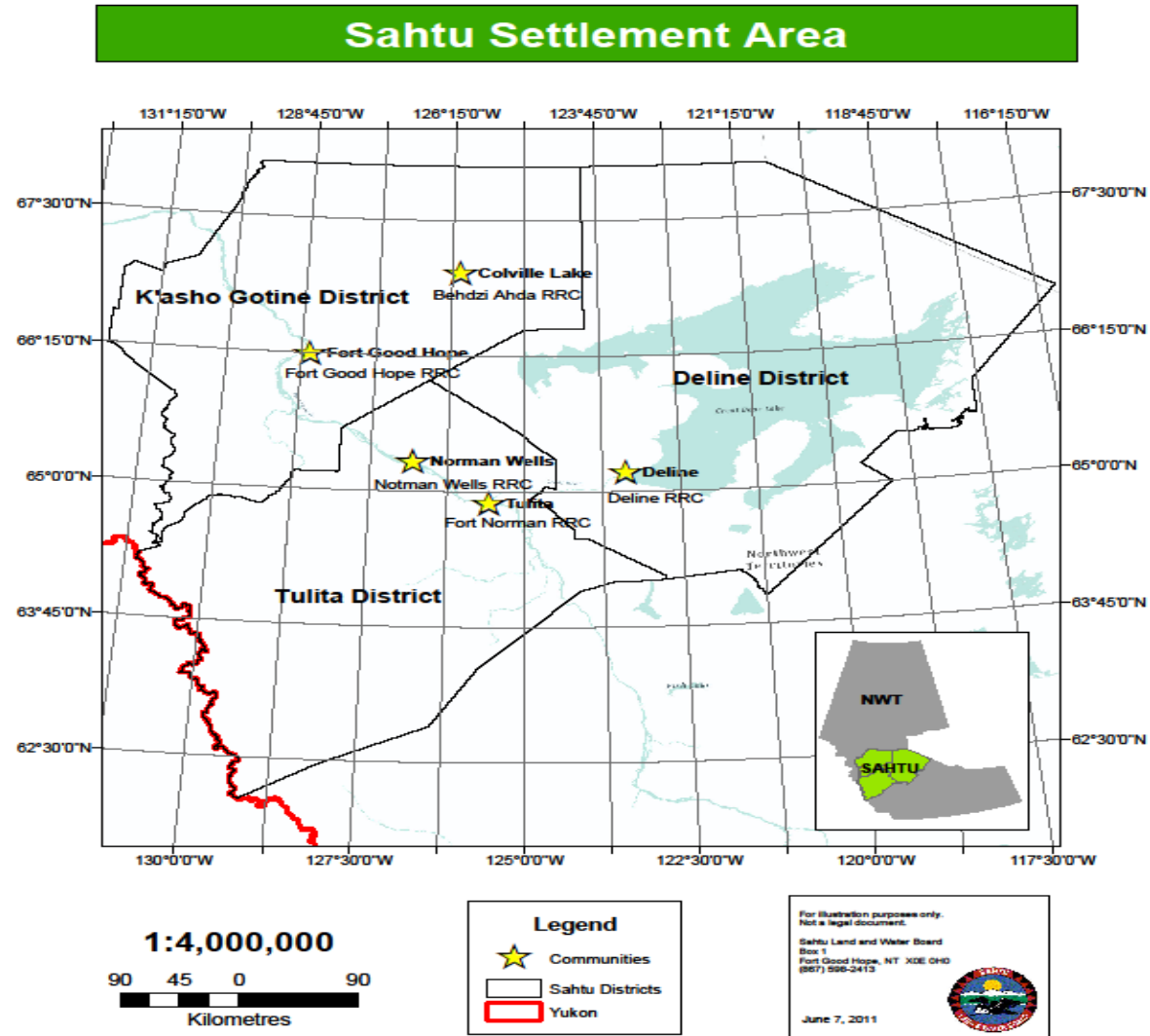
- After the signing and while waiting for Canada and the GNWT to pass legislation bringing the Land Claim Agreement into force under Canadian law:
  - the Sahtu Secretariat Incorporation (“SSI”) was created as a not-for-profit corporation designated to receive and manage the money and resource royalties that Canada was to pay to the Sahtu Tribal Council.
  - SSI established the Sahtu Trust to manage that money and to distribute the income earned from the Trust to seven Financial Corporations representing the Dene and Metis in the five Sahtu communities, when that was possible under the terms of the Trust.
  - the seven Financial Corporations were designated to receive and use the income they received from the Trust on “Permitted Activities” described in Chapter 11 of the Land Claim Agreement.
  - nine Sahtu Land Corporations were also created and designated to hold Sahtu titles to and to manage Sahtu settlement lands.

