

NORTH SLAVE MÉTIS ALLIANCE



NSMA Presentation for TNR Goldcorp Environmental Assessment EA1011-00

- The NSMA and its Rights
- Adequacy of Crown Consultation
- NSMA issues and proposed accommodations

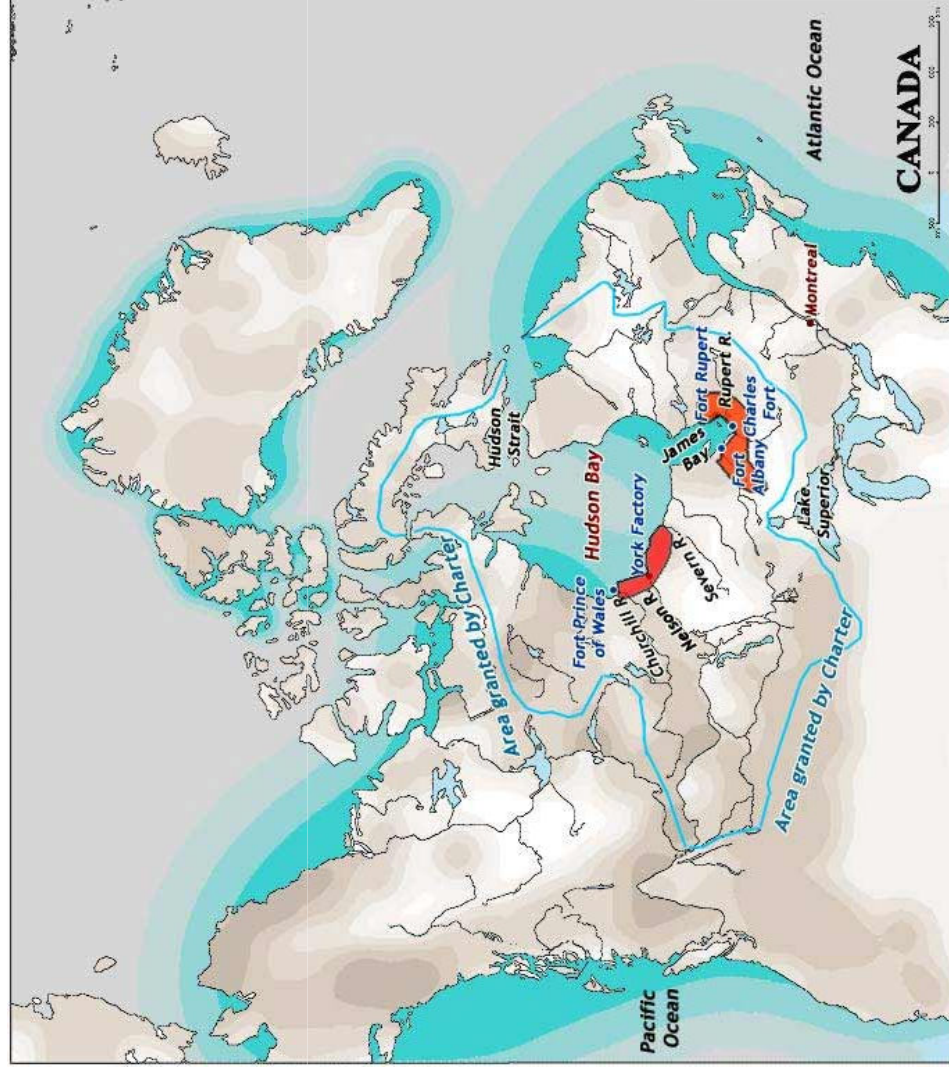


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The traditional territory of the North Slave Métis, referred to as the North Slave area, was not included in the original Hudson's Bay Company charter back in 1670.

There was, however, a well known overland trade route to the interior, including the far northwest, which was used by early couriers de bois and voyageurs.

Sometime around 1700, a number of French immigrants and French “half-breeds” established a community in the North Slave area.

