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UNFINISHED BUSINESS

A Learning Unit on Aboriginal Rights

From a Dene Perspective

STUDENT TEXT

prepared by
Aggie Brockman
for the
Dene Cultural Institute
March, 1989

LEGISLATIVE
YELLOWKNIFE, BRARY
- N.W.T.

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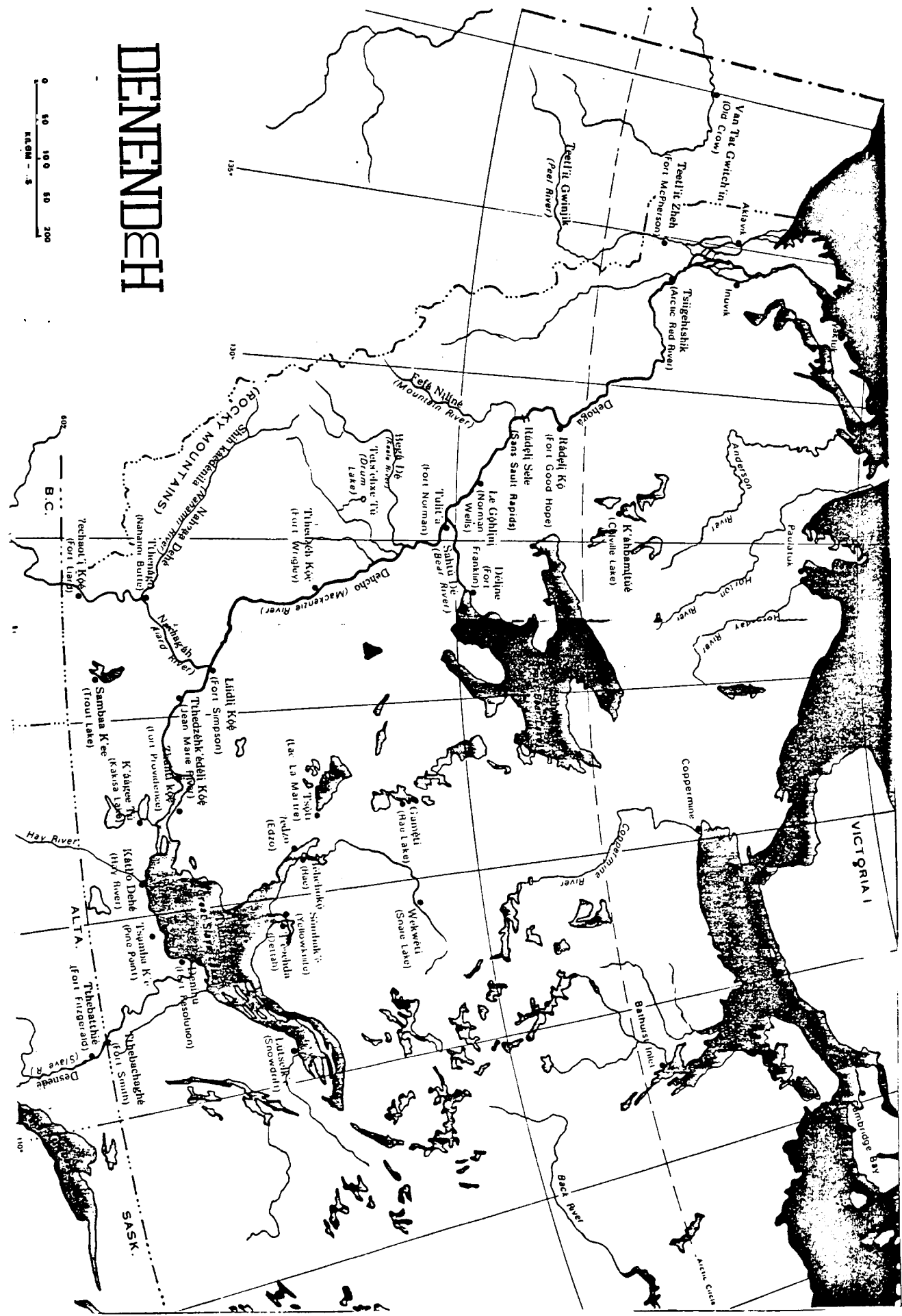
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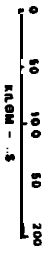
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DENENDEH



B.C.

ALTA.

SASK.

VICTORIA I

Cambridge Bay

Arctic Circle

Introduction

Canada is made up of many cultures and peoples. It is government policy to accept, respect, and even encourage differences among peoples. We are a multicultural nation.

Approximately 97 percent of Canadians have their roots in other cultures from around the world. That is why Canada is considered a country of immigrants. Most Canadians or their ancestors came to Canada from Europe. Many Canadians and their families have been in Canada so long they no longer think of themselves as anything but Canadian. Many others think of themselves as French Canadians, or Chinese Canadians or Ukrainian Canadians, and so on.

When people come to live in a different nation they generally expect to live within the laws and the society that is already established. To receive citizenship in Canada, immigrants enter into a type of contract with their new country. The relationship between immigrants and the rest of Canada is a clear and a mutually agreed to arrangement.

The relationship between the Dene and the rest of Canada is different. There has never been a mutual agreement on what the relationship should be between Canada and the aboriginal people who had already occupied this land for thousands of years before the first Europeans came here.

Canada has acknowledged that this unresolved relationship is unfinished business between it and the aboriginal nations. Aboriginal rights were recognized in the Canadian Constitution in 1982. The Canadian government is negotiating land claims with the Dene/Metis and Inuit of the Northwest Territories and other aboriginal peoples in Canada. A land claims agreement has already been settled with the Inuvialuit of the Western Arctic. Attempts are being made to negotiate aboriginal self-government arrangements across Canada.

This learning unit will explain why aboriginal rights issues are being given so much attention in Canada and what these issues are all about. This learning unit has been prepared from a Dene perspective, although the issues are common to aboriginal people around the world.

Dene are the descendants of the original peoples who lived in the Mackenzie Valley, around Great Bear and Great Slave Lakes, areas above the treeline, parts of the Yukon, and lands in northern areas of what are now British Columbia, Alberta and Saskatchewan.

This learning unit will help you:

- * **Assess** the past and current relationship between the Dene and Canadian society
- * Understand **why** the Dene want to maintain a distinct identity and culture
- * Explain **why** aboriginal rights exist and **what** they are
- * Examine your **own** attitudes and opinions about aboriginal rights and their importance
- * Examine the land claims negotiation process and the interests of the people involved
- * Evaluate the options for aboriginal self-government in Denendeh.

This learning unit **is** intended to enable you to actively and responsibly participate in public discussion and decision-making on this issue.

Chapter 1.

The Evolving Relationship

How has the relationship between the Dene and the rest of Canadian society evolved? What are the forces or events which caused changes in the relationship? Who initiated these? Why?

"The view of history held today by most non-Indian Canadians and the perspective held by most Indian people are almost mirror images. Indian people consider the 'discoverers' and 'explorers' to have been intruders in a land already well known to the nations that inhabited it. Indian people know their nations to have been productive, cultured, spiritual, intelligent civilizations comparable to those in Europe at the time of first contact. But they are portrayed instead as savages and pagans, unknowing of religion and needing instruction in simple tasks."

-Indian Self-government in Canada, Report of the Special Committee, October, 1983

A Brief Look at Recent History

The following is taken from the Notes for an address by Bill Erasmus, President of the Dene Nation, on the Signing of a Dene/Metis Land Claims Agreement-in-Principle with the Government of Canada, Fort Rae, Denendeh, September, 1988.

"Denendeh means 'The Land of Our People.' We, the Dene, are a nation of people, who have lived in Denendeh for thousands of years. Through these years, with the guidance of the creator, we have decided for ourselves how we live. We have our religion, our values and our understanding of the world.

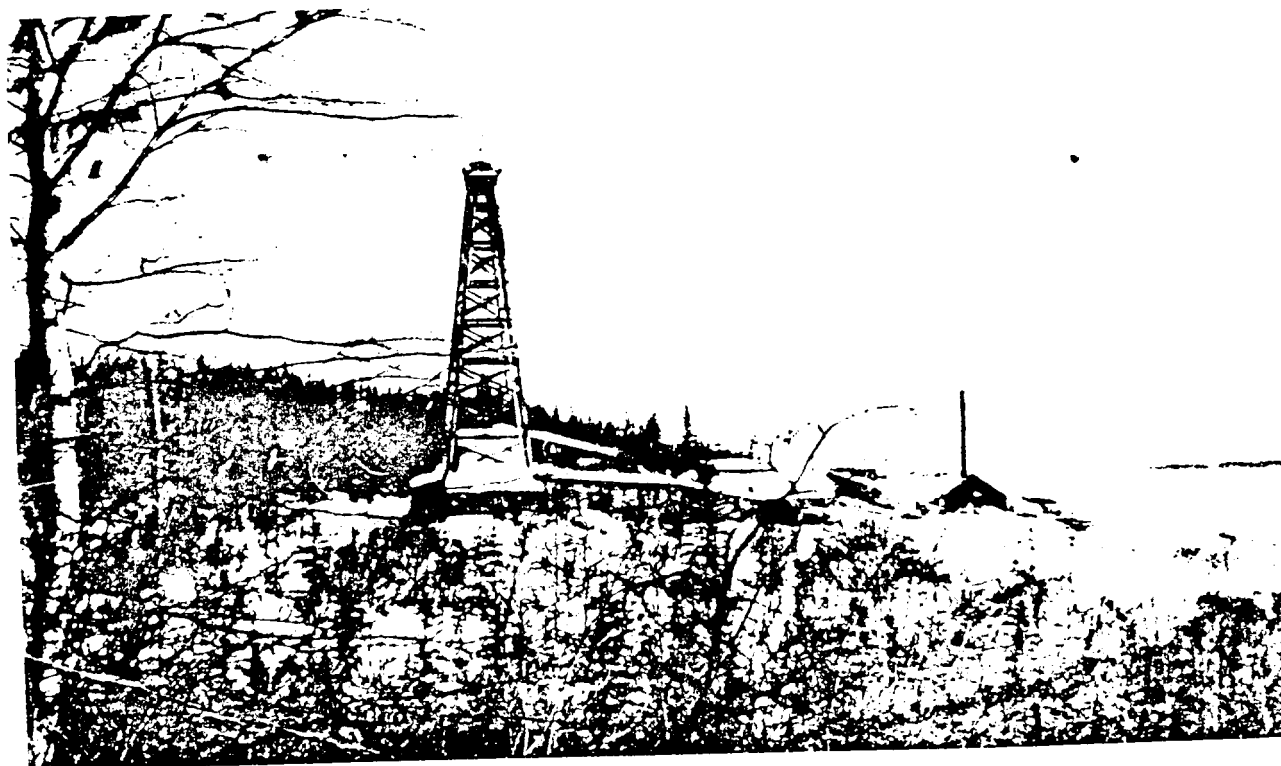
We have our languages, and we have our laws for taking care of our land and governing our people. For thousands of years, we have been a self-determining nation.

In early days, the explorers depended completely on us for our knowledge of the land they claimed to be 'discovering.' They depended on us for food and clothing, and to rescue and take care of them when they were lost or starving. Those explorers of Denendeh whom Canadians honour as great men -Hearne, Franklin, and Mackenzie - were to us like helpless, if courageous children. They would not have



THE INDIANS LANDING AT GREAT SLAVE LAKES WITH
BIRCH BARK CANOES, COMING TO TRADE AT RESOLUTION.

Photo by James
Emery



survived without the help of other people. In those early times, we encountered for the first time their different values, their languages, and their laws, but there was never any question that our land and our right to self-determination as nations, was respected.

Then came the fur trade. The traders also depended on us for their survival - for their food and for the fur which kept them in business. Later in the days of the fur trade, the traders imported their food and supplies from the south, and so no longer depended completely on the Dene. Not long after this, the fur market collapsed, and fur prices fell. New ways of exploiting our land were found. This new form of exploitation was much more threatening.

The fur trade had made the Dene more dependant on others for our way of life, but the fur trade never demanded that we give up our land, or our way of making a living. The fur trade did not bring in tremendous numbers of people from other places, to work and live on our land. These pressures on the Dene came with the demand by developers for our oil, gas, and minerals.

In 1899 and 1921, our nation made two treaties with the Crown. For our people, the treaties were agreements between nations. We govern ourselves by agreements, and therefore we value agreements highly, and we measure people

and other nations by how they keep their word. We did not read or write when the treaties were made, and so our understanding of the treaties was based on what was said and what we heard at the treaty meetings. At these meetings, we promised to live in peace and friendship with the people who passed through our lands.

In return, we heard and understood that the Crown would respect us as a self-governing nation, pursuing our own way of life. In recognizing our hunting, trapping, and fishing rights, the Crown recognized the Dene economy. By promising to supply us with nets and ammunition, the Crown promised to continue to support our economy, and not to do it harm. We heard the Crown's representatives say that these promises would last as long as the sun rises, as long as the river flows, and as long as this land shall last.

In the years since the treaties were signed, nearly every term of the treaties has been broken by the Government of Canada. Even as, Treaty 11 was signed, Canada put into effect an agreement with the United States and Mexico, restricting our treaty right to hunt migratory birds to a few weeks in the fall. The government has passed many other laws that purport to give it authority over our land, without our consent.

In the 1950s and 60s, after the fur trade had collapsed, the Dene experienced economic



hard times. This is when the government moved into Denendeh. Schools and welfare programs were established, and we became even more dependant on others. Our people were offered family allowances and old age pensions, then told that they would have to move off the land and into the communities managed by government, or they would not be eligible. We had no say over how such programs were developed, and so the institutions of government, the curriculum in the schools, and the ideas behind the health, housing and social services programs which followed, were totally foreign to us. We always opposed this arrangement, but it was not until the 1960s that we began, collectively, to take action as a nation. The founding the Indian Brotherhood of the Northwest Territories was a key step in this process.

When the Dene first began to talk about the 'colony within,' some members of the territorial government and some southern Canadians said this was a radical idea that we must have picked up from somewhere else. Colonization was not a radical idea; it was and is our reality. We were treated as inferiors who needed to be protected until we could change and become just like other Canadians. The results were devastating, and we still suffer from them today. If you want to know why alcoholism and suicide are rampant in our communities, why the jails are full of our young people, why our unemployment rate and failure

rates in school are sky high, look at the process that has taken place since the Crown signed treaties with the Dene.