- The three Land Corporations representing the Dene and Metis of Norman Wells, the Dene of Tulita, and the Metis of Tulita, had incorporated the Tulita District Land Corporation (“TDLC”) and entered into the *Fort Norman/Norman Wells District Land Agreement* agreeing that TDLC would take legal title to the Sahtu settlement lands in the Fort Norman/Tulita District holding that title and managing those Settlement lands in trust for the three local community Land Corporations.
- The three Land Corporations representing the Dene and Metis of Coville Lake, the Dene of Fort Good Hope, and the Metis of Fort Good Hope, had incorporated the K’ahsho Got’ine Lands Corporation (“KGLC”) and entered in a similar agreement with KGLC respecting title and management of the Sahtu settlement lands in the K’ahsho Got’ine District.
- The Land Corporation representing the Dene and Metis of Deline, the only community within the Deline District, would take both legal and beneficial title to the Sahtu Settlement Lands in that District.

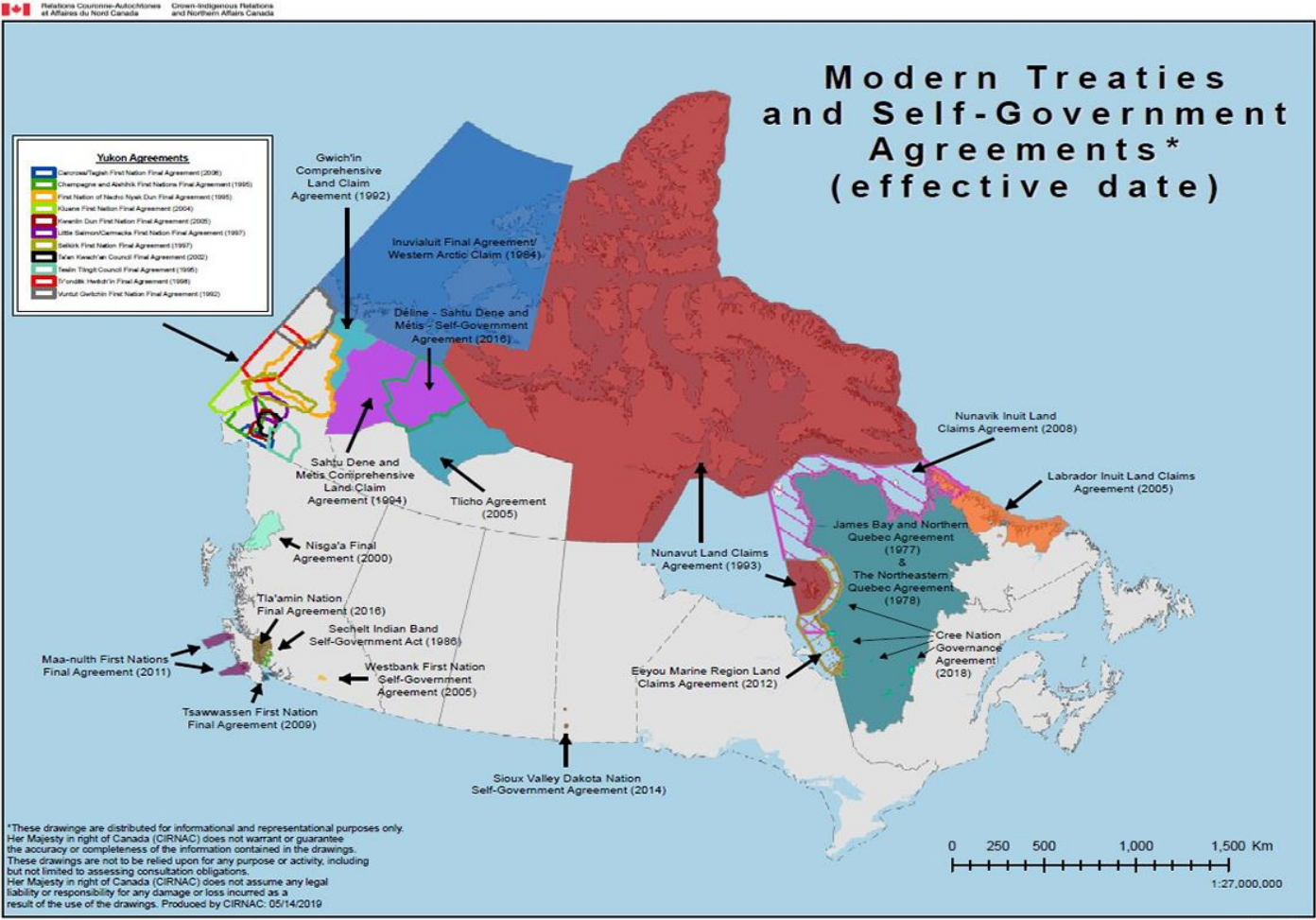
- TDLC, KGLC, and the Deline Land Corporation entered into the Sahtu Master Land Agreement with SSI.
- The Sahtu Master Land Agreement provides that revenues earned from management of the Settlement Lands in all three Districts were payable, less the reasonable expenses of management, to SSI in trust to be distributed among the seven local Land Corporations *pro rata*, according to their proportionate population of all Sahtu Dene and Metis enrolled under the Land Claim Agreement.
- The Land Claim Agreement came into force under Canadian law on June 23, 1994. It is a modern treaty protected under section 35 of the *Constitution Act 1982*.