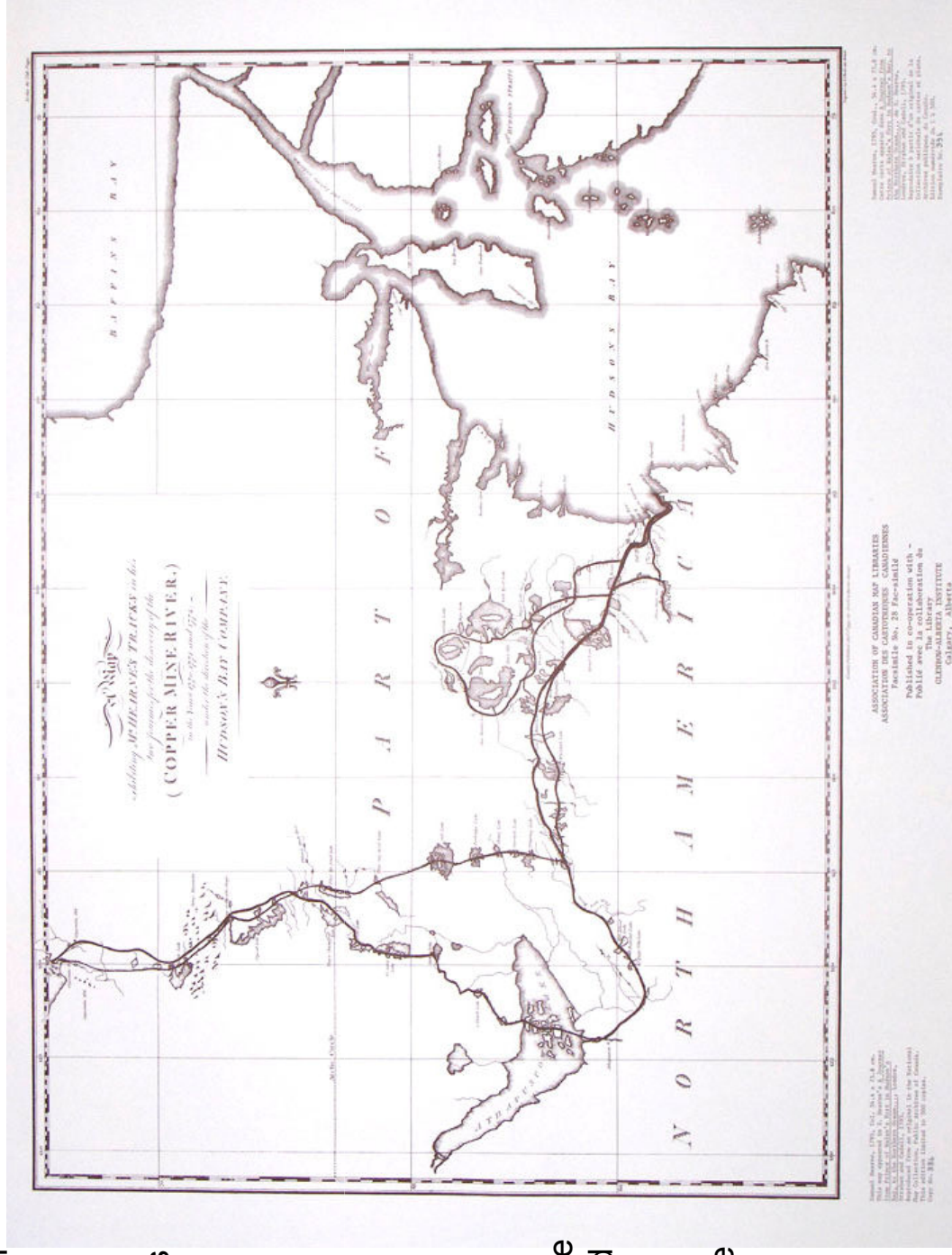




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The map and journals recorded during Samuel Hearne's 1770-1771 journey establish the existence of traditional trails between Hudson's Bay and Great Slave, and could be the same as that traveled by Stewart and Thalanadelthur in 1715.