In the 1950s translators visited every community of the Dene, and we heard the written versions of treaties 8 and 11. For the first time, we learned that the written version was far from what we had heard and understood. The part of the written version of the treaties which said that all Dene rights to their lands were surrendered, was never part of the agreement we made with the treaty commissioners. This is what the Dogrib elders who were there when the treaties were signed, said when they learned about this part of the written treaties:

Jimmy Bruneau: "We made an agreement, but land was never mentioned. . . a person must be crazy to accept five dollars to give up his land. . . It was never mentioned that there will be such things as reserves in the future, nor that the treaty was against the land."

Noel Sotchia: "Land was never mentioned and we did not take the treaty to give our land to the Crown. If such was the case we would not have accepted the treaty money."

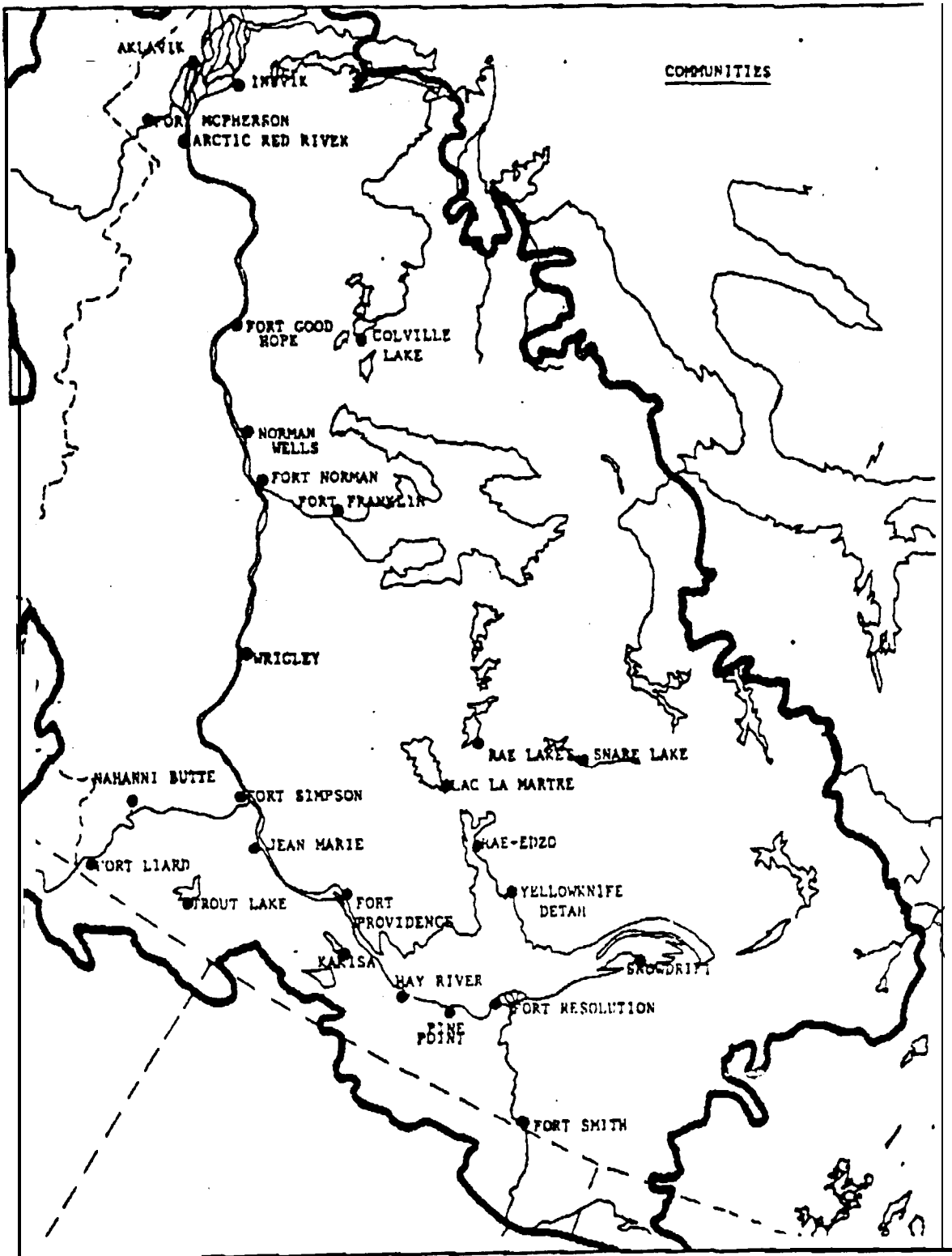
When we learned that the written version of the treaties was wrong, we began to prepare ourselves, and later went to court. Judge Morrow agreed with the Dene understanding of the treaties.

Our solution was first

contained in the proposed agreement-in-principle which we, the Dene, presented to the Government of Canada in 1976. In this proposal, the Dene told the government that in our minds, our relationship with the Crown is still based upon what we understood at the time of the treaties. But because the written version of the treaties is wrong, and because the Government of Canada has broken the promises made by the Treaty Commissioners, we need to go back again, and to examine and rebuild not only the treaties themselves, but the relationship between the Dene Nation and the Crown, which the treaties represent. . ."

After reading the statements made by Mr. Erasmus, prepare a chart or diagram which shows the significant events mentioned in the speech. Your chart or diagram should show how the Dene and Euro-Canadian relationship has changed over time.

Does this historical account offer a "mirror image" of the view you think most non-Dene hold about history? Why or why not?



The Dene/Metis settlement area, the land of traditional use and occupation, consists of 450,000 square miles of the Mackenzie Basin.

The Situation of the Dene

What have been the consequences of the colonial relationship which has evolved over time? Life was very hard for the Dene 100 years ago. Despite the difficulties of the lifestyle of a hunting people, the Dene had a sense of importance in the economy of the time, self-worth, social status, self-respect, and felt themselves of value to the community.

Today the Dene benefit from modern technological advances and government programs and assistance. Life is easier in many respects for all Canadians. There are many modern conveniences and luxuries we all take advantage of.

While Dene may have modern tools, vehicles and entertainment, they also have more social and economic problems than most other Canadians. The social and economic situation of aboriginal people in Canada demonstrates that attempts by government to provide solutions to the native "problem" have not worked.

* The unemployment rate for aboriginal people in the Northwest Territories was 31 percent in 1984, compared to seven percent for non-aboriginal residents. Unemployment in the territories is high in all communities, except for those with large non-native populations, such as Yellowknife, Norman Wells and Inuvik.

The fact is there are few opportunities for employment in the smaller largely-aboriginal communities. In Jean Marie River, 57 percent of the labour force is unemployed. In Yellowknife the unemployment rate is five percent.

* Aboriginal people are much less likely to complete high school than other Canadians. While non-aboriginal people make up less than half the population in the Northwest Territories, there were 151 non-native high school graduates in 1987/88 compared to 72 aboriginal graduates.

* The infant mortality rate measures how many infants die for each 1000 live births. The infant mortality rate is more than three times as high for Dene as it is for Metis and non-native residents. The suicide rate in 1987 was twice as high for Dene as for Metis and non-native people.

* Across Canada, aboriginal people are three times as likely to end up in jail than other Canadians. Aboriginal people serve longer sentences for similar crimes.

Some people believe that welfare, education and employment are solving the native "problem" in Canada. For the most part, these well-intentioned solutions and their implementation have come from non-aboriginal people or institutions.

Most aboriginal people, believe the economic and social problems in their communities are directly related to their lack of power and control over their lives.

Thomas Berger, is a Vancouver lawyer who has worked and written widely on native rights issues. His work heading the Mackenzie Valley Pipeline Inquiry in the 1970s greatly influenced the north. He agrees that domination of one group by another, a colonial relationship, is at the root of the situation of Dene and other aboriginal peoples.

"No one can be unaware of the poverty, violence, and degradation that disfigure life in many native communities. The problems have not gone away; if anything, they appear to have been aggravated. The penetration of industry has resulted in increased violence, social disarray, and even increased unemployment. why? Because the problems of native people are not simply problems of poverty, but of a people trying desperately to preserve their cultural identity. The white presence - from the missions and the fur trade to the advent of industry and the proliferation of government institutions - represented, and continues to represent, a domination of native society."

-Thomas Berger, Northern Perspectives

During a history that goes back some 30,000 years, the greatest period of change for the Dene has occurred within the past 30 years. There have been drastic changes in every aspect of Dene life, including family relationships, recreational activities- and the ways of providing for personal and family needs.

What other examples of rapid and drastic social change in Canada can you think of? What is the relationship between economic and social difficulties and rapid social change? How do you react to changes in your life which are imposed on you by others?

"I remember a few years ago, the people lived in their homes. They cut their own wood and hauled their own water, People were happier then, when they didn't have to depend on the government all the time. ..Now the government gives the people everything, pays for the water and the fuel and the houses, the education. It gives the people everything, everything but one thing -- the right to live their own lives. And that is the only thing that we really want, to control our lives, our own land."

Robert Clement, Testimony to the Berger Inquiry

Relationships Between Peoples

Influences which affect our relationships with other people:

- * past experience
- * values and culture
- * way of thinking or viewing the world
- * power

Characteristics of Satisfying Relationships:

- * trust
- * respect
- * mutual benefit
- * balance of power

The Dene are seeking a new relationship with Canada. Describe the past and current relationship taking into consideration the influences listed above. What characteristics of a satisfying relationship are missing? Give examples.

White Policy Proposal

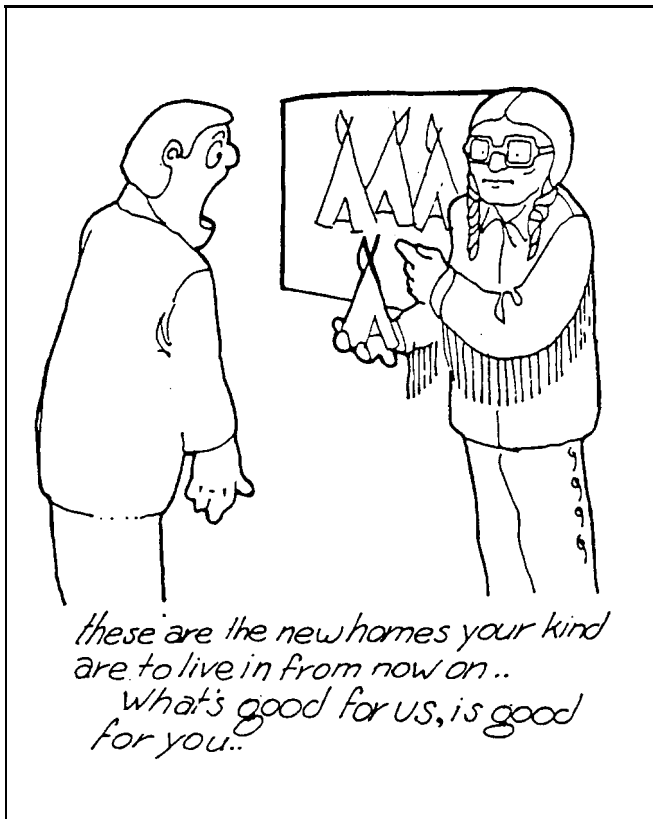
It is hereby suggested that we create a Department of White Affairs for a trial period of 100 years. This department will be run strictly by Indians selected on the basis of their political affiliations and their incompetence in the business world.

White people will be looked on as white savages unless they adopt the Indian religion and the Indian way of life. White religious holidays such as Easter and Christmas will be outlawed and all religious statues, medals, and musical instruments shall be confiscated by a newly created Indian mounted police force. It will be unlawful to wear a shamrock, eat haggis, fish and chips, pea soup or weiners and sauerkraut.

If a white wants to sell, lease or bequeath property, the Department of White Affairs will make the final decision. At no time will a white be able to develop his land without the consent of the Department of White Affairs.

From time to time advisors will be brought in from the Congo, Indonesia and India to fill top civil service jobs and teach the whites religion and culture.

It is quite conceivable that white lands will be expropriated for Indian interests in conserving the environment. It is recommended that a series of treaties be undertaken with the white nations for the ceding of their interests in crown lands. They may keep the cities.



Echoes of history

The -Western view of native people is a cliched mixture of misinformation, part fancy and part ignorance. Julian Burger explores this legacy of colonial stereotypes and examines how they effect indigenous people today.



It is winter but still a baking hot day in Kununarra, Western Australia. There is not a breath of a breeze. The official from the Mining Council has been eloquent. He has talked about job creation, opportunities to learn new skills, the importance of mineral exports to the national economy and the flow of income into the region.

But the 200-300 Aborigines sprawled on blankets and seated in chairs under the shade trees are restless and unconvinced. An Aboriginal woman speaks angrily about the destruction of the sacred site 'Baramundi Dreaming'; an elder asks 'What will happen to the bush tucker (wild food) when the mining begins?'

Northern Land Council Chairman Galarrwuy Yunupingu stands to speak: 'The mining industry follows the smell of money,' he says. 'When the money goes so do the miners. Our way is not to pack up and move: we stay in one place, in the country of our bones.'

It is a meeting of two quite different cultures and it could be happening in many parts of the world: in Amazonia, along the rivers of the Yukon, in the deserts of Nevada, in the forests of India, along the Cordillera spine of the northern Philippines or wherever indigenous peoples live

The attitudes, prejudices and myths we hold about native peoples are still determined by the experience of colonisation. The belief that we know what is best for *them* is born of an arrogance which is deeply rooted in history.

Native inhabitants were too often regarded as a subhuman species suitable at best for subjugation and at worst for extermination. After long debates Spanish theologians in the 16th century concluded the Indians of the recently-conquered Americas had no soul and were not human. The Jesuit missionary, Jose de Acosta wrote that Indians deserved no more consideration 'than would be shown a game bird caught in the forest.' It wasn't until 50 years after the invasion that the Pope — it one of the first pieces of anti-racist legislation — recognised that Indians were human enough to receive the Christian faith.

But the view that Indians were primitive and backward continued. During the 19th century this prejudice was given a pseudo scientific respectability when anthropologists began to rank different races. Charles Darwin's theory of evolution was distorted to vindicate this bigotry. Implicit in this 'social Darwinism' was the idea that the native inhabitants would become extinct because they were inferior. The Reverent

ines expressed a widely held belief when he observed: 'Everyone who knows a little about aboriginal races is aware that those races which are of a low type mentally and who are at the same time weak in constitution rapidly die out when their country comes to be occupied by a different race much more rigorous, robust and pushing than themselves.'

