

UNDERSTANDING OUR TREATIES

START NEGOTIATING

Every day we negotiate at home with our family, in school with our friends and teachers, or at work with our colleagues.

There are even times when we negotiate at gatherings with fellow community members or our leadership.

Negotiation is an important part of our lives, especially when it comes to modern treaties.



What is a negotiation?

Basically, it is a discussion between people who are trying to reach an agreement. Now let's bring it into the context of Modern Treaties. The negotiation of modern treaties determines relationships between Canada and Indigenous groups in this country.

For many Indigenous groups, negotiation is an important part of their history and their current reality. Many Indigenous communities and organizations are in negotiations or are preparing to negotiate on important issues. These issues might include land claims and self-governance, fiscal arrangements, natural resources, co-management agreements, and business partnerships – just to name a few.

Why do we negotiate?

Imagine an Indigenous group wants to develop a modern treaty. They may be considering rights in terms of land, governance, economic development, harvesting, conservation, and the list goes on. To determine those rights, the Indigenous group, the federal government, and the provincial or territorial government must come to an agreement.

The parties involved often have different perspectives and priorities, so coming to an agreement is not an easy task. Negotiations are what get them to a finalized modern treaty.

What goes on in negotiations around Modern Treaties?

Negotiations usually take place in a closed room with tables and chairs. Each party at the table will have a few negotiators and a lead negotiator. They are formal meetings that are closed to the public.

At a negotiating table it's pretty much all talk...



Some days it's really boring, some days it's really animated, some days it gets heated to the point where people are yelling and you feel your chest pounding, and you all have to agree to just take a ten-minute break. Because the people you're sitting with represent governments, and they're people, and they can be good people and you can like them, but you still end up getting upset or angry sometimes with the position they bring to the table.

The way Canada and Canadian governments—provincial and territorial—organize these negotiations is to take everything and put it into little boxes, and they usually call these 'subject matters.' A subject matter is a thing like education, taxation, housing, local services, and each of these subject matters will be a chapter in the agreement.

Before every negotiating session, the chief negotiators will all email around with our teams and to each other, and we'll agree on an agenda. A lot of times that agenda will include the different subject matters that we're discussing at the upcoming negotiation. What happens day to day at a negotiating session really depends on that agenda. Depending on what the actual subject matter is, it's going to impact the nature of the discussions on that particular day at that particular negotiating session.

DANIEL T'SELEIE

Negotiator, K'ahsho Got'ine Self-Government Negotiations, Fort Good Hope, Northwest Territories

Negotiations are often compared to flying an airplane; there are hours of boredom broken by moments of sheer terror.

As you will see in the Treaty 103 materials, treaty negotiations take a long time, sometimes decades. Negotiations require patience and preparation. Negotiators work long hours, and for many years. They spend 80 to 90 percent of their time learning more about their party's interests and limitations. Negotiators from the Indigenous groups also spend time with their leadership and community to understand their needs.

You will get lots of practice negotiating during the Treaty Simulation. How will you prepare? We have some ideas for you, but first, we will hear from Danny Gaudet, Chief Negotiator for the Délı̨nę Agreement. The Great Bear Lake community of Délı̨nę is located in the Northwest Territories. It is the first self-governed community in Canada.



When we all started, how do you negotiate? You learned as fast as you can. We didn't have cell phones and Google at the time, so you talk to the Elders. They encourage you, they support you, they advise you. And so, that was basically your google - your Elders provided you all the information. Then we had lawyers that supported us along the way, and very good staff. It would have been a lot easier if we knew how to negotiate on day one!

DANNY GAUDET

Citizen of Délı̨nę First Nation, Northwest Territories
Negotiator, Délı̨nę Agreement

SO HOW CAN YOU PREPARE FOR NEGOTIATING AT THE TREATY SIMULATION? HERE ARE SOME TIPS...

My advice, three pieces of advice: first, prepare, prepare, prepare; know your stuff. Be creative; you know that you can't straightjacket, there's no perfect solution. Manage your team. By that I mean, listen to all of your team, be respectful of all their views and perspectives. Try to incorporate their perspective into a position that you are going to articulate.

DAVE JOE

Citizen of Champagne
Aishihik First Nations, Yukon
Negotiator, Yukon Umbrella
Final Agreement

- At the Treaty Simulation, you will receive a mandate from your leadership or community. Take the time to understand their long-term goals and the vision, values and principles behind them. Develop a strategy for how you will achieve the goals.
- Get to know your team. What skills does everyone bring to the table? What roles will everyone play? Are there any gaps in your team? How will you communicate? Does everyone understand the goals in the same way?
- Do some research and learn all you can about the other party and their top issues. This preparation will help you develop negotiation strategies. Think about the other party's priorities. Where do you think they will compromise, and where will they refuse to budge?