The NSMA intends to investigate this historic area for evidence supporting the Métis role in Samuel Hearne's and Stewart's adventures, and wants all archaeological evidence of Métis use and occupation to remain intact. It's important to our comprehensive claims process.



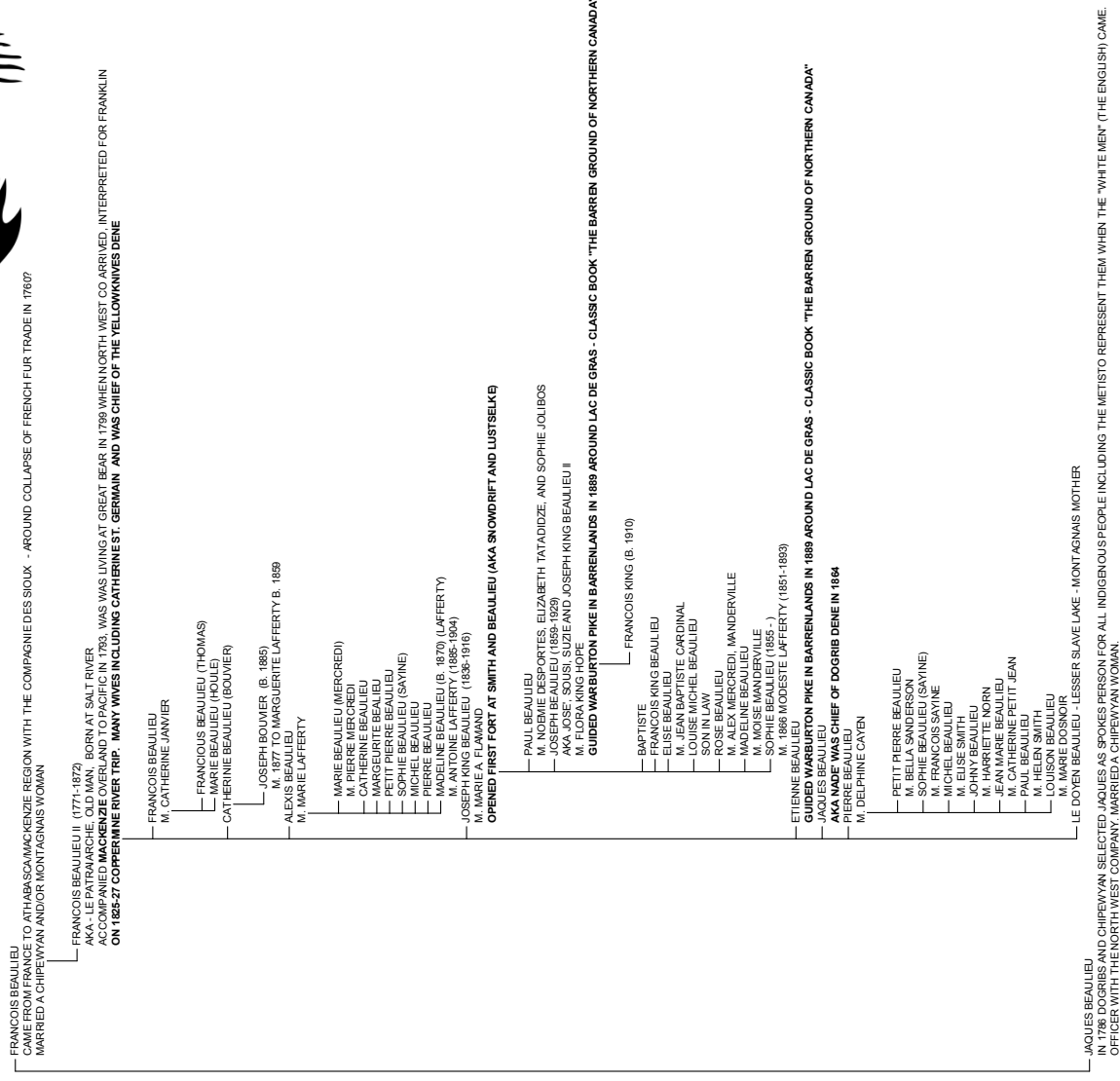


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This partial family tree for two brothers, Francios and Jaques Beaulieu, who were both living in the North Slave area at the time of Samuel Hearns's visit, (the same time as the birth of Francois Beaulieu II at Salt River), includes many "old, respected and even historic Métis names, such as:

ST. GERMAIN; BEAULIEU; JANVIER; THOMAS; HOULE; BOUVIER; LAFFERTY (LAFERTE); MERCREDI; SAYINE; FLAMAND; DESPORTES; TATADIDZE; JOLIBOS; HOPE; CARDINAL; MERCREDI; MANDEVILLE; CAYEN; SANDERSON; SMITH; NORN; PETIT JEAN; DOSNOIR

Many of NSMA's current members can trace their direct lineage to these early Métis. But, that is just one partial family tree and not the whole community.





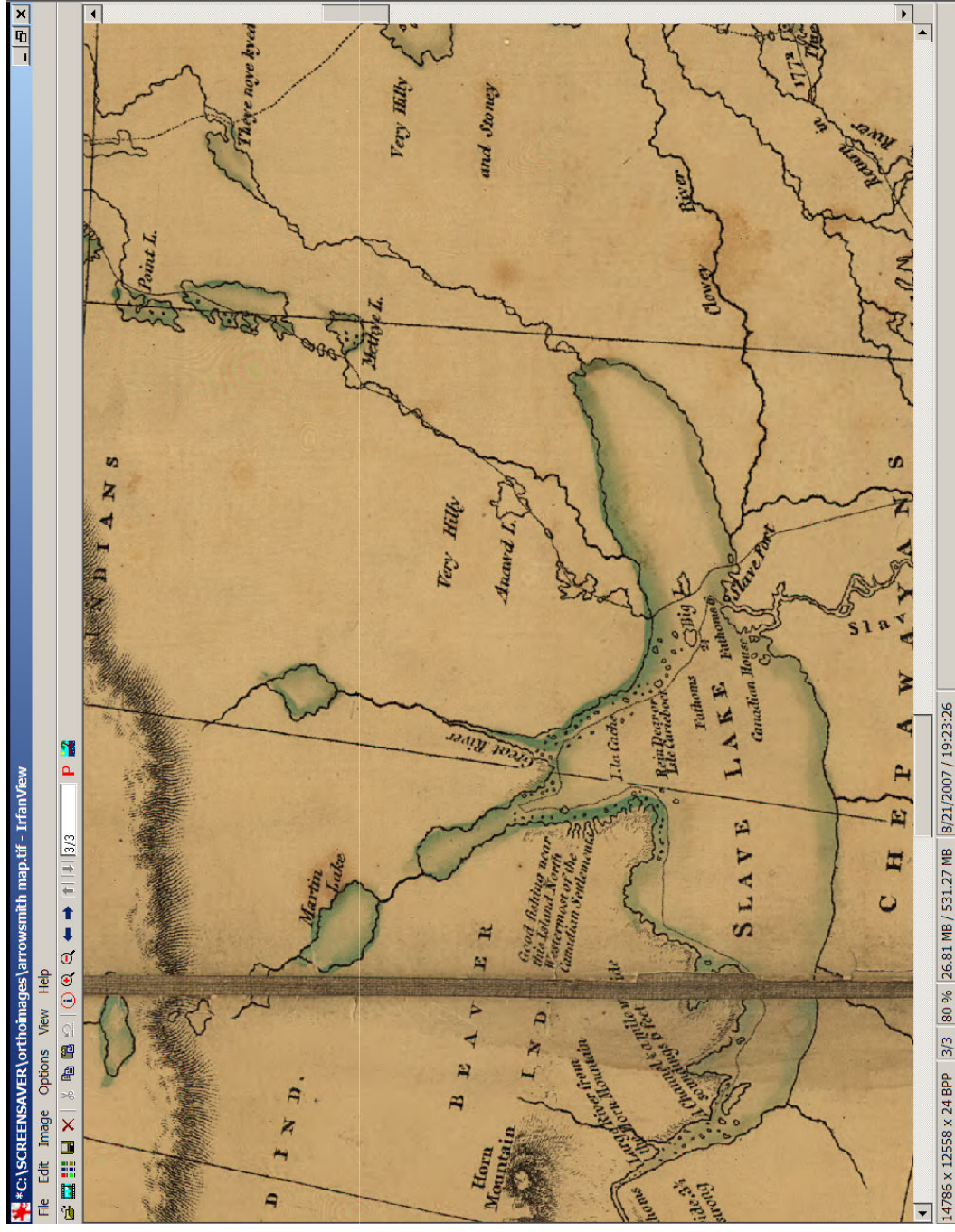
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In 1786, Peter Pond and Laurent Leroux of the North West Company, hired close to 100 Métis, including a dozen **locals**, to build (Old) Fort Providence at the mouth of the Yellowknife River and another Fort at Lac La Martre. However, (Old) Fort Providence may not have been the first fort constructed.