# Sahtu Master Plan Districts



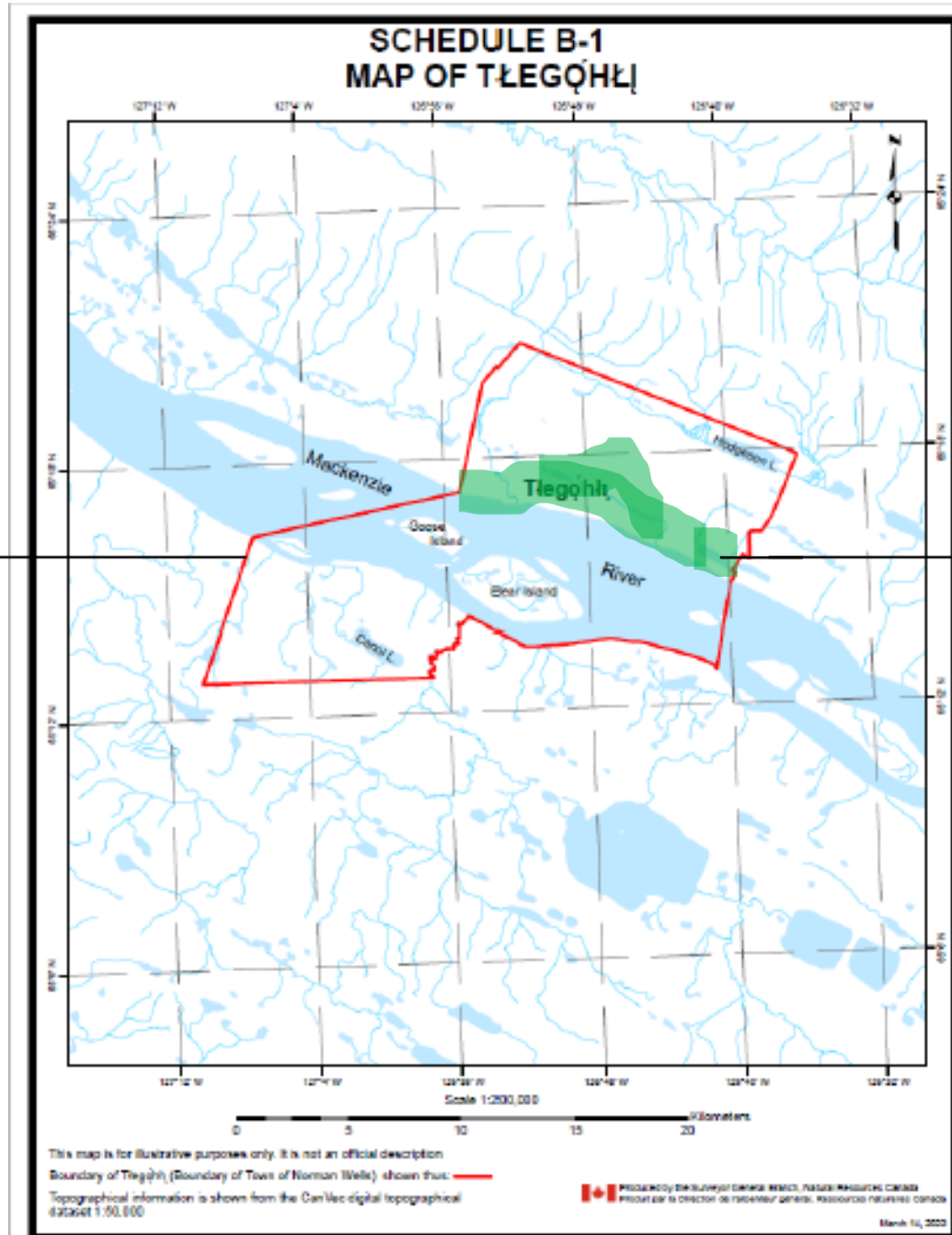
# The Land Claim Agreement and Other Modern Treaties in Canada