Genocidal policies, often sanctioned and sanctified by the highest State and Church powers, caused dramatic falls in native populations. The Brazilian anthropologist, Darcy Ribeiro, estimates the numbers in Latin America dropped from over 70 million in 1492 to around 3.5 million by the mid-17th century. In Australia the Aboriginal population of 300,000 was reduced to about 60,000 in a little more than a century.

The prevailing view was that indigenous peoples were merely obstacles to the onward march of progress. Nonetheless there were other attitudes. There were plenty of settlers who thought that natives should not be murdered with impunity, but ought to be treated as children requiring guidance and demanding indulgence. George Worgan, an English doctor on the first fleet to New South Wales in 1788, described Aborigines with amused condescension as 'active, volatile, unoffending, happy, merry, funny, laughing and good-natured.'

That view, which circulated largely unchallenged until the 1950s and still finds its defenders, was used to justify government paternalism in dealings with indigenous peoples. In the US, Australia and Canada, Indian peoples were herded onto reservations, hundreds and even thousands of miles from their homelands. Indigenous clans and families were split. The children were taken from their parents and trained as domestics and servants.* In time, the theory went, nature would take its course and the original peoples would disappear.

The racism that developed towards indigenous peoples during the colonial period was based on fear and ignorance. Fear because in the early years these new lands appeared strange and the invaders were deeply uneasy. And because, after sometimes an initial welcome, the native inhabitants began a fierce resistance against the white colonizers, Ignorance because the Europeans never understood that the peoples they conquered had highly-sophisticated, complex cultures. Where there were no cities or stone buildings, there could clearly be no culture worth preserving, let alone trying to understand. Even where the complexity was strikingly evident, as in Mexico and Peru, native people were still scorned.

From such prejudices other myths emerged. For example, that the land was unclaimed and unexploited. And that somewhere in the forests, hills and valleys of these ill-understood regions lay great stores of riches. In South America the myth was embellished by stories of lost cities whose

ado, like King Solomon's Mines in Africa, became a symbol of easy and limitless wealth waiting to be seized by whoever had the courage to brave the native spears and wild beasts.

The idea that indigenous peoples are obstacles to 'progress' is still strong. The **mor** of Roraima in the Brazilian **azon** summed up the view of many governments and planners: 'An area as rich as this with gold, diamonds and uranium cannot afford the luxury of preserving half a dozen Indian tribes which are holding up development.'

In Asia, too, **governments** have used similar phrases about the tribal groups living in regions ceded to them after independence or subsequently annexed. According to Indonesian Foreign Minister, Subandrio, his government's policy towards the West **Papuan** people is 'to get them down out of the trees, even if we have to pull them down.' **Papuans** have been beaten for using their own languages and are taught nothing about their own history in school.

In Central America, Guatemala soldiers have been taught the Indian majority is subversive by nature. According to Amnesty International there have been massacres of entire Mayan communities, including children — the dangerous seeds of the Indian race as **they** are known by the armed forces. The government-sponsored violence in Guatemala is only an extreme example of the kind of colonial relationship dominant societies have towards indigenous peoples almost everywhere.

The echoes of history are strong. Today **lands** of indigenous peoples are the new frontier full of the raw materials coveted by industrial society — timber, minerals, water and agricultural land. Governments, multinational companies, international financial institutions and investors are **all** racing to collect the prize.

This new colonisation recalls the old: colonial powers believed they had a civilizing mission. The same conviction exists today in the minds of political leaders, World Bank officials and executives of translational corporations. Yet it is an ill-disguised bonanza with no thought for the long-term **effects** on the land, the environment or the people who live there.

When the representative of the Mining Council stands before an Aboriginal audience and claims to know what is best for them and for their land, he expresses, perhaps unwittingly, the accumulated bigotry of centuries of colonisation. He argues that his way will bring benefits. It never has because it has always been imposed. Only the elimination of the colonial relationship itself can lead to a partnership of the two cultures. □

Julian Burger is the author of *Report from the Frontier: The State of the world's Indigenous People*, Zed Books, 1987. He is currently Deputy **ctor** of the Independent Commission on **Internal Humanitarian Issues**. This article reflects **... author's personal views and not those of the Commission.**

THE ABORIGINAL INDUSTRY

Most Western governments relate to their native peoples through huge, self-serving bureaucracies. David Rathman argues that this continued colonialism in Australia prevents Aborigines from gaining control over their lives.

AUSTRALIA has a bewildering array of government organisations that are supposed to improve the lives of Aboriginal people. The fact is this Aboriginal industry does just the opposite. Bureaucratic meddling, political stonewalling and plain neglect have stymied gains for black people in employment, training, education and self-government.

Aboriginal unemployment is at least five times more than the general population, while their income is half that of the average Australian family. Yet, according to a 1985 report the Commonwealth Employment Service not only failed to refer Aboriginal people to job vacancies: it also failed to inform employers about various government incentives for hiring Aboriginal people.

Within Aboriginal communities, economic development has often suffered from short-term strategies that fail to develop skills or long-term employment. For example, government contracts are constantly awarded to non-Aboriginal companies because it is assumed that Aboriginal people lack the skills necessary to meet the needs of their own community. The government also boasts of providing essential services like sewers and electricity to communities. Unfortunately, the services are then maintained by outside companies — while the communities suffer from chronic unemployment.

Even modest attempts at economic development have been derailed by bureaucratic meddling. In 1973, a small community in the Murray River District in South Australia sought assistance for developing a trial project in Yabby Farming (a Yabby is a

fresh water lobster). The government **agencies** involved transformed the small trial project into a grandiose scheme, spending **\$800,000** on fences, breeding ponds and buildings. Due to engineering errors, the project was **cancelled** in 1986. Yet reports in the local and state media gave the **impression** that the **Aboriginal people** were to blame for the failure.

In South Australia, there have been ten papers on Aboriginal employment and training needs in the past five years. Yet few of the recommendations have seen the light of day. In Queensland, Aborigines have been locked into training **programmed** for the past 20 years without receiving their certification. These people have provided services in their community while not receiving the recognition given non-Aboriginal people doing the same work.

Although government agencies claim they want to cultivate Aboriginal leadership, the leaders are expected to be conduits for government policy. For example, despite repeated requests that the board for **Pika Wiya** (an Aboriginal health organisation in South Australia) be elected, the minister **refused** to listen and instead appointed his own nominees. Real community control was not on the agenda.

Even the land rights of **Aboriginals** are subject to the whims of politicians and wealthy business interests. In 1986, the Western Australian state government abandoned its plans to implement land-rights legislation in the face of intense lobbying by the mining industry and opposition politicians. In another case, the **Queensland** government refused to recognize the Federal Department of Aboriginal Affairs. The result? For years **federal funding** for Aboriginal development in Queensland was simply unavailable.

The politics of Aboriginal rights is a sensitive issue during this Australian **bicentennial** year. But it seems clear that until Aboriginal people in Australia are given a greater measure of freedom to make **their** own political and economic decisions, **the** wrongs of the past — and the present — will **not** be rectified. □

David Rathman is an Aboriginal educator based in Adelaide.



An Aboriginal camp in the outback: victims of modern-day colonialism.

Photo: Peter Solness

Chapter 2.

The Legal Basis For Aboriginal Rights

What is the legal basis for aboriginal rights? Does one people have the right to claim for itself another people's land? Does one nation have the right to impose its government, laws and culture on another?

Aboriginal Rights Recognized in Law

Colonization promised Europe great riches from the New World. As soon as the explorers brought back tales of the New World's wealth, Europeans had to face a question of both morality and law. Who did the gold and silver, furs, timber, fish and the land itself belong to?

The convenient answer was that this wealth belonged to no one until it was "discovered", and that whichever European nation discovered it first, could claim ownership.

In order to base their claim of ownership of the New World's wealth on the principle of "discovery", the Europeans had to deal with the fact that the explorers did not find an empty land in the New World. Aboriginal peoples were already there, living on the land, using the gold and silver, and depending on the furs, fish and timber prized by the Europeans.

The Catholic Church first raised the troubling question in the 16th Century --Did the aboriginal peoples own the wealth of the New World? Did they have property rights that deserved the respect of the Europeans? Must the European nations trade with the aboriginal nations as they did with each other, or were they justified in seizing whatever they could take?

The religious debate centered on whether aboriginal people had souls. If not, the argument went, they were not really human beings. Therefore they could not own property or claim any other rights. In 1537 the Pope ruled that the "Indians" were in fact people, even though they were not Christians.

The right of aboriginal peoples to their property, and to their liberty as human beings, was then recognized in Spanish and English law. The theory of "discovery" was modified. The



Onne ye Heights
of Abraham Sept. 1759

European nations still claimed the right to govern their colonies, but the property, customs, and laws of the aboriginal nations were to be respected unless the colonial government took them away. This is the legal basis for aboriginal rights as we know them today.

In the early years of North American colonization Britain and France had good reason to treat the aboriginal peoples as nations deserving of respect. Britain and France relied upon the aboriginal tribes as trading partners and military allies. In the 1720s the French provided trade goods to Maritime Indians who agreed to harass English colonies. After the conquest of New France, the English made allies with the Indians to aid in their battles with Americans in the War of 1812.

Having conquered New France, the British wanted to settle more and more of what is now Canada. Since their law recognized aboriginal rights, they faced the problem of persuading aboriginal nations to give up their land. Treaties became the solution. These agreements with aboriginal nations were explicit recognition of aboriginal rights. Treaties were formalized as the process by which the British could purchase land from aboriginal nations, in the Royal Proclamation of 1763.

The Royal Proclamation is sometimes called the "Indian Charter of Rights." It called for harmonious relations with the "Indian tribes or nations", and designated a boundary between European settlement areas and lands which had not then been acquired through treaty which were to be reserved for Indians. The boundary was to be changed only through further treaties,

Aboriginal Rights Ignored

Despite the recognition of aboriginal rights in law, colonial governments generally ignored aboriginal rights. In the 18th and 19th centuries, colonial power over aboriginal peoples around the world became established. Driven by greed and racist attitudes, governments deliberately ignored aboriginal rights. In the process, the customs and laws of the aboriginal peoples, which had existed for ages before the Europeans' arrival, were disregarded.

Even when colonial societies tried to be just, their efforts were often guided by ethnocentric judgments. The languages and customs of the aboriginal peoples, their economies and systems of property, were unfamiliar to the colonists. They were therefore considered too primitive to be respected. Colonial justice tended to protect ways which were similar to the ways of the settler society. Everything else was ignored or punished. The

HISTORICALLY, THE ONLY THING
THE WHITE MAN EVER GAVE THE
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FIGHT... WAS 'MALI-POX,



WALDEE / TORONTO STAR

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attitudes underlying these systems of justice had not changed a great deal since the 16th Century, when some Europeans had argued that aboriginal peoples could not have rights because they were not Christians.

The existence of aboriginal rights was denied by colonial administrations even in British Columbia and the Maritimes, where treaties had never been signed. Neither Confederation nor the establishment of provinces in these areas automatically improved the government's respect for aboriginal rights.

Sometimes Canada itself passed laws that would legalize unlawful actions that had previously affected aboriginal peoples. A 1927 Act of Parliament made it a criminal offense for Indians to pursue their land claims against Canada.

Indians and Inuit were not allowed to vote in Canadian federal elections until 1960. Full citizenship, including the right to vote, was available previously only through a process called "enfranchisement". In order to qualify aboriginal peoples had to renounce their heritage and prove themselves adequately assimilated into Euro-Canadian society.

Aboriginal Rights Recognized by Canada

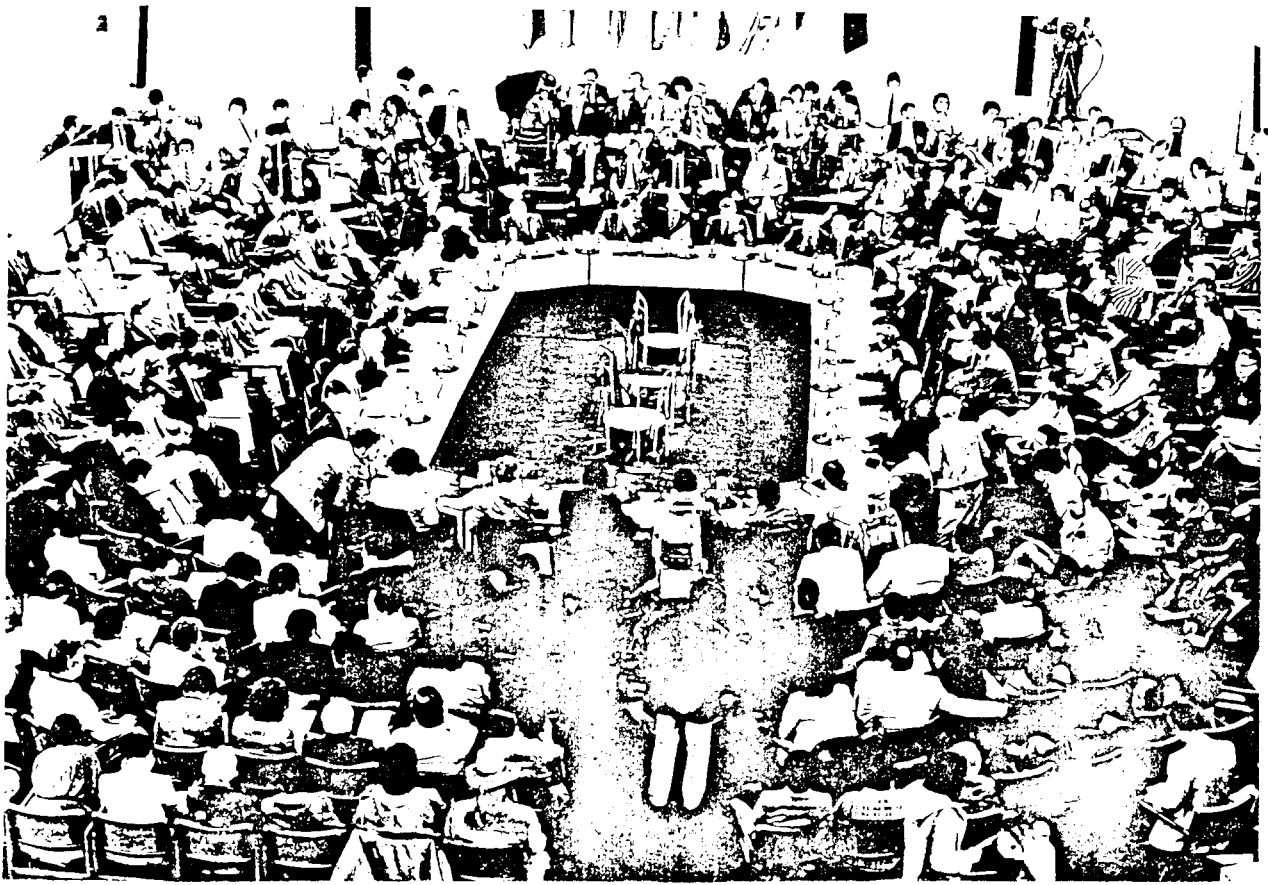
In 1969 then Prime Minister Pierre Trudeau rejected the idea of negotiating aboriginal claims:

"Our answer is no. We can't recognize aboriginal rights because no society can be built on historical 'might have beens.'"