Alexander Mackenzie, in his 1789 journal, mentions the remains of the old fort on Old Fort Island and Mountain Island (both in the North Arm).

The journals of Philip Turnor^[4], and the map produced by Aaron Arrowsmith^[5] both indicate that there were “Canadian Settlements” on Great Slave Lake prior to the 1790’s.

The NSMA is very interested in expanding its research into the earliest Métis of this area.





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The writings of Father Emille Petitot (1890), explorer Alexander Mackenzie (1793), explorer John Franklin (1819), and explorer Warburton Pike (1892) all mention the Métis and their important roles in the development of the far northwest of what is now called Canada. There are many more sources to examine in more detail.





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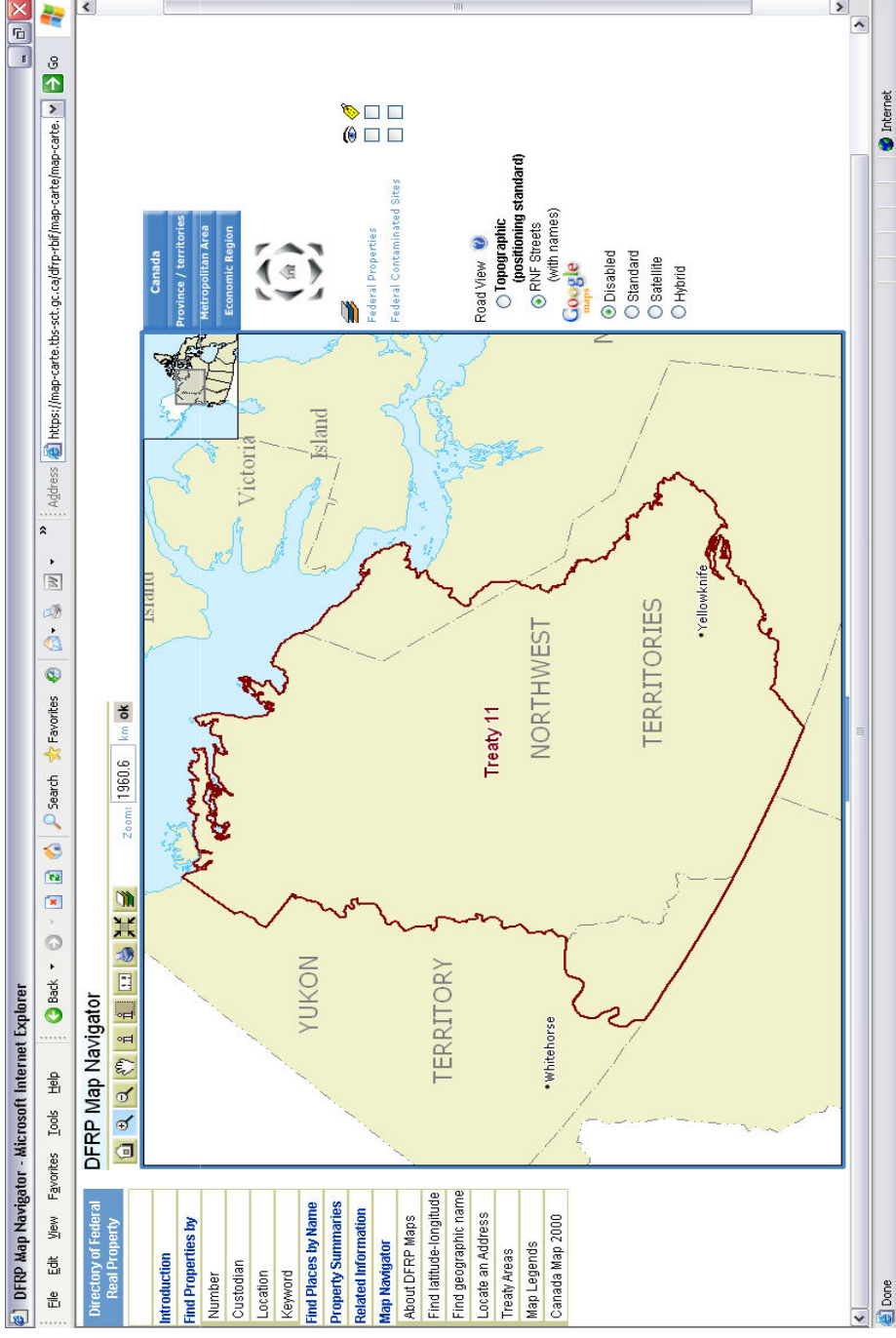
In the early part of the 19th century, “half-breeds” in the far northwest were recognized for their unique language, spirituality, cultural practices, (including fiddling and jigging as opposed to drum dancing), besides their genetic background and appearances. By the mid to late 1800’s the term Métis was in common use. Francois Beaulieu, and Treaty Commissioner Conroy both used the term Métis in reference to indigenous North Slave Métis individuals and communities.

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Four “chiefs” (including Grand Chief Monfwi or Murphy) and three “counsellors” “took treaty”, at Fort Rae on the 22 of August 1921. We believe the three Counsellors were Métis. **The North Slave Métis have Treaty Rights to “live as formerly”, throughout their traditional territory.**

