



GUIDING PRINCIPLES TOWARDS
BEST PRACTICES CODES
FOR MINERAL INTERESTS
WITHIN
FIRST NATION OF NA-CHO NYAK DUN
TRADITIONAL TERRITORY

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Guiding Principles towards Best Practices Code for Mineral Interests

This Best Practices Code has been prepared for mineral exploration and mining companies who are planning activities on lands within the area traditionally occupied by the First Nation of Na-Cho Nyak Dun (NNDFN). This document provides proponents with guiding principles of how NNDFN will give life to the rights and interests gained through land claim settlement with respect to the management of activities within NNDFN Traditional Territory.

Today, Yukon First Nations are becoming more involved with industry development in many capacities- from becoming partners in mining operations to creating new companies that service the industry. We are in the process of establishing regulatory regimes, which reflect our own priorities. We are willing to have the resources of our land developed, but we also want a fair share of the benefits through development that is conducted in a sustainable manner by preserving and protecting the natural environment for future generations.

Many resource developments have a traditional knowledge component to it, where corporations are listening and actively seeking advice from First Nation people because the elders encompass all the old teachings and knowledge of the land. By combining traditional knowledge with knowledge accumulated through modern science and technology, we can create agreements where we can manage the human impacts on the land so that mother earth will not be harmed.

These guiding principles or good practice codes reflect our commitment to building and sustaining positive and long-term relationship between First Nation of Na Cho Nyak Dun, community councils, the Yukon Government and the mineral industry. The ultimate goal of this initiative is the well being of our community and industry.

It is our belief that these guiding principles will create an opportunity to establish a balance between community, environment and industry needs. Right from initial consultations, we hope that all interested parties will benefit from equal-opportunity involvement in communication, decision-making and creation of new opportunities for sustainable growth and human development.

Companies will come and go away, but our nation is here interminably and we feel it is our responsibility to sustainably manage the lands for future generations. We must, out of necessity and respect for our resources, proceed with care and diligence.

The First Nation of Na-Cho Nyak Dun invites explorationists and mining companies to follow these guiding principles for Best Practices Code which has been developed to create a working relationship for our mutual success and respect for proposed activities within the First Nation of Na-Cho Nyak Dun Traditional Territory.

Let it be known that this is a 'living' document. **As living documents:** The document's meaning is continually evolving to meet changing cultural beliefs, practices, and knowledge.

Introduction to First Nation of Na-Cho Nyak Dun

Within the heart of the Yukon- extending over Taiga Plains, Taiga Cordillera, and Boreal Cordillera, the NNDFN Traditional Territory is a 162,456.75 square kilometer area including 131,599.53 square kilometers in Yukon and 30,857.22 square kilometers in Northwest Territory. Since time immemorial, the NNDFN people have occupied land throughout the traditional territory. A map showing the First Nation of Na-Cho Nyak Dun Land Base is provided in Appendix 1.

The First Nation of Na-Cho Nyak Dun were nomadic people, alternating camps and cabins spread across the traditional territory depending on the season and availability of the rich supply of game animal, fish, birds, and vegetation. The NNDFN ancestors gathered and preserved their food sources mainly in the spring, summer and fall to ensure that there was enough food to hold everyone through the winter. Today, their descendants have homes in the communities of Mayo and Stewart Crossing. NNDFN citizens also reside outside the Traditional Territory, including a significant number residing in Whitehorse.

NNDFN Citizens have the right to harvest fish, wildlife and plant species throughout their traditional territory year-round in accordance with First Nation rights and NNDFN laws. Project proponents should be prepared to encounter harvesters in all seasons throughout the traditional territory. Many harvesting sites leave very little evidence on the ground but form an important link in the practice of traditional activities.

The First Nation people have a different approach to the land than most Canadians. The concept of ownership was a foreign concept for our culture. We, as First Nation people, have been entrusted stewardship- the careful and responsible management of the land by the Creator. All natural resources were here to be used by all people.

However, we have had to adapt and change our perception of land use somewhat in the face of 'European colonization'. In the past, governments in Ottawa and Whitehorse have negotiated with mining companies. We have had little or no say in the process of development. However, there have been many changes in the past several years and now, we are in control of our own government.

Government

The Yukon First Nation Final Agreements comprise the actual legal agreements made by the three parties, the Federal Government, the Government of the Yukon, and the individual First Nation. The Final Agreements designate settlement lands, and deal with matters of economy, wildlife, land and resource management, and other matters such as heritage. The NNDFN Final Agreement and Self-Government Agreement came into effect February 14, 1995.

The First Nation of Na-Cho Nyak Dun practices a Consensus/Democratic form of government that provides a high degree of accountability to its Citizens.

The foundation of NNDFN government is the General Assembly (GA), which is held annually. The GA provides general mandates and policies from the Citizens to the Chief and Council and a forum for Government to report to its Citizens on the work conducted throughout the year. At the GA, all attending Citizens over the age of sixteen are given the opportunity to voice their opinions or concerns and vote on resolutions. Motions are passed by consensus or majority vote.

The Chief and Council are mandated through the First Nation of Na-Cho Nyak Dun Constitution and their authority includes passing legislation and entering into contracts. The Chief and Council are given annual direction through the GA and in turn, provide strategic direction to the Administration. The names of the present Chief and Council are available on the NNDFN website at www.nndfn.com.