Prime Minister Trudeau compared the claims of Indian nations to those of Japanese Canadians interred during the Second World War, and to Quebec demands for special recognition. Ironically, Canada has since recognized the claims of both these groups, and has heralded the settlements reached (the Japanese Canadian compensation agreement and the Meech Lake Accord) as the foundations for renewed relationships with these groups.

In 1973 the Supreme Court of Canada ruled on a case brought forward by a group of British Columbia Indians. Half the judges recognized the Nishgas aboriginal rights. Prime Minister Trudeau admitted that aboriginal peoples may have more legal rights than he first thought.

When the Nishgas took their case to the British Columbia Court of Appeal in 1970, the court denied that "these primitive people" could have had rights recognized by Britain. The case was



appealed to the Supreme court of Canada which took a less ethnocentric view. Mr. Justice Emmett Hall admonished the British Columbia court for assessing Indian culture of 1858 by the same standards which Europeans had applied two or more centuries earlier.

In 1973 the federal government agreed to negotiate aboriginal land claims and established a policy that settlements include extinguishment of aboriginal rights.

The Canadian Constitution (1982) entrenched 'existing' aboriginal rights. This is the first time since Confederation that the Canadian government formally acknowledged that Canada was already occupied when Euro-Canadians first came to this land. It is also our constitution's explicit recognition of aboriginal rights.

The legal basis for aboriginal rights was strengthened by the entrenchment. Despite its dominant power, the Canadian government can never again pass any laws which deny or override aboriginal rights, without the consent of aboriginal people.

In 1987 the last in a series of First Ministers Conferences on Aboriginal Rights (guaranteed in 1982) failed to result in entrenchment of the specific right to aboriginal self-government. While there was general agreement among the federal and provincial governments to entrench the aboriginal right to self-government, several provincial premiers refused to agree to entrenchment unless self-government is defined first.

-
1. In his ruling on the **Nishga** Case, Mr. Justice Emmett Hall of the Supreme Court of Canada accuses the B.C. Court of Appeal of ethnocentric bias. That means judging another **culture** by your own standards and practices, which **are** generally seen as superior. What, if any, signs of ethnocentric bias **exist** in the legal system today?
 2. Do you think that the long-time denial of aboriginal rights has affected public perceptions about their validity and importance? Explain your answer.
 3. How many Dene do you know working as policemen, **lawyers**, judges or law makers? Do you think **it** makes a difference whether a cultural group is represented within the legal system?
-



"All people have a desire for continuity of themselves in the future. That is why people have families, so they can pass on to their children their values and their own way of relating to the world, so their children can continue as they had before them. No human being would allow anyone to suggest that they are worthless, that they have no right to insist on continuity of themselves in the future, no values worth passing on to others for the future. No people would knowingly give away their right to educate their children to someone else of whom they have no understanding, except where people have been led to believe they do not have such rights."

-Steve Kakfwi, Testimony to Berger Inquiry

Chapter 3.

Whose Land is This Anyway?

Given their relationship with the land, could the Dene give up their rights to their land through Treaties 8 and 11? What were the interests of the Dene and Euro-Canadians during Treaty negotiations? Why are there different interpretations of the Treaties?

Dene Treaties

What was the Euro-Canadian Interest?

The **Klondike** Gold Rush brought increasing numbers of white settlers through **Dene** lands. To pave the **way** for the expansion of Euro-Canadian use and settlement further north, Treaty 8 was signed in 1899. It encompassed the northern parts of Saskatchewan, Alberta and British Columbia as well as the area south of Great Slave Lake, in what is now the Northwest Territories.

The discovery of oil at Norman Wells was the major event which motivated the Canadian {government desire to extinguish aboriginal title to the rest of the Dene lands. Treaty 11 was signed in 1921. On the basis of these treaties, Euro-Canadian fur-traders, trappers and corporations considered Dene lands to be "public lands."

It is unlikely that the Canadian government ever expected that the treaty obligations would endure as long as they have. By the time treaties were signed, the Dene population was reduced in numbers and weakened by disease. Many believed Indian nations were dying out. Any Dene who survived were expected to assimilate into Canadian society.



What were the British Property Laws?

Britain brought its own property laws and values to the treaty process. Canada has adopted that legal tradition which places the Crown as the original owner of all land. Land is considered a commodity to be individually owned like clothing and other belongings. It can be bought and sold with ease. Land is bought for investment and other purposes as well as to satisfy the needs of individuals. In fact a complicated set of laws and procedures accommodates the transfer of land from one owner to another.

What was the Dene Interest?

The Dene recognized the coming of more and more outsiders and agreed to share their land with them. They were encouraged to do so by missionaries who had gained their trust. The Dene believed that these newcomers would respect the land as they had. But, the Dene insisted on guarantees for their right to continue hunting and trapping as a means to continue their way of life.

Support for treaty was not unanimous among the Dene. Serious concerns were expressed at the time. Chief Drygeese of Fort Resolution is reported to have said: "If you want to change our lives, then it is no use taking treaty, because without treaty we are making a living for ourselves and our families I would like a written promise from you to prove you are not taking our land away from us."

In testimony recorded more recently it is clear that the Dene expected the land and animals they depended on to be protected from white trappers. The Dene also expected to continue their subsistence lifestyle without interference from game laws that might apply to others. The Dene saw treaties as agreements to maintain peace and friendship with newcomers. In exchange they would receive annual treaty payments and other obligations agreed to by the government. They did not view treaties as a surrender of their land or their ability to govern themselves as they always had.

The Dene have become subject to a variety of game laws. For example, in 1928 a three-year closed season on beaver was imposed. Not until 1938 was legislation passed to regulate the activities of white trappers.

The treaties remain significant to the Dene, as the only formal recognition that a distinct relationship between Dene and the rest of Canadian society exists. Land claims agreements are often referred to as modern day treaties.



What were the Dene Property Laws?

The values and property law the Dene brought to the negotiating table " were very different from those of the Euro-Canadians .

The Dene concept of land ownership reflects a holistic, cyclical way of thinking. The Dene traditionally believed that all things are connected to the whole. The source of ownership was not a distant or present ruler or Monarch. Rather, ownership flows from the earth itself or the creator, providing the Dene with everything they need to live. In exchange, Dene accepted that they had a collective responsibility to care for the land.

There was no such thing as an individual owning a piece of land. Land is something which all people had an equal interest in. The whole of the tribe or group held an interest in all the land which it used. That interest was shared by past and future generations of Dene as well as with other living things, including plants and animals.

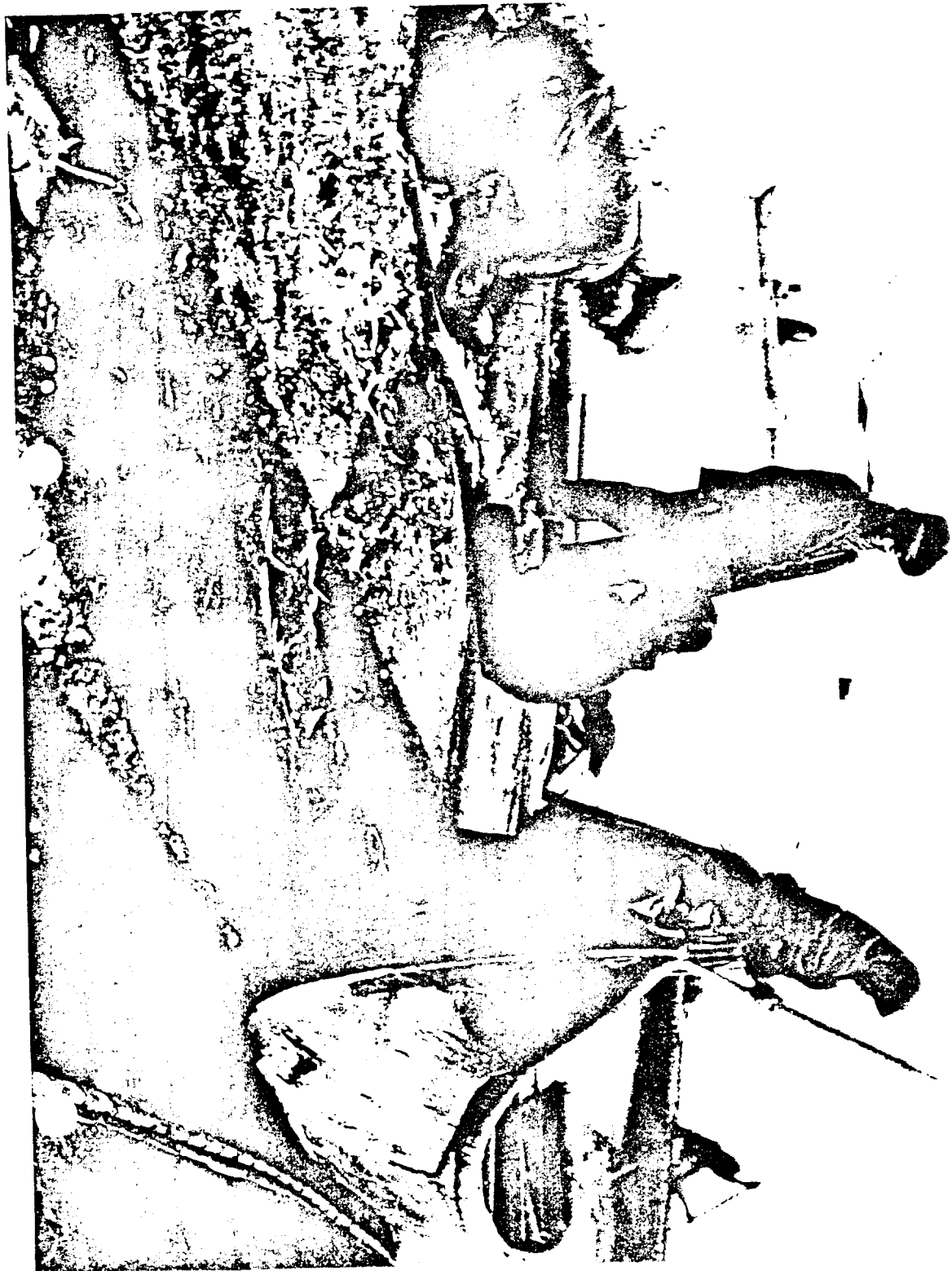
The shared "ownership" of land and the responsibility as caretaker made selling land an incomprehensible idea to the Dene .

The Caveat Court Case

Unable to read or write English, the Dene understanding of the treaty process was based on what was said at the time rather than on any actual written document. It was quite common in treaty negotiations in Canada for promises to be made verbally that were never included in the written document.

There was disbelief when elders first heard what was contained in the written version of the treaties. The Dene view of the treaties was vindicated in a 1973 decision of the Supreme Court of the Northwest Territories.

In what has become known as the Caveat Court Case, 16 Dene Chiefs claimed a caveat, or prior interest in a 400,000 square mile area within the Northwest Territories. The Honorable Mr. Justice William G. Morrow concluded, "I am satisfied that those indigenous people . are owners of the lands covered by the caveat - that they have what is known as aboriginal rights."



The ruling was later overturned on a technicality in a higher court. However, the original decision paved' the way for federal agreement to negotiate Dene land claims.

It is estimated there were 12 million aboriginal people in North America at the time of "discovery." Today there are just over three million. The major factor in the decrease in numbers was the introduction of European diseases, such as smallpox, influenza, typhus and tuberculosis. It is estimated that **nine-tenths** of the **Chipewyan** population was wiped out by smallpox in the 1780s, in what was then, the Northwest Territories.

Bishop Breynat wrote a lengthy article for the Toronto Star Weekly in 1938 entitled **Canada's** Blackest Blot.

"I was present at nearly all places in the north when the treaties were signed. In many places it was my influence which resulted in the Indians signing these documents. I assured them repeatedly that whatever the government commissioners promised in the name of the Great White Mother and the Great White Father would be done. The Indians believed me. It has been a great personal disappointment to see my word broken by the thoughtlessness of a nation."

Why do **you** think that some Treaty promises made by the Canadian government were not honoured?



Things Might Have Been Different

In a January, 1989 column in the *Native Press*, Dene Nation Vice-President, George **Blondin**, stated, "They (Dene) never believed they owned the land. If the Dene had believed they owned the land, things may have been different today. But they believed all land belonged to everybody."

Mr. **Blondin** explains: "If the Dene had thought differently they would **have** probably put up a fight right from the beginning. But they didn't recognize that white people had a different idea and that they would help themselves. In the old days people didn't care much. They were poor. The land wasn't crowded yet. They didn't recognize that the land should be owned by somebody."

"Then the white people **are** always saying, the land belongs to the Dominion of Canada. That's what they tell their children. We condemned what they said was in ~~the~~ treaty. The government still says we have extinguished our rights. They push us into this legal language of saying we **own** the land. Dene never did say that they owned the land before the white man."

"People are pushing this language in our mouth. We are the people here before the white man. **We** used 450,000 square miles. Our way of thinking is that we shouldn't own land but share it. Now we want to own land so that people won't look down on us, so that people will respect us because we own the land."

What words reflect a feeling of frustration? What is the **source** of that frustration? How can two peoples work out a relationship without one having to conform to the other's standards?

Conflicts Emerge

How did the Dene react while non-Dene imposed their language, culture and institutions?

Many Dene describe the time as one which brought great confusion. One Dene elder described the changes as "a force so strong I don't think anyone could have held on."