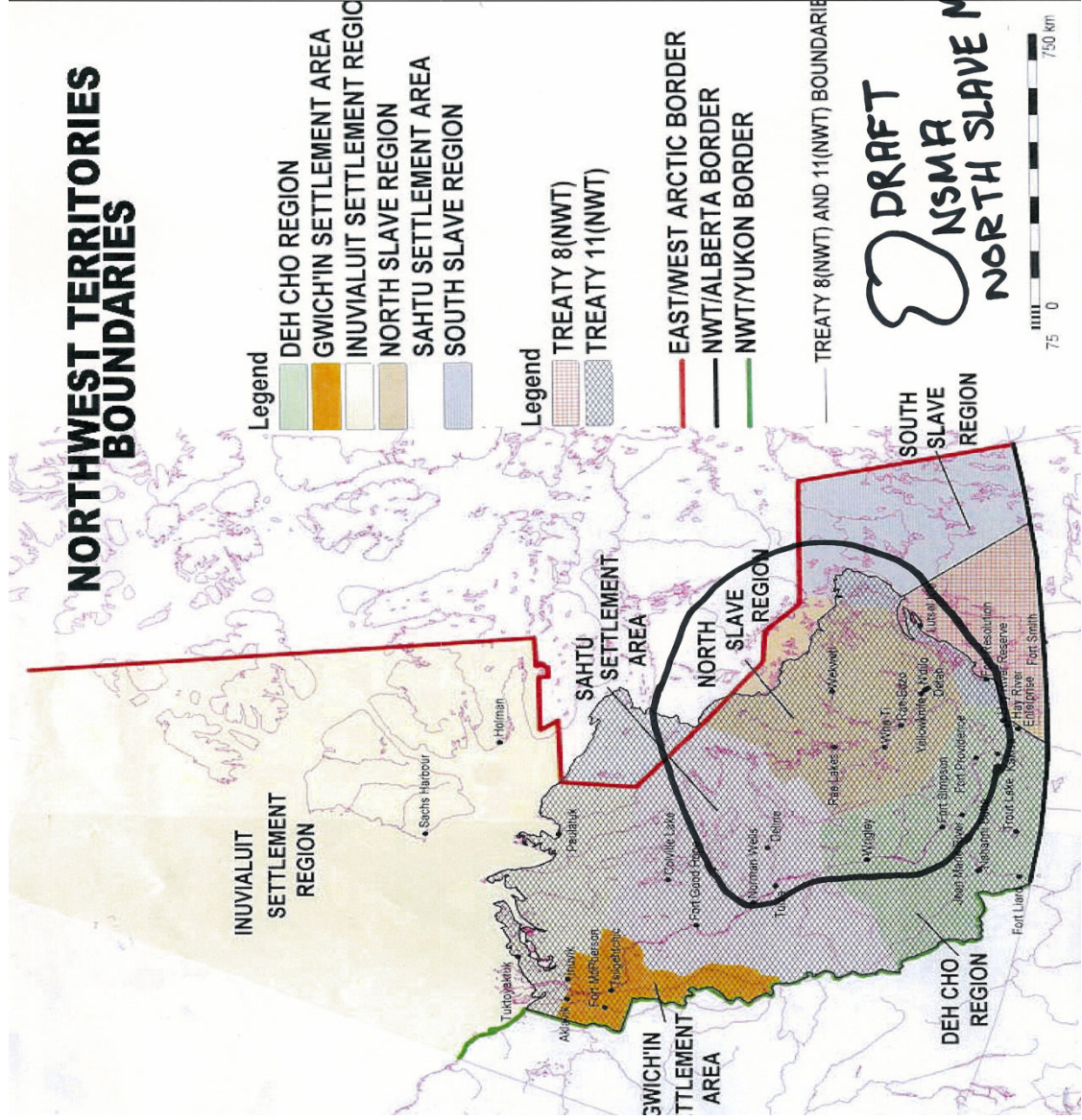
A possible Interpretation of Historical Documents Is that Josue Beaulieu Represented The Métis of Lac la Martre, Old Man Germain Represented the Métis of the Barren Lands and Suzie the Old Prophet Represented the Yellowknife Area Métis.



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NORTHWEST TERRITORIES BOUNDARIES



The territory outlined by Chief Monfwi at the signing of Treaty 11 at Fort Rae on August 22, 1921, went from Fort Providence up the Mackenzie River to Great Bear Lake, across to Contwoyto Lake, Aylmer river, Artillery Lake, Snowdrift, and back to Fort Providence along the bottom of Great Slave Lake. Subject to the results of further research, this boundary is possibly the description of the North Slave Métis territory which might be used for land claim purposes. A detailed map is not yet produced.

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- ∞ The North Slave Métis have internationally recognized Indigenous Rights, including the rights of:
 - ∞ self-determination
 - ∞ free and informed consent prior to the approval of any project affecting their lands, territories and other resources.
 - ∞ technical and financial assistance from states
- ∞ The North Slave Métis have Canadian Constitutionally Protected Section 35 Aboriginal Rights, including titles to lands and resources in their traditional territory by virtue of the fact that they were here, as a distinct and recognized community, before the effective imposition of European control (and, arguably, before the Royal Proclamation of 1763).
- ∞ The North Slave Métis have Treaty Rights to “live as formerly”, throughout their traditional territory, which extends (at least) from Great Bear Lake to Great Slave Lake, and from the Mackenzie River to the barrenlands. These Rights are also protected by S. 35 of the Canadian Constitution.
- ∞ Infringement of Aboriginal and Treaty Rights cannot be justified without adequate Crown Consultation and Accommodation.
- ∞ The Crown is responsible for ensuring First Nations have the capacity to participate in regulatory regime, if relying on that participation to fulfil the Duty to Consult.