# WHERE WE ARE TODAY

- Your Sahtu Financial Corporation is the Norman Wells Financial Corporation.
- Your Sahtu Land Corporation is The Tłegóhłı Got'ıne Government Incorporated, formerly known as the Norman Wells Land Corporation and originally known as the Ernie McDonald Land Corporation (“TGG Inc”).
- Through TGG Inc you have:
  - a seat on the board of SSI, along with the other 6 local community Land Corporations;
  - a trustee on the Sahtu Trust, along with the other 6 local community Land Corporation; and
  - an interest in the Norman Wells Claimant Corporation, a wholly-owned, for-profit corporate subsidiary of TGG Inc; and
- The Norman Wells Financial Corporation, TGG Inc and the Norman Wells Claimant Corporation are all based in Norman Wells, NWT – in Tłegóhłı - the “Place where the Oil Is” – one of the 5 Sahtu communities that share the Sahtu, both historically and under the Land Claim Agreement.

Current corporate boundaries of Town of Norman Wells – as established under the Cities, Towns and Villages Act (NWT)

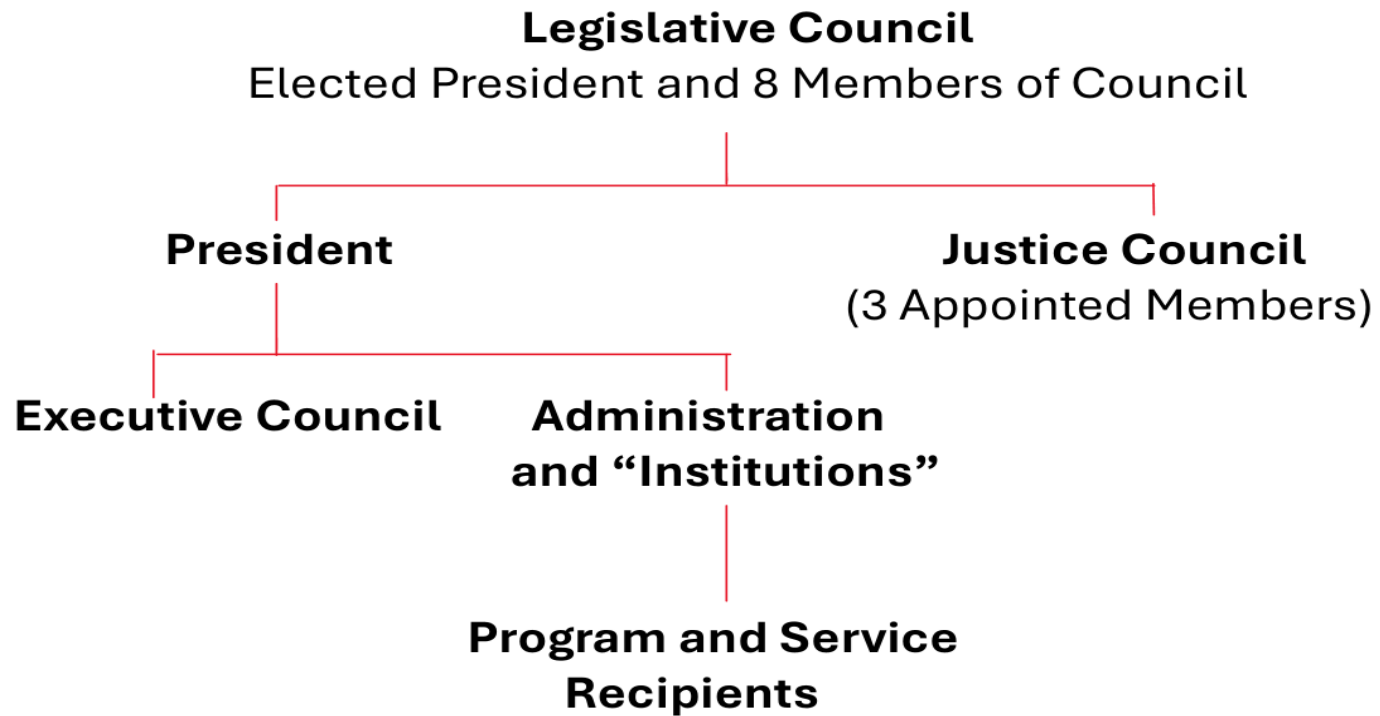


Inhabited or occupied area of the Town

# THE NEXT STEP – SELF-GOVERNMENT

- Not all of your Inherent Rights are protected or exercisable under the Land Claim Agreement.
- Chapter 5 and Schedule B of the Land Claim Agreement recognized that you have an Inherent Right to self-government on a community basis. But what does that mean?
- In 2007, your Land Corporation started these self-government negotiations to answer that question.
- In 2019, your Chief Negotiator and the Chief Negotiators for Canada and GNWT signed a very comprehensive Agreement-in-Principle for the recognition of the Tłegóhłı Got'ıne Government as a government within the constitutional framework of Canada (the AIP).