Euro-Canadians assumed that their way was the best way. The Dene brought their own values and experiences to the relationship. It was difficult to recognize, at least initially, that the interests of Euro-Canadians could be so different. Changes often happened before people realized their significance. It became difficult to oppose changes once they were already underway.

People talk about the changes happening so fast. Dene had no past experience in dealing with such fast and far-reaching change. "Dene didn't have time to even think about it. They just forced people to live different ways."

We Do Not Push Our World Onto You

Look at us and what we stand for, before you accept without further thought that the Indian nation must die..."

We did not believe that our society has to grow and to expand and conquer new areas in order that we could fulfil our destiny as Indian people.

We have lived with the land, not tried to conquer or control it or rob it of its riches. We have not tried to get more and more riches and power, we have not tried to conquer new frontiers or outdo our parents or make sure that every year we are richer than the year before.

We have been satisfied to see our wealth as ourselves and the land we live with...We do not wish to push our world onto you."

-Phillip Blake, Testimony to Berger Inquiry

What does this statement tell you about how the Dene saw non-Dene people?

In 1973 Chief Daniel Sonfrere requested reserve status for the Hay River Indian Village to protect it from further expansion of the Hay River townsite. This is the only reserve in the Northwest Territories. The clause of Treaties 8 and 11 promising land be reserved for the **Dene** was never acted on. The experience of reserves in southern Canada made that option undesirable from both the Dene and federal government view.

"Treaty: a contract we signed to keep the peace and to share the land and its resources while those settlers said they'd educate us and pay **us** five bucks a year forever. Ever since then they've been complaining about the **cost** of their end of the arrangement. I agree. The deal **is** a bad one. Let's start over. I'll **give** back my glasses, my **false** teeth and my English vocabulary in return for Northwestern Ontario."

Wagamese, January, 1985

Have you ever heard people complain about **government-**paid education and health care for Treaty Indians. **Why** do Treaty Indians receive these?

How much recognition is there of the contribution in land which aboriginal people have made **to** Canada?

How much money do you think Northwestern Ontario would cost to buy today?



Chapter 4.

A Time For Change

What prompted the beginning of the Dene Rights Movement? What **was** the focus of Dene concerns? What was happening in the **world** around them?

Asserting Rights

In 1969 the Dene Nation was established **as an** organization through which **the Dene** would work together for recognition of their aboriginal rights. It was known then as the Indian Brotherhood of **the Northwest Territories**. The Brotherhood fuelled a growing political awareness among the Dene.

Georges Erasmus was President of the Dene Nation from 1976 until 1983. He became National Chief of the Assembly of First Nations in 1985. His involvement in native politics and issues began much earlier, almost immediately following high school. In this account, he reflects on those early years.

The North was starting to be developed at a more rapid pace. The view of the world that the elders had was that they still had rights to the land, that they owned it. But it was a view that was hard to get recognized. The other view, the view of the government was taking precedence.

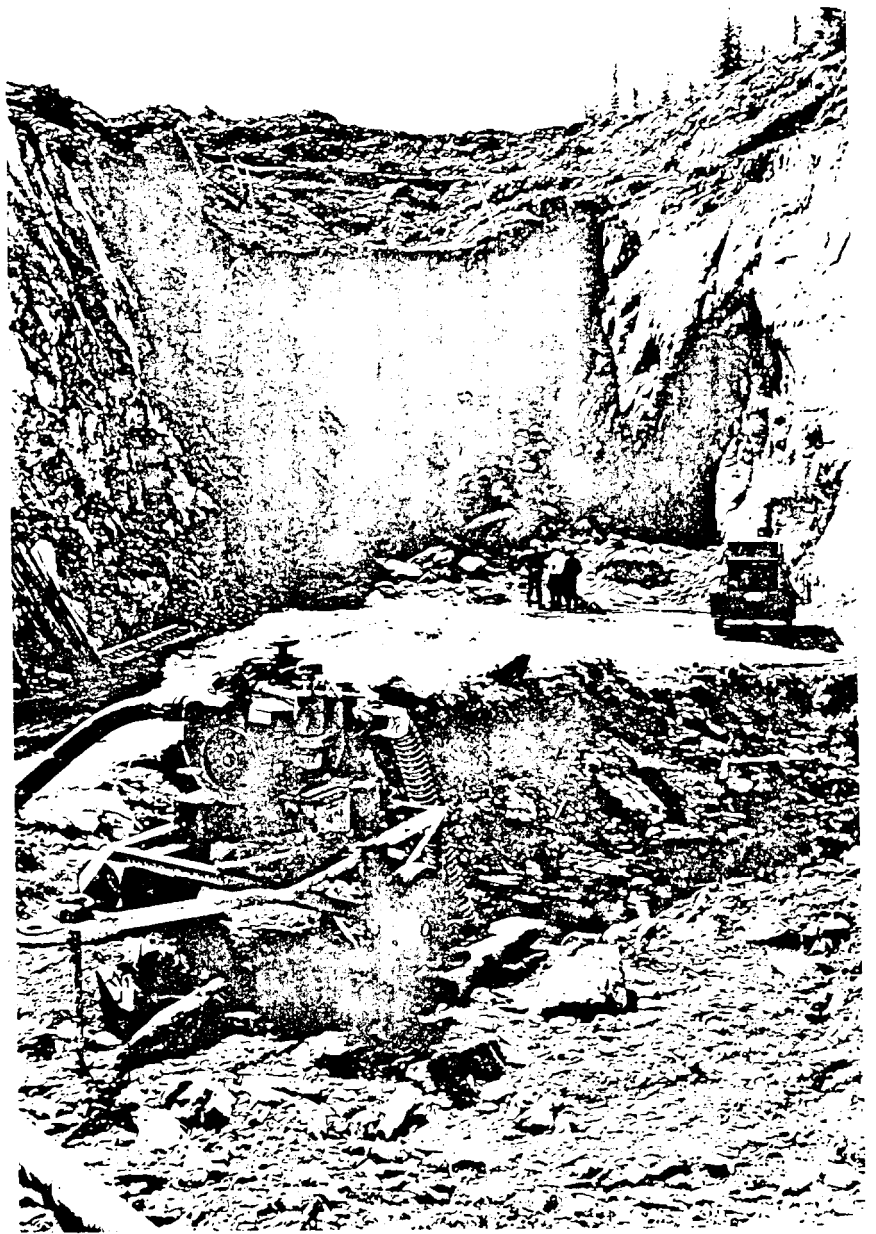
As youngsters we **were** always told that our people had never surrendered the land. We were told that the treaties were about peace. We grew up being told that our people would have authority over what happened **on our land**.

By this time the road to **Yellowknife** was completed.

There was the decision by Ottawa to move the administrative headquarters of the territorial government to **Yellowknife**. There were more and more people moving to **Yellowknife**. There were more people working with **the mines**.

It all created anxiety among people. It caused people to look at how to confront all these changes in a different way.

Native organizations were being conceived and organized in southern Canada. And news of that was reaching people in the North from people from the south who came up here. And some of our people had travelled in the south.



The 'Company of Young Canadians helped organize the founding meeting of the Brotherhood. It was **the right thing to do** at the right time. The Dene who were there all **agreed** that we needed this kind of a mechanism to confront **issues** that were coming up.

Issues had been confronted previously **community** by **community** or sometimes by region. In the past we had faced threats, from say, the Cree. But we were faced now with a different situation.

We had no forum **to** express our opinions. Once a year when treaty payments were made, the Dene had the opportunity to meet with representatives of Canada. But if we had a concern, it was generally too late to deal with it. It wasn't the proper forum to deal with modern issues.

The older leaders were responding to modern crisis with ways from the past. They were really being outgunned. They often couldn't speak the language.

The younger leaders like Charlie Charlo and James Wah-Shee, who were with **the** Company of Young Canadians, were more travel led. They knew English, they had a better understanding **of** the process necessary. There were drawbacks **too**. Many were in awe of the non-native institutions and ways.

In the late 1960s and early 70s we still had reliance on the traditional economy. Perhaps 85 percent of our

people lived the traditional lifestyle. Communities were starting to be developed but they were only used on a seasonal basis. Children were still being sent to residential hostel schools. There was still strength in the life on the land so economics wasn't a **big** factor.

The big thing was that the face of the land was changing and people were becoming **marginalized** and put aside. It was clearest in **Yellowknife, Hay River, Inuvik** and Fort Simpson. We had experience from the mid-50s that the North was going to open up. We had seen the population balance change in some communities. The young people had watched it happen. The elders had had total control.

The anxiety level was rising, particularly since people started talking about a **big mega-project**, the pipeline. We had heard of the Alaska pipeline and the land settlement there. The pipeline symbolized to the Dene the changes which were happening.

As we became organized we started to draw on examples of where people's power had meant something. There were changes in Canada too. Lester Pearson was encouraging Canadian youth to contribute to the community before going on to careers through the Company of Young Canadians.

We were looking at Cuba, **China** and the blacks in the States for examples of where people



were trying to regain control of their situations. Native organizations in the south were becoming active and starting to question the role of Indian Affairs and assisting people to get organized.

In 1969 when the government tried to eliminate the Indian Act to eliminate the difference between status Indians and other Canadians the Indians in the south were fighting back. They gained a lot of publicity and Trudeau withdrew the policy.

The civil rights movement created the climate, but the real heart of things was being able to identify with other Canadian aboriginal people. Our history and their history dovetailed. The court case of the **Nishga's**, who we had never heard of, was a big influence.

By then we had spent a number of years trying to put our finger on what was happening in the North. What was the reason the federal government was doing what it was doing, with highways, a pipeline, mines. It became clear that there were two versions of the Treaties. That's what initiated the Caveat Court Case.

The issue was never only land. It was what was being done to the land that people were concerned with. People had understood after the treaties that they still had authority over the land. But then they were being generally told after the fact when new communities were decided on,

and so forth.

The generation of people older than me understood the view of the elders but their perception was that they were dealing with a stronger force in the federal government. Often they felt it was best to be quiet and learn to live with the new reality. It was different with the young people. They were learning how to interpret the traditional control, which the elders said we'd never given up, into a modern day concept.

When individuals join together for a common purpose, how does that strengthen their relationship with each other? What success and failures have other political organizations had in influencing Canadian policy?

1968 - The first treaty boycott was led by Chief Jimmy Bruneau in Fort Rae to protest the government interpretation of Treaty 11.

BOSTON, APRIL 22--URGES PARTICIPATION IN MARCH--Dr. Martin Luther King Jr., addresses a small crowd outside the William Beardman School in the Roxbury section of Boston today after he was refused entrance to the school. King said, "I am here to remove segregation from every area of life in Boston. I come here to identify with your struggle in Boston." He invited all to participate in a mammoth civil rights march Friday in the Boston Common.

Another British Colony Becomes Independent:
EXIT BECHUANALAND-ENTER BOTSWANA
Tribal dancers rejoice that Bechuanaland the colony has become
Botswana the independent state. There are 576,000 people in
Botswana, only four thousand of whom are white.
CAMERA PRESS (LOND.) LONDON NEWS 1966





(OTT OUT) (OTT 1) OTTAWA, SEPT. 30 -- ALL FRIENDLY -- Insp. Hugh Charbonneau of the Ottawa city police shakes hands with an unidentified member of the Native People's Caravan that Sunday took over an empty National Capital Commission building on Victoria Island in the Ottawa River. The smiles follow the inspectors assurance of no police interference with the peaceful occupation intended to support demands against the Indian Affairs department. (CP Wirephoto) 1974 (Stf-Jnl-AL) SC 109a

Denendeh Aboriginal Organizations

Dene Band Councils - Chiefs and Band Councils were established after the signing of Treaties 8 and 11 at the initiative of the federal government. They have become accepted as the community structures representing the interests of the Dene. The Dene Band Chiefs and Councillors form the leadership of the Dene Nation.

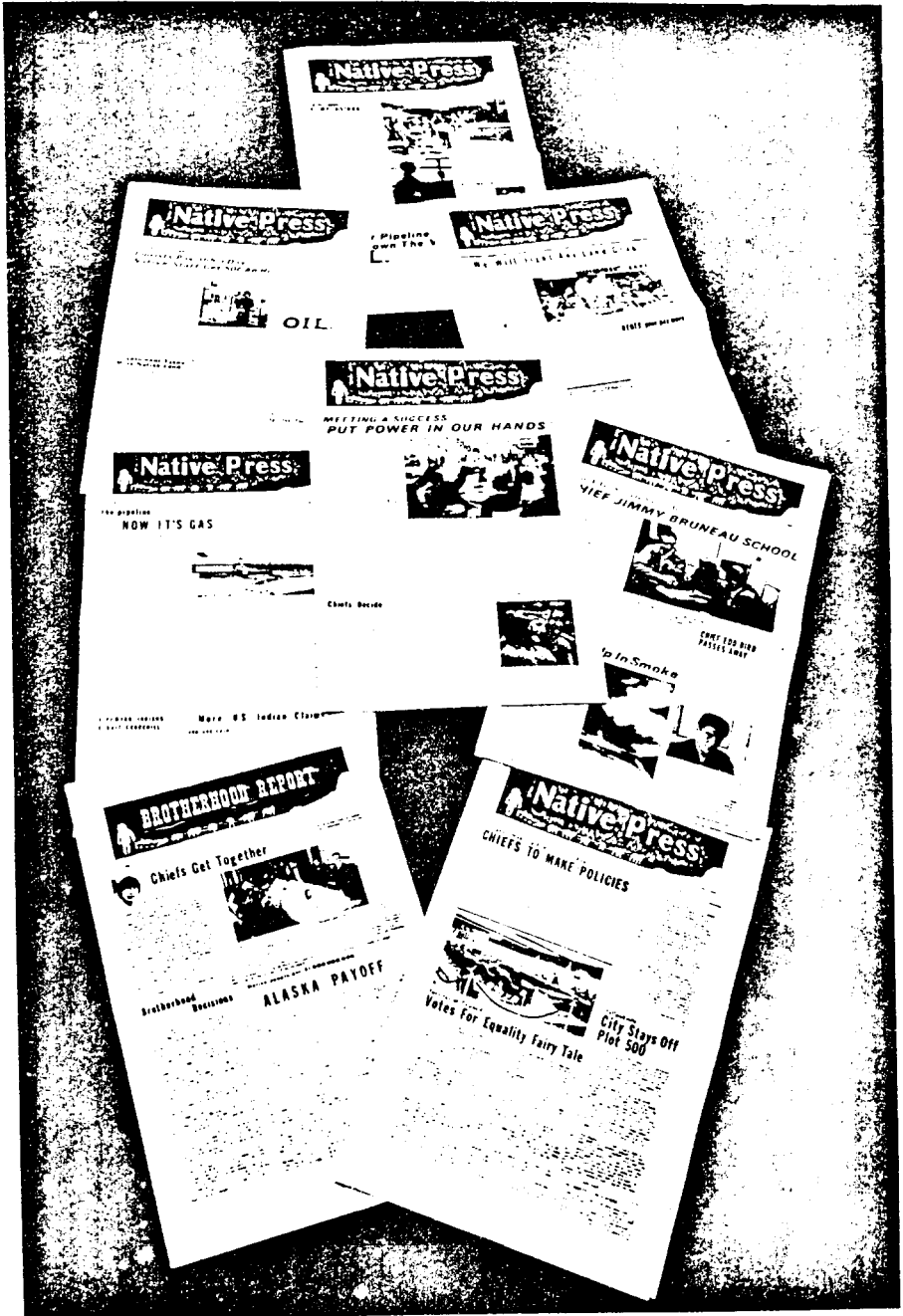
Dene Nation - Formerly the Indian Brotherhood of the Northwest Territories, the Dene Nation represents the overall political interests of the descendants of the Dene. Membership is open to all descendants of the Dene. The President and two Vice-Presidents are elected for a two-year term of office. They are accountable to the Dene Band Chiefs and Councils. The Dene Nation holds a General Assembly once a year. Community representatives provide direction to the Dene Nation executive on a variety of issues.