The NNDFN Administration carries out the day-to-day operations of NNDFN Government. The staff of the Lands & Resources Department provides for the management of NNDFN lands including: the permitting processes as established through NNDFN laws; management and stewardship of resources throughout the traditional territory; provision of programs and services to Citizens; and, the fulfillment of obligations established through the NND Final Agreement.

Heritage Interests

First Nation Heritage Sites, including archeological, burial and other sites, are located throughout the Traditional Territory. While considerable documentation exists on special places like these, it is important to realize that not all existing sites have been identified; and therefore, heritage inventories of both NNDFN and Yukon Government are incomplete. The absence of registered sites in an area does not mean there is a lack of heritage concerns within that area.

Furthermore, heritage resources are distinct from other resources in that they are not renewable. If a heritage resource is inadvertently impacted, it cannot be restored or replaced. Since NNDFN is known as being a traditionally oral culture, much is gained by experiencing these old sites. The information and knowledge inherent to the site is lost to the NNDFN people forever once it has been disturbed. For this reason, NNDFN needs all available opportunities to assess areas of planned activity for potential heritage impact. In addition, NNDFN are grateful for the cooperation of proponents advising of their areas of activity as the project evolves.

Shared Land Interests

Yukon First Nation people have always had a system for taking care of their land. Following the settlement of land claims, this tradition continues in a modified form, which integrates contemporary systems of land management. The land claim agreements require First Nations to formalize the sharing of management powers in the areas of overlapping interests. NNDFN works to

maintain positive open working relations with other First Nations having mutual areas of interest including Selkirk First Nation, Little Salmon/Carmacks First Nation, Tr'ondek Hwech'in First Nation, Vuntut Gwitchin First Nation, Kaska First Nation, Tetlit Gwich'in First Nation, and NWT First Nations.

Our Goals and Objectives

The goal of this initiative of Best Practices Code is to ensure long term relationship built on a basis of mutual trust, respect and understanding regarding our rights, culture, values, and traditions.

The involved parties must recognize the importance of developing guiding principles related to the following objectives:

1. Keeping the commitment strong
2. Information Sharing
3. Open consultation
4. Creating opportunities and building capacities
5. Protecting environmental integrity
6. Policy review and development

1) Keeping the commitment strong

The parties are committed to work together to achieve environmentally sound and socially responsible economic development. The parties will demonstrate a willingness to work responsibly towards sustainable development within the context of socio-economic realities.

2) Information sharing

The parties recognize that access to and sharing of information is a key to the environmentally sound development and management of Yukon mineral resources. The parties will ensure effective decision-making through the impartial sharing of accessible and accurate information in a timely manner. It is recognized that some information may be subject to confidentiality and intellectual property considerations under the First Nation of Na-Cho Nyak Dun Traditional Knowledge Policy.

3) Open consultation

The parties will work together to establish appropriate cooperative agreements, which encourage and provide the opportunity for consultation and meaningful participation in the decision-making process. The parties will endeavor to ensure due process, notification and appropriate and timely participation in the matters of government and corporate policy and program development and decision-making.

4) Creating opportunities and building capacities

The parties are committed to ensure that all NND citizens continue to receive the benefits derived from its mineral endowment. The parties are committed to work together to create opportunities that provide greater control and self-reliance for First Nation individuals, families and community. Through improved communication, the parties can build a better relationship that will ensure greater community participation in the development of employment, business, and land management opportunities.

The initiative aims to build a positive business climate that reduces uncertainty, while attracting industry investment that fosters exploration and development, as well as, maintaining community and cultural well being of all parties involved.

5) Protecting environmental integrity

The parties are committed to protect and maintain environmental integrity and minimize impacts on the environment. This initiative acknowledges that traditional culture is linked to nature and its strength is drawn from that relationship. It is further acknowledged that stewardship of the land and its resources is an integral part of culture and community well being.

6) Policy review and development

All parties recognize that in order to implement these objectives, there must be a commitment to work together to reduce possible barriers that often prevent all parties from reaping the full benefits that industry has to offer. This may include the development of cooperative agreements to a specific party to modify, amend or strengthen existing policies where necessary.

Our common vision for the future...

- A skilled workforce through training and transfer knowledge
- Healthy and self-reliant community with the capacities and knowledge to partner and participate in decision-making process
- Sustainable employment and business development opportunities
- Recognition and mitigation of the potential social, environmental and cultural impacts of mining on community and people
- Better prospects for our Youth
- Mutual First Nation and industry understanding

This pamphlet was prepared by using the information from a number of sources and case studies.

- 1) CAMA - Canadian Aboriginal Minerals Association (www.aboriginalminerals.com)
- Non-profit organization, which seeks to increase the understanding of the minerals industry and Aboriginal community's respective interests in lands and resources. CAMA acts as an instrument for the advancement of Aboriginal community economic development, mineral resource management and environmental protection
- 2) The Manitoba Minerals Guideline: Guiding principles for Success between the First Nations, Metis Nation, Northern Community Council, the Mineral Industry and the province of Manitoba. This process was initiated by the Province of Manitoba-Dept. of Energy and Mines to bring together the representatives and begin a relationship building process.
- 3) Some of the principles are adopted from presentation on Mineral Exploration and Development in Nunuvut and the Canadian North (1993)
- 4) Some of the principles are adopted from Champagne and Aishihik First Nations Best Practices Code for Mineral Interests on Non-Settlement Land (2007)
- 5) Local information regarding the history of Na Cho Nyak Dun and mining is from the book Gold and Galena by the Mayo Historical Society

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