- The AIP described the structure of the Tłegóhłı Got'ıne Government that would be in place to protect and enforce your Inherent Rights. With the addition of necessary advisors and day-to-day administration, your government would look like this:



- The AIP described the following Jurisdictions which your government could choose to exercise:

- ❖ Elections

- ❖ Citizenship – deciding who will be Tłegóhłı Got’ıneę in the future.

- ❖ Language, Culture and Spirituality

- ❖ Health and Traditional Healing

- ❖ Adult Education

- ❖ Early Childhood Education

- ❖ Grade 1 – Grade 12

- ❖ Adoption

❖ Child and Family Services

❖ Income Support

❖ Social Housing

❖ Marriage

❖ Settlement Lands

❖ Gaming and Gambling

❖ Liquor

❖ Justice

❖ Tax Authority



- The AIP further provided the Tłegóhłı Got'ıne Government with all of the necessary and incidental Authorities both for operating as a government and for exercising those listed Jurisdictions.
- The AIP specifically provided that it does not affect any rights under the Land Claim Agreement. The Land Claim Agreement is paramount. Self-Government cannot change Land Claim rights.
- The AIP also provided that the Tłegóhłı Got'ıne Government would be an “Exclusive Indigenous Government”. It would not take on the government of the Town of Norman Wells. However, if the Tłegóhłı Got'ıne were ever 70% of the population of Norman Wells, your government could trigger transition to a “Public Indigenous Government” and replace the Town government.
- Until that transition, if it is ever triggered by your government, the AIP provided for regular meetings between the Tłegóhłı Got'ıne Government and the Town to ensure that Town policies and bylaws do not adversely affect your Inherent Rights, customs and traditions.