Metis Locals - Metis locals exist in most communities in Denendeh to represent the interests of descendants of the Dene who consider themselves **Metis**. The Presidents of the **Metis Locals** make up the board of directors of the Metis Association of the Northwest Territories. Metis Local *representatives* participate as delegates at the Metis Association annual General Assembly.

Metis Association of the Northwest Territories - It was established to represent the political interests of descendants of the Dene who consider themselves Metis, because of their mixed Dene and European heritage. The President and two Vice-Presidents **are elected** for a two-year term of office and are accountable to Metis Locals which represent **Metis** interests at the **community** level. A General Assembly is held once a year to provide the opportunity for community representatives to provide direction to the territorial organization.

Dene/Metis Negotiations Secretariat - Based in Yellowknife, the Secretariat is responsible for the negotiation of the **Dene/Metis** land claims settlement with the federal government. The Secretariat is directly accountable to the executives of the Dene Nation and the Metis Association of the Northwest Territories.

Dene Cultural Institute - The Institute has a mandate to document and promote Dene culture and traditional knowledge. It is governed by a board of directors made up of community representatives. The Institute reports to the Dene Nation General Assembly.



At a Crossroads

In 1969 the federal government brought forward a new Indian policy, which has become known as the White Paper. By this time, the legal segregation of Indians on reserves, or in the case of the North, on the margins of society, was called into question by the Civil Rights Movement south of the border.

The federal government policies for aboriginal people had always sought to protect them from white society until they had become "civilized" enough to enter that society on equal terms. The White Paper acknowledged the failure of past policies to achieve those objectives. However, the goals in the new policy remained the same. It was developed without consultation with aboriginal people, perpetuating the idea that the government knew what was best for Indian people.

The new Liberal government of Pierre Trudeau stressed individualism and individual rights. The White Paper would replace the relationship Canada had with Indians as a collective with a new relationship with Indians as individuals.

The White Paper proposed repealing the Indian Act and removing all discriminatory legislation dealing with Indians. Provincial governments would take over from the federal government responsibility for Indians in their jurisdictions. Indians were to receive the same services from the same agencies as other Canadians. Its purpose was to bring aboriginal people into the mainstream of Canadian society as quickly as possible. Prime Minister Trudeau was a strong defender of the proposal:

"We can go on treating the Indians as having a special status. We can go on adding bricks of discrimination around the ghetto in which they live and at the same time perhaps helping them preserve certain cultural traits and certain ancestral rights. Or we can say you're at a crossroads - the time is now to decide whether the Indians will be a race apart in Canada or whether it will be Canadians of full status. . . .

The White Paper served to focus aboriginal attention on what their goals really were. It became clear that maintaining a special status within Canada was necessary to retain a distinct identity and culture as aboriginal peoples. They saw the White Paper as the ultimate tool for assimilating Indians. Aboriginal people demanded that their history, rights and circumstances be recognized. While there are many provisions of the Indian Act which are damaging to native people, they do not want it dismantled - at least not until it is replaced with something else which maintains their distinct status within Canada.

The White Paper was withdrawn in 1971. In many ways this signal led the end of assumptions which had been made since before confederation. The 1970s and 80s became the period for replacing those assumptions. "For the first time aboriginal peoples themselves would actively participate in providing new directions for their future.

French Canadians also believe that special status is necessary for them to survive as a distinct people **within** Canada. What are the similarities in the situations of both peoples? Is the recognition of aboriginal rights discrimination, or is it a guarantee of equality between aboriginal peoples and other cultural groups?

Resolving Conflicts

The Dene come from a flexible hunting culture. The Dene moved about the land according to the rhythms of nature. To survive they travelled with the seasons to hunt and fish.

Traditionally the guiding principles of their lives were equality and the individual's choice to decide how to lead their daily life. No one sought to enforce or impose choices on others. If one adult was unhappy about another's behaviour, and agreement could not be reached, the wise way to express the unhappiness was by moving away. To persist in staying together when differences could not be overcome was traditionally thought to be foolish and self-defeating.

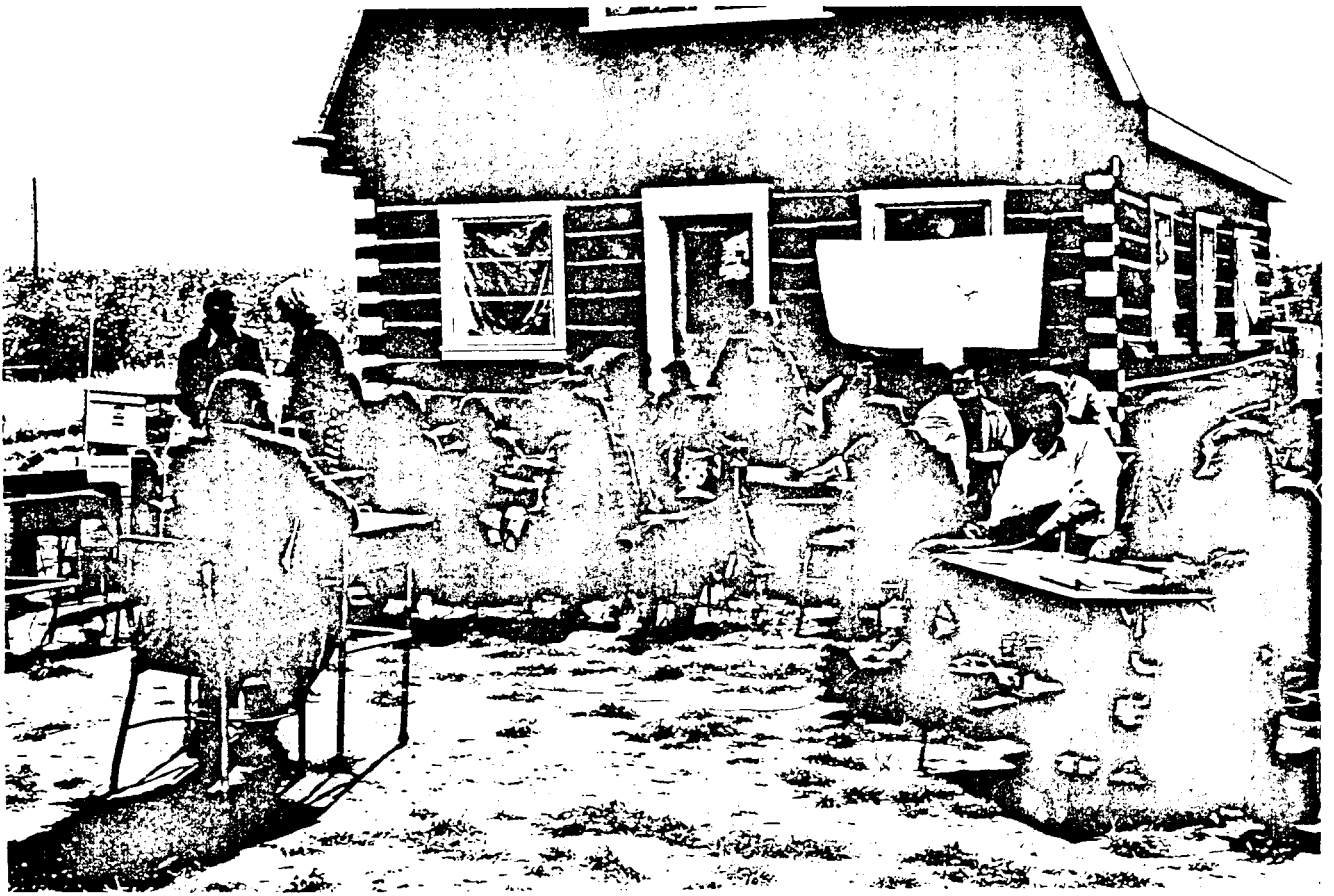
The mobility of Dene hunters and trappers is viewed by some as an influence which helped shape their relationship with the non-Dene. Where possible, people took advantage of new goods, ideas and economic activities, while maintaining their distance from social and political forces they did not agree with.

This means that newcomers did not often encounter resistance to their presence or any actions with which the Dene were uncomfortable.

The changes which took place in the 1960s and 1970s altered this situation. It became much more difficult for Dene to avoid any problems associated with newcomers. Settlements had been created and Dene became more permanent residents in these communities. The limitations on Dene mobility decreased the ability to avoid those with whom one was unhappy. The move to actively negotiate a new relationship with the rest of Canadian society coincided with the Dene inability to ignore or avoid the impact of change.

What other groups of people have been seen to accept for a time situations which they are unhappy with?

The term, Fourth World, was coined by George Manuel, President of the National Indian Brotherhood from 1970 until 1976. It was used to describe the situation of indigenous peoples who live within nations which have been imposed upon them, and which they have no hope of governing.



The Berger Inquiry

The Mackenzie Valley Pipeline Inquiry was established in 1974 to make recommendations to the federal government on the social, environmental and economic impact of a proposed natural gas pipeline. The inquiry was headed by the Honourable Mr. Justice Thomas Berger.

The inquiry lasted two years with presentations made by government, industry and individuals in 35 northern communities.

What captured the Canadian and international public's attention were the words of countless northern aboriginal people who opposed the pipeline. In doing so they expressed eloquently their history, their values and their experiences. They talked about their desire to hold on to a distinct identity and culture and to govern themselves. They asked that a modern relationship between themselves and Canada be worked out before major resource development on their land took place.

Mr. Berger recommended in 1977 that the pipeline be delayed for 10 years, to allow the aboriginal people who would be affected by it to settle their land claims with the federal government.

The Northwest Territories Legislative Assembly, made up of a non-aboriginal majority, supported the pipeline. In a booklet, responding to the Berger Report, it stated its position.

"... The majority of people here want to live together, and work together, as part of the Canada we know and in the Canadian tradition of equality, and forget a man's colour. . .

Nor do most of the people in the Territories see any merit in a massive number of native northerners returning to nature to live off the land and harvest her resources. . .

We believe a Mackenzie Valley pipeline would create, directly and indirectly, the massive economic start the Territories needs to begin developing the many jobs wanted by its unemployed people, including a great many of the native people. . ."

Why was the Berger Inquiry an important process for the Dene? Who did the Legislative Assembly speak for in 1977? In what way do you think the Berger Inquiry might still affect the relationship between Dene and non-aboriginal society in the North?

International Recognition of Aboriginal Rights

The following is Part 1, Article 1 of the International Covenant on Civil and Political Rights, 1966. This makes up part of the International Bill of Human Rights. Canada became a signatory to this United Nations Covenant in 1976.

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources. . . In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Canadian aboriginal people have lobbied at the United Nations and carried their fight for recognition of their aboriginal rights to other international forums. Increasingly, aboriginal people in Canada are working with other indigenous nations, peoples who originally occupied lands before colonization and who live within established countries which they can never hope to govern. One such international organization is the World Council of Indigenous Peoples, established in 1975.

There are indigenous, or aboriginal peoples in Japan, Scandinavia, the Philippines, the Soviet Union, parts of Asia, and Australia as well as North, Central and South America. .

Canada, the United States, New Zealand, Finland, Denmark and Norway have probably made the greatest progress in recognizing aboriginal rights. Indigenous peoples in many Central and South American countries face not only appalling poverty; but loss of their lands and in some cases, deliberate extinction, by government policies and violence.

Do you think international support for Canadian aboriginal people makes any difference to their relationship with the rest of Canada? What are the advantages or disadvantages of such a strategy?

Touch the earth

Western society has deeply conflicting views of indigenous people. On the one hand, they're seen as democratic, free-spirited savages untainted by material desires; on the other they're brutal, slow-witted and out of place in the modern world. Both these stereotypes have contributed to the destruction of native cultures and both continue to be challenged by native people.



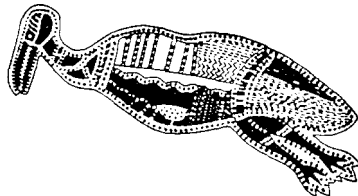
Who are they?

There is no universally-accepted definition of who is indigenous. However there are general characteristics shared by all native people:

- they are descendants of original inhabitants of land colonized by foreign invaders.
- they consider themselves distinct peoples with their own ancestral territories, social values and cultural traditions.
- they define themselves as indigenous and have the right to decide who is or is not part of their culture.

Colonial cataclysm

The invasion of native land by European adventurers, traders and settlers resulted in the deaths of millions of indigenous people in the Americas and throughout Australasia. Some died from imported diseases like smallpox, measles, typhus and influenza. Others died of maltreatment as slaves or fighting white invaders.



- In North America the estimated number of native people at conquest was 12 million; today there are just over 3 million.¹
- In Australia an Aboriginal population of 300,000 in 1788 was reduced to 60,000 a century later.
- Within 200 years of the landing of Columbus in Haiti, the indigenous population of Latin America was reduced from 70 million to less than 4 million.²

Global numbers

Indigenous peoples are found in almost every corner of the globe — from the Arctic to Patagonia and from Vanuatu to Kamchatka.