The Inalienable Right of Self Determination

The United Nations General Assembly Resolution 1514 (XV) of December 14, 1960 has formed the cornerstone of what may be called the new UN law of self determination. The Declaration of the Granting of Independence to Colonial Countries and Peoples states that "(all) peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development."

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 on 13 September 2007
Canada (finally) signed this Declaration, November 12, 2010

The Declaration includes the right of indigenous peoples to:

- determine and develop priorities and strategies for the development or use of their lands, territories and other resources (Article 26),
- the right to require that States obtain their **free and informed consent** prior to the approval of any project affecting their lands, territories and other resources (Article 30).

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 on 13 September 2007

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 - 13 September 2007

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 - 13 September 2007

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 - 13 September 2007

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

United Nations Declaration on Rights of Indigenous Peoples

General Assembly Resolution 61/295 - 13 September 2007

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.



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- The NSMA has not had the time or resources to review all the information on the public registry.
- The NSMA has not had an opportunity to prepare or present its views.

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- The NSMA traditionally practices consensus decision making, and at the very least requires a democratic process.
- Resources are needed to educate the members, to engage independent expertise to review information, and to perform the activities required to build and state the community consensus views.



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Issues that NSMA raised, during scoping, include:

- ∞ Possibly significant impacts to NSMA's Aboriginal and Treaty Rights (ie: self-determination, land and resource property rights, environmental protection and productivity rights, cultural and heritage resource protection rights, etc.)
- ∞ The need for adequate time, information and resources to conduct a proper Human Rights Impact Assessment.



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Additional concerns noted as a result of community information sessions:

- Barge and/or ice road access will create project specific impacts, and cumulative impacts with Avalon and other activities in the area.
- There are numerous Heritage (not necessarily archaeological) sites of significance to NSMA members in the area, including a traditional Métis harvesting trail used when guiding Warburton Pike.
- The chemical composition of drilling mud – bentonite and polymers – might have effects on aquatic and terrestrial ecology and on soil and water quality – surface and/or subsurface.
- There are already contaminated sites in the area which can be disturbed to release contaminants, or can cause a liability issue.
- Waste incineration – training for operators – potential release of Dioxins and Furans.
- Interference with fish and wildlife use of habitat, and Métis harvesting.



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Recommended mitigations (accommodations):

- ∞ TNR should enter into good faith negotiations with the NSMA to develop and sign an Exploration Agreement.
- ∞ TNR should host at least three NSMA representatives to a snow free site visit with a mutually agreeable archaeologist, after NSMA reviews and contributes to the pre-field studies. TNR should provide resources for NSMA to conduct Traditional Knowledge interviews with its members, to review archival materials, and to produce relevant data and maps.
- ∞ TNR should notify the NSMA of all employment, contracting or provisioning opportunities, with appropriate and relevant details (hours, dates, remuneration, qualifications, contact person), a month in advance of hiring or contracting.
- ∞ TNR should consult with the NSMA to determine whether any camp facilities should be left in place after completion of the land use activity for NSMA members use.
- ∞ The Board should commission a Cumulative Impacts Assessment of air, barge, and ice road traffic on fish, wildlife, vegetation and aboriginal land use and occupation.
- ∞ The Board should commission a Human Rights Impact Assessment of the socio-economic and heritage impacts which would quantify the appropriate rents and compensation owed.
- ∞ TNR should be required to have a properly trained and experienced waste manager on site, to look after incineration, sewerage, and hazardous materials.



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All questions and comments may be directed to:

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