- On November 19, 2024, when the Final Self-Government Agreement for the Tłegóhų Got'jneę (FSGA) was initialed, **none of that had changed.**
- Instead, between signing the AIP and initialing the FSGA, we have:
  - added a Fiscal Relationship Chapter
  - overhauled the Tax Chapter
  - revised the Chapter on Settlement Lands to reflect the fact that the Settlement Lands are shared by all 5 Sahtu communities under the terms of the Land Claim Agreement and the Sahtu Master Land Agreement
  - dropped the use of Core Principles and Objectives (CPO's) which had provided GNWT with oversight over your government's exercise of its social envelope Jurisdictions

- preserved the *Indian Act* section 87 rights for Tłegóhłı Got'ıneę who are also registered as status *Indian*
- overhauled the Chapter dealing with future amendments providing that the FSGA will not be frozen in time and will be treated by Canada and GNWT as an amendable “living document”
- the Jurisdiction over “Liquor” has been expanded to include regulation of “Intoxicants” (cannabis and its products)
- provision was made for Canada and your government to deal with international obligations that may affect your Inherent Rights

- Since 2019 we have also drafted and redrafted an internal Constitution for the Tłegóhłı Got'ıne Government to provide it with binding foundational internal rules to operate by.
- Recognizing that the Tłegóhłı Got'ıne Government has existed and has been passed down to you, in some form or another, from your ancestors, that Constitution provides that:
  - the governance currently exercised for you by the Board of Directors of TGG Inc continues through to the new Legislative Council
  - those powers and those described in the FSGA are to be exercised consistent with Dene customs and traditions and Dene Law without discrimination

- your Legislative Council will reintroduce and implement the two-year staggered election process which you currently use for elections to the Board of Directors of TGG Inc
- while the President must be resident in Norman Wells, half of the other members of the Legislative Council may be non-residents
- your Legislative Council will hold an Annual Assembly in Norman Wells to present financial statements and government reports and to answer questions and hear the Tłegóhłı Got'ıneę
- describes how **you** may approve future amendments to the FSGA
- describes how **you** may amend the Constitution in the future

# RATIFICATION

- ❑ For Self-government to become constitutional protected and effective both the FSGA and the Constitution must be passed by the Tłegóhłı Got'ıneę in a secret ballot referendum.
- ❑ The FSGA provides for a Ratification Committee – two representatives of TGG Inc and one from each of Canada and the GNWT – to oversee ratification vote and to hire an independent Chief Ratification Officer.
- ❑ The Chief Ratification Officer has full authority to conduct and manage the ratification vote, to hire independent deputies and polling officers, to count the ballots and, to report to the result of the ratification vote to the Ratification Committee.
- ❑ The Ratification Vote has been set for March 31, 2025.

- ❑ You may have seen the Notice of Ratification Vote posted in Norman Wells, published in *The Yellowknifer*, and on **the new dedicated website TGGVOTE - [tggvote.ca](http://tggvote.ca)**
- ❑ Because of the mail strike, rather than rely on Canada Post, you should all have also received that Notice and the preliminary voters list by email and the Ratification Committee has been making every effort to have those documents delivered to you.
- ❑ To vote on the FSGA you must be 18 years or older on March 31, 2025 and your name must be on the list of participants enrolled by the Sahtu Enrolment Board with the Sahtu Community of Norman Wells.
- ❑ If your name is not on the list or if you think someone is on the list who should not be on the list, follow the instructions for appealing that are included with the Notice and the preliminary voters list.

# What will I be voting on? Two Things

- **The Final Self-Government Agreement for the Tłegóhłı Got'ıne**
  - Like the Land Claim Agreement it will be a constitutionally protected treaty
  - See the Summary of the Final Self-Government Agreement
  - Can only be amended by agreement between you and Canada and the Government of the Northwest Territories
- **The Tłegóhłı Got'ıne Government Constitution**
  - This is your Self-Government's internal Constitution governing how it will exercise the jurisdictions and authorities set out in the Final Self-Government Agreement
  - You can amend this Constitution without asking or requiring the consent of Canada or the Government of the Northwest Territories

**Both Documents must be Approved by you in the Ratification Vote.**

**50% plus 1 of you must vote and 50% plus 1 of you must vote to approve both documents.**



## Any Questions?

- About the FSGA?
- About the Tłegóhłı Got'ıneę Government Constitution?
- About the ratification process?