There are an estimated 200 million indigenous people today, nearly 40% of the

global population.³

- In most Western countries the number of native people is now growing faster than the general population. In Aotearoa (NZ) for example the Maori population growth rate is four times that of non-Maoris.⁴



	Estimated Population Native Peoples (millions) ⁵		
	Total Pop.	Indigenous Pop.	Indigenous as % total
Australia	16m	200,000	1.25%
Aotearoa	3.5m	385,500	11%
Scandinavia	17.2m	60,000	.003%
US	235m	2.5m	1%
Canada	25m	800,000	3%
Latin America	371 m	30m	8%
India	800m	51m	6%
USSR	275m	1 m	.36%
China	1000m	67m	6.7%
Philippines	53m	6.5m	12%
Burma	38m	11m	29%
Bangladesh	98m	1.1m	1%



Land invasions

Over the centuries native people have been shunted onto isolated, marginal land. Now these lands are under intense scrutiny as national governments and corporations cast an ever-widening net in their search for energy and raw materials to fuel the demands of industrial development.

Mining

- In Brazil the World Bank-financed 'Grande Carajas' project will open up a huge area of the Amazon to exploration for iron ore, bauxite, nickel, manganese and coal. An estimated 10,000 Indians will be displaced.⁶
- One of the world's largest uranium mines, Roxby Downs in S. Australia, is on traditional lands of the Kookoora people. The Project, jointly owned by British Petroleum

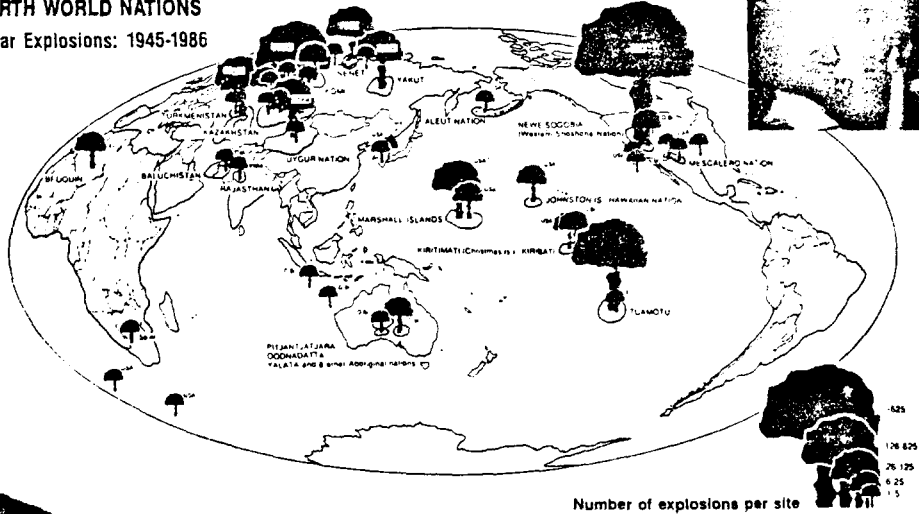


Indian Wars

Since the end of WW II indigenous people have become increasingly caught up in superpower militarism. Once forgotten lands are used as nuclear test sites or strategic outposts in the global sparring between the superpowers.

- In China, the Nighur people claim nuclear tests have resulted in premature deaths, birth deformities and poisoned food.¹⁰

**NUCLEAR STATES BOMB
FOURTH WORLD NATIONS**
Nuclear Explosions: 1945-1986



- Since 1963 the US has dropped more than 650 nuclear bombs on lands illegally seized from the Western Shoshone Indians in Nevada and California.¹¹
- France has conducted more than 130 atomic tests on the Mururoa Atoll in Polynesia. Radiation-linked diseases (leukemia, thyroid cancer) and birth abnormalities (stillbirths and physical defects) have increased markedly in the test area.¹²



Source: Cultural Survival Quarterly

The genocide machine

Once self-governing and independent, native peoples are among the most exploited in every country where they are found. They consistently have the worst health, the lowest incomes and the highest unemployment. They have poor housing, a low level of basic services, higher rates of imprisonment and a high incidence of alcoholism and suicide.

Behind bars

- The proportion of Aboriginal people imprisoned is 14 times the national average in Australia.¹³
- In Canada, Indians make up 3% of the population and 10% of the jailed population.¹⁴
- In Aotearoa, Maoris are 11% of the population yet they make up nearly 50% of the prison population.¹⁵



Illness and poverty

- Indians in Guatemala have a life expectancy 11 years less than the European 'Ladino' majority. In Paraguay, infant mortality among some Indian tribes reaches 500/0 vs 10% for the rest of the population.¹⁶
- American Indians are eight times more likely to contact tuberculosis than other US citizens.¹⁷
- The average life expectancy for Australian Aborigines is 50; for non-Aboriginals it's 70+. The New South Wales Health Department estimates the Aboriginal infant mortality rate at 52/1000 vs 12/1000 for the state as a whole, but notes that 25% of Aboriginal infant deaths may go unrecorded.¹⁸

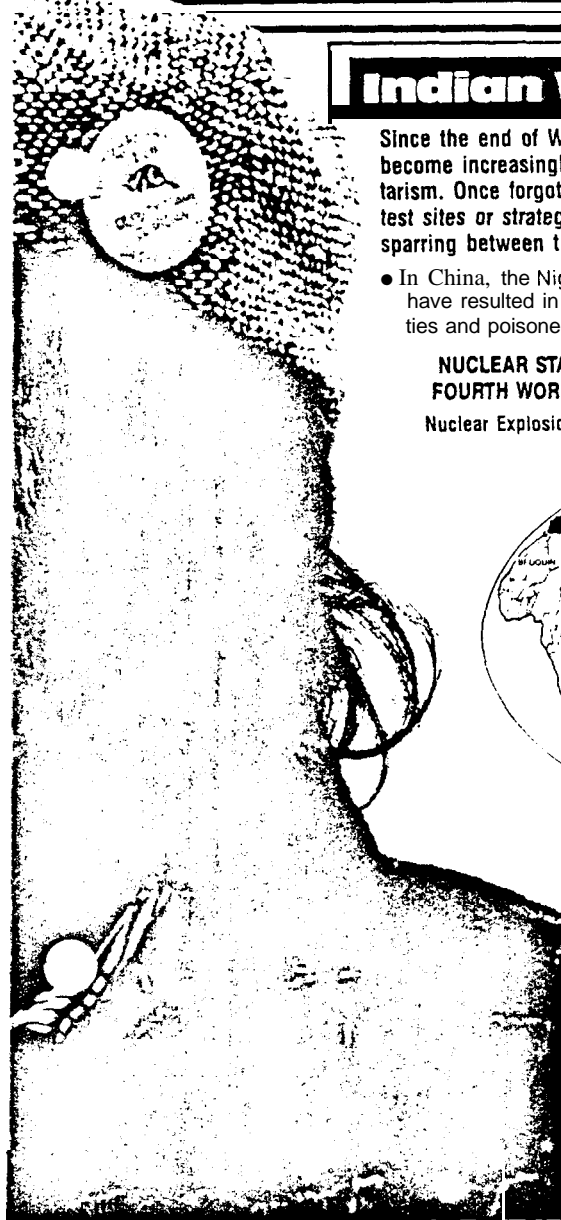
Signs of despair

- The Canadian Indian suicide rate is three times the national rate. For young people aged 15-24 the rate is nearly seven times higher.¹⁹
- Alcoholism and petrol-sniffing have reached epidemic proportions among Australian Aborigines. According to the Alice Springs-based Aboriginal Health Congress 53% of Aboriginal hospital admissions are 'grog'-related.



Photos (clockwise from bottom left) John Moss/Camera Press; Richard Harrington/Camera Press; E Jane Mundy; Penny Tweedie; Debra A Silverman/Impact Visuals

Sources: 1. Report from the Frontier, J. Burger, 1987 p37, 2. Ibid p36; 3. Indigenous Peoples, A Global Quest for Justice, ICIHI, 198 p11; 4. Burger, op. cit., p144; 5. Ibid and State of the World's Children, UNICEF 1987; 6. ICIHI, op. cit., p44; 7. Cultural Survival Quarterly, Vol. 10, no.1, p42; 8. ICIHI, op. cit., p53; 9. Ibid p54; 10. Ibid p77; 11. Cultural Survival Quarterly, Vol.11, no.4, p5; 12. ICIHI, op. cit., p79; 13. Aboriginal Social Indicators, Dept Aboriginal Affairs, 1984; 14. Indian Conditions, A Survey, Dept Indian Affairs and Northern Development (DIAND), 1980; 15. Dept of Maori Affairs, Research and History Unit; 16. J. Burger, op. cit., p23; 17. ICIHI, op. cit., p17; 18. Aborigines Today, Land and Justice, J. Burger, Anti-Slavery Society, 1986 p43; 19. DIAND, op. cit.



and the Western Mining Co., has already desecrated sacred Aboriginal sites and the Kukotha have received no compensation for the \$200 million development.

Dams

Dams are seen as a quick-fix energy solution for industrial development. But for native people whose land is flooded and way of life destroyed they are a potential disaster.

- In Malaysia the \$12 billion Bakun and Pelagus dams in Sarawak will inundate 600 sq kms of rainforest and displace at least 17,000 indigenous people.⁷
- The Karnaphuli reservoir in the Chittagong Hill Tracts of Bangladesh submerged 420 sq kms of prime food-producing land and displaced over 100,000 indigenous people.⁸
- In Guyana, a proposed hydro-electric dam will flood 1,660 sq kms and displace 5,000 Akawaio Indians.⁹



Chapter 5.

Defining Aboriginal Rights

What are aboriginal rights? Why do the Dene want to remain distinct from other Canadians? What does self-government mean?

What are Aboriginal Rights?

Aboriginal **rights** are the rights to which the Dene are entitled because they are one of the original peoples of Canada. The Dene have never given up **their** right to exercise the rights of a nation.

Like the citizens of the European countries which started colonies in the New World, the Dene have the **right to self-determination**. Like the citizens of other nations, the Dene have the right to **practise** their own culture, use their own property, pass their own laws, and to govern themselves. The challenge for the Dene and other Canadians is to design and negotiate ways to respect the aboriginal rights of the Dene while at the same time respecting the integrity of Canada as a nation.

Because aboriginal rights existed when Canada became a country, they are sometimes referred to as the oldest human rights issue in Canada. They are the newest too. It is only in the past 20 years or so that they have become a public political issue.

Ideas about the most appropriate way to express aboriginal rights vary among the different first nations in Canada. Aboriginal people across Canada share a common experience in terms of **their** relationship with government and the dominant society. However, they each have unique cultures, traditions, values, histories and circumstances. There are approximately 50 aboriginal languages in Canada.

The situations of various aboriginal peoples differ dramatically. The **Inuit** of the Northwest Territories make up a majority of the population in a vast territory. At the other extreme, there **are** Indian bands living on tiny reserves within large urban areas.



A Dene Defines Aboriginal Rights

John Bekale, Vice-president of the Dene Nation, says, aboriginal rights is "the right to control every aspect of your life. Land is a big part of that. But education, health, all of those things are included. It is the right to govern ourselves.

Self-government is seen as the chance to bring forward our traditions, our values, our way of doing things. That includes our past experience with caring for our own health needs, our own education and managing the land.

People have come here and brought a foreign system to replace the one we **always** had. They assumed we had nothing to offer. So they said, this is what your religion should be. This is what your education will be. This is how your land should be managed.

Aboriginal rights is saying we want to be self-reliant, to do things for *ourselves*. It is saying we want to have dignity. We want it to be recognized that we have something to contribute.

For us it means we have a lot of work to learn the white man's technology, while not losing sight of the ways we used before. We'll learn the other system. It means taking advantage of the technological knowledge that exists, but balancing that with our own ways. Self-government is the chance to bring forward what we have to offer.

If we're given the opportunity we can contribute. The herbal medicines of our elders might cure cancer. The Chinese have different ways with medicine too. Their ways are researched and documented, so they're respected. ● Our ways have a lot to offer and deserve respect.

I'm concerned about people losing the meaning of the drum songs and the things the elders know about managing the land. The government can drag things on for years and not deal with the issue. In the meantime we lose more of our traditions and language. It's easy to say that these things start at home. It's true, but your children have to feel comfortable about using them. They won't if they aren't respected by the world we live in."

What are the Dene seeking that any other people **wants** or already have? Do you think this is reasonable? Why or **why** not?

Principles: Aboriginal Rights for the Dene

- * The right to a distinct aboriginal identity and culture
- * The right to self-government within Canadian Confederation
- * The right to maintain their relationship with, and authority over, their traditional land base
- * The right to compensation for past denial of aboriginal rights
- * The right to a special status as aboriginal peoples in the Canadian Constitution

Identity and Culture

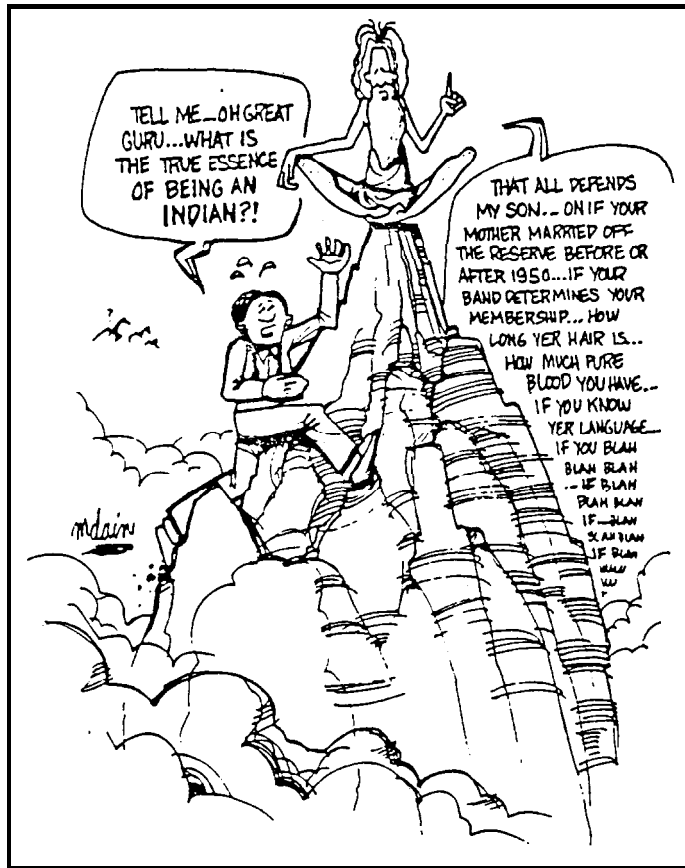
Identity is a sense of who we are as individuals, as groups of people or as a country. It is how one defines oneself, and the world. We see ourselves in the context of the world around us. Identity expresses itself in many ways. It can be, for example, your favourite music, food, your ambitions, your family, your work, your interests, your past experiences.

Culture is what makes one group of people different from another. The culture of a group of people is basically their way of life. A way of life is made up of such things as political and legal systems, attitudes, values, industry, dress, language, games, music, religion and food and ways of making a living.

The ability to continue traditional activities of hunting, trapping and fishing is essential to maintaining Dene identity and culture. The means must be available for Dene to continue their connection with their hunting and trapping past in a way they choose.

Hunting and trapping also have a significant economic value in the Northwest Territories. The Department of Social Services estimated in 1985 that the value of country food, obtained while hunting and trapping, is about \$5,000 per family.

The Dene are not alone in their concern over maintaining a unique identity and culture. Many people fear that the Canadian identity and culture is being overwhelmed by that of the United States. They believe that specific measures must be taken to protect Canada's culture and identity.



Any confusion that might exist about who is an Indian has been promoted by the Canadian government acting without the agreement of Indian people. The Indian Act defines Treaty Indians as those whose ancestors' names were registered, to determine band lists or treaty payments. Non-Status Indians are defined as those who were never registered, or who have over time lost their status .

Many Metis take pride in a distinct culture derived from both their Dene and non-aboriginal heritage. The Dene and Metis are trying to cast off certain distinctions imposed by government by working together on land claims and self-government negotiations. The arbitrary divisions created by government continue to cause problems in Denendeh and other regions of Canada.

The Canadian Radio and Television Commission, the CRTC, has set rules demanding that radio stations devote at least 30 percent of their air time to Canadian content. The CRTC also controls the content of Canadian television. The Canadian government spends money to promote Canadian films, publishing and other aspects of Canadian culture which contribute to our identity. Quebec has language laws which are intended to preserve and enhance the French language.

The Dene want their own culture and identity to remain distinct within Canada. They want recognition and respect for who they are, for their world view, and their culture. The full expression of aboriginal rights means any relationship between the Dene and Canada has to include ways to promote this goal.

Do you think the Canadian identity and culture can be preserved without special laws? Why or Why not? What measures might be required for the Dene to preserve, promote and enhance their identity and culture?

More Than Words

It would take a long time to examine all the elements of Dene culture and identity. Promoting Dene languages is a part of the aboriginal rights struggle. The question many Euro-Canadians ask, is why should the effort be made to support languages spoken by only a few hundred people?

John Ritter is a linguist with the Yukon Native Language Centre. "For me," he says, "these languages, any language, has intrinsic value and beauty. For the natives themselves the purpose is much more concrete."

What is the purpose of language? It is more than just attaching words to things or a means of communication. A language contains the experience, history, and expression of a people. It describes the world as seen by a people. It shapes and is shaped by culture and environment.

It is often impossible to communicate one view of the world in another language. There are differences between European languages. We often draw on other languages to express a concept or idea; the French word "chic" describes a quality which is not expressed in English.

According to the Report of the Task Force on Aboriginal Languages, established by the NWT Legislative Assembly in 1984, "the recognition of language is not just the recognition of a system of words, but of a unique perception of the world and of the people and societies which hold these perceptions. "

In its report, the Task Force, quotes a Dene perspective on the importance of aboriginal languages.

"It doesn't just mean being able to speak. It's knowing who I am that makes me that much more powerful, because language does that to you. . .The ability to communicate with both worlds is power. . .it gives me a backbone, like something inside of me that makes me very secure with me. And you only feel that backbone because you know where you come from, who you are."

The report quotes the perspective of a non-aboriginal northern employer as well. The CBC Northern Service representative at the Inuvik hearing of the Task Force said,

"It is the CBC's experience that graduates who have been able to maintain their language, with full appreciation of their culture and heritage, are often most able and self-confident to take on the demands of the modern workplace."

The Native Women's Association of the Northwest Territories told the Task Force that government has a responsibility to reflect the cultures and languages of the people it serves.

"We need to see school text books, street signs, maps written in the region's specific language. We need school teachers, employment counselors, priests and church services, territorial and federal personnel, fluent in a native language. The territorial and federal governments claim to represent the people in the Northwest Territories yet cannot converse to us in a native language."

"until 15 or 20 years ago, Canada's native languages were ignored when they were not attacked. In 1967, the report of the Royal Commission on Bilingualism and **Biculturalism** mentioned them only in passing, to say that they lay outside the scope of an enquiry restricted to Canada's two "founding" peoples. Canada exposed itself by those **words** as a white-settler state without room for those who had lived here before Cabot and Cartier. To that mentality, native languages were mere casualties of progress: primitive, simple, incapable of adapting to the modern world.

A few had known better. **Emile Petitot**, a French Catholic priest and linguist active in the Yukon (and Northwest Territories) a century ago was astonished to find Athapaskan languages more complex. . than his own."

- Ronald Wright, Saturday Night Magazine, April, 1988

What do you think should be done to promote the Dene languages? **Who should do it?** What effect would more respect for, and wider use, of aboriginal languages have on aboriginal people? On **non-aboriginal** people?

Little concern for natives - study

Kathryn Welbourn
NEWS/NORTH

Southern Canadians are uninformed and show little concern about aboriginal issues, according to a study by J. Rick Ponting, a sociology professor at Calgary University.

"In general it's safe to say Canadians are not very knowledgeable about native matters in the 1980s and they weren't that knowledgeable in the 1970s either.

"We did a sample test

which indicated the first ministers' conference didn't make a big difference either, the results were almost the same," he says.

Ponting's study found one quarter of those surveyed did not know what the term aboriginal people means under the Canadian constitution.

Sixteen per cent simply said they didn't know. Two per cent said people who have lived in Canada all their life and the rest gave combinations of partially correct answers, totally wrong answers or -used derogatory terms, he says.

Ponting says even with prompting some people questioned would not include Indians, Metis or Inuit in their definition of aboriginal people.

The study also indicates that while most Canadians are not well informed about aboriginal issues their opinions on them are somewhat contradictory.

Most Canadians are "antagonistic" to anything involving "special privilege" or rights such as control over education for native peoples.

But they are positive

towards greater political and institutional reform, "more so than their politicians are," Ponting says.

He says this contradiction is based on Canadian dislike for special privileges and a lack of knowledge about what native peoples are trying to achieve.

"Canadians are wary of special status. They have so little knowledge about native affairs that they fall back on general values in Canadian political culture to deal with that and that means

equality.

"There is a need for it to be demonstrated to Canadians that reforms are trying to bring about equality rather than conferring a message of special privilege."

The study, which was published by Statistics Canada in Canadian Social Trends, did not include the Northwest or the Yukon Territories because of the high cost of travel to isolated communities, Ponting says.

Dene Self-government

"our experience has taught us that it is foolhardy to expect anyone other than ourselves to protect our interests. We must have more than an assurance that our interests will be taken care of by others, or by the institutions of others. Relationships whereby one party undertakes to protect the interests of others are by definition colonial. Therefore we insist on the right to define, protect and present our own interests .

We have recently come to grips with the implications of living in a world in which men make decisions not by agreement but by manipulation of power. The lesson of the Treaties and the lesson of our experience since that time is that our rights will not be adequately protected by assurances of non-Dene institutions, be they corporations or the Federal Government. Our rights will only be protected by "the assertion of those rights by ourselves."

-1976 Dene proposed Agreement in Principle

The concept of self-government is often seen by native people as synonymous with aboriginal rights. The struggle for aboriginal rights is based in a natural desire by the Dene for self-determination, that is, authority and control over determining their future.

The governments in Canada, federal, provincial and municipal, are products of Euro-Canadian values, culture, past experience and way of thinking. Canada has a Parliamentary system of government, based on British tradition. It was developed to meet the needs of, and incorporate the ideas of, the people who established it.

9.

The Dene, like aboriginal people across the country, were not involved in establishing these governments. The institutions and values they represent were imposed on aboriginal peoples.

Just as different aboriginal nations governed themselves in their own way before Treaties were signed, there are different ideas in Canada about what form aboriginal self-government should take. In 1981 the executives of the Dene Nation and Metis Association put forward a proposal for a Denendeh government. It was called, Public Government for the Peoples of the North. Aboriginal self-government **goals** were expressed this way:

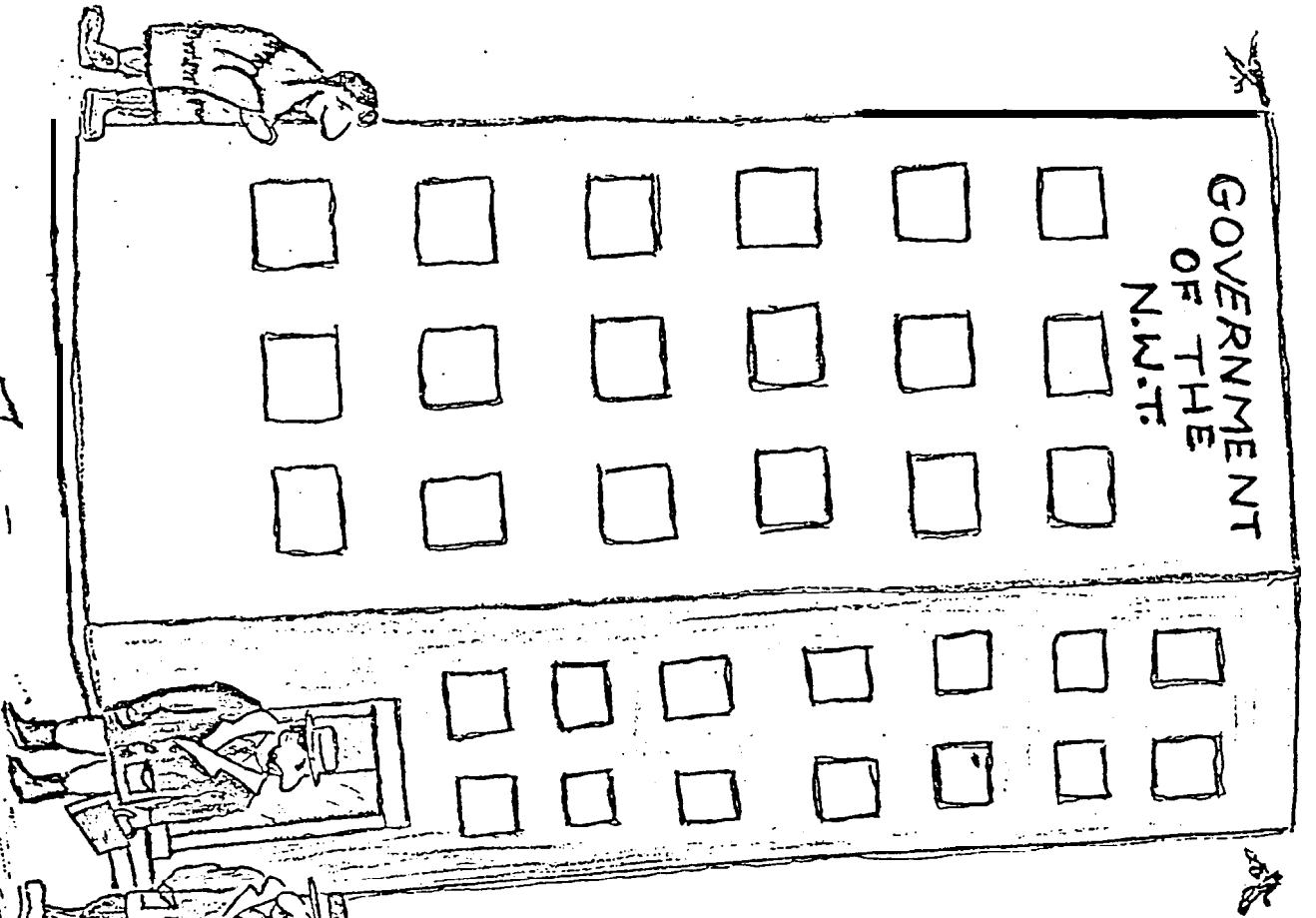
"We seek, as essential to a just settlement of our rights, a **political system** that will embody **Dene values**, that will reflect the Dene style and form of political organization, and that will provide **a just** and efficient government for both Dene and other Canadians in the western part of the NWT "

The concept that aboriginal people should be able to govern themselves has become widely accepted within Canada in recent years. A federal Task Force on Indian Self-Government, (chaired by former Member of Parliament, Keith Penner, and sometimes called the Penner Report) recommended constitutional entrenchment of the aboriginal right to self-government. It also recommended that the federal government deal with the issue on a nation to nation basis with aboriginal peoples.

In 1984, legislation to outline how this new form of government would be negotiated, was introduced in the House of Commons. However, a federal election was called, preventing discussion of the bill.

Specific self-government proposals are explored in the last chapter of this learning unit.

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Dene Relations With Northern Government

We have been dealing for the most part with the relationship between the Dene and the federal government. Aboriginal people are, after all, a federal responsibility.

But what of the relationship between the Dene and the government closer to home, the Government of the Northwest Territories. For many years the Legislative Assembly of the NWT took the position that it alone could represent all residents. It did not believe that a different kind of government, nor significant changes to the current one, were necessary to represent aboriginal interests.

As a result the Dene, and other aboriginal people in the NWT did not recognize the territorial government as legitimate, at least not as a representative of aboriginal people.

In 1979, for the first time a majority of Members of the newly-elected Legislative Assembly in the Northwest Territories were aboriginal people. The new Assembly formally passed motions to distance itself from the positions which had been taken previously.

It acknowledged that it was an "interim" government. In doing so, it accepted the viewpoint of the Dene that, in its present form and structure, it did not fully represent aboriginal people. Since then the Dene have recognized it as an "interim" institution and have developed a better working relationship with it.

One example was the active support by Members of the Legislative Assembly for attempts by aboriginal people in Canada to have aboriginal rights entrenched in the Canadian Constitution in 1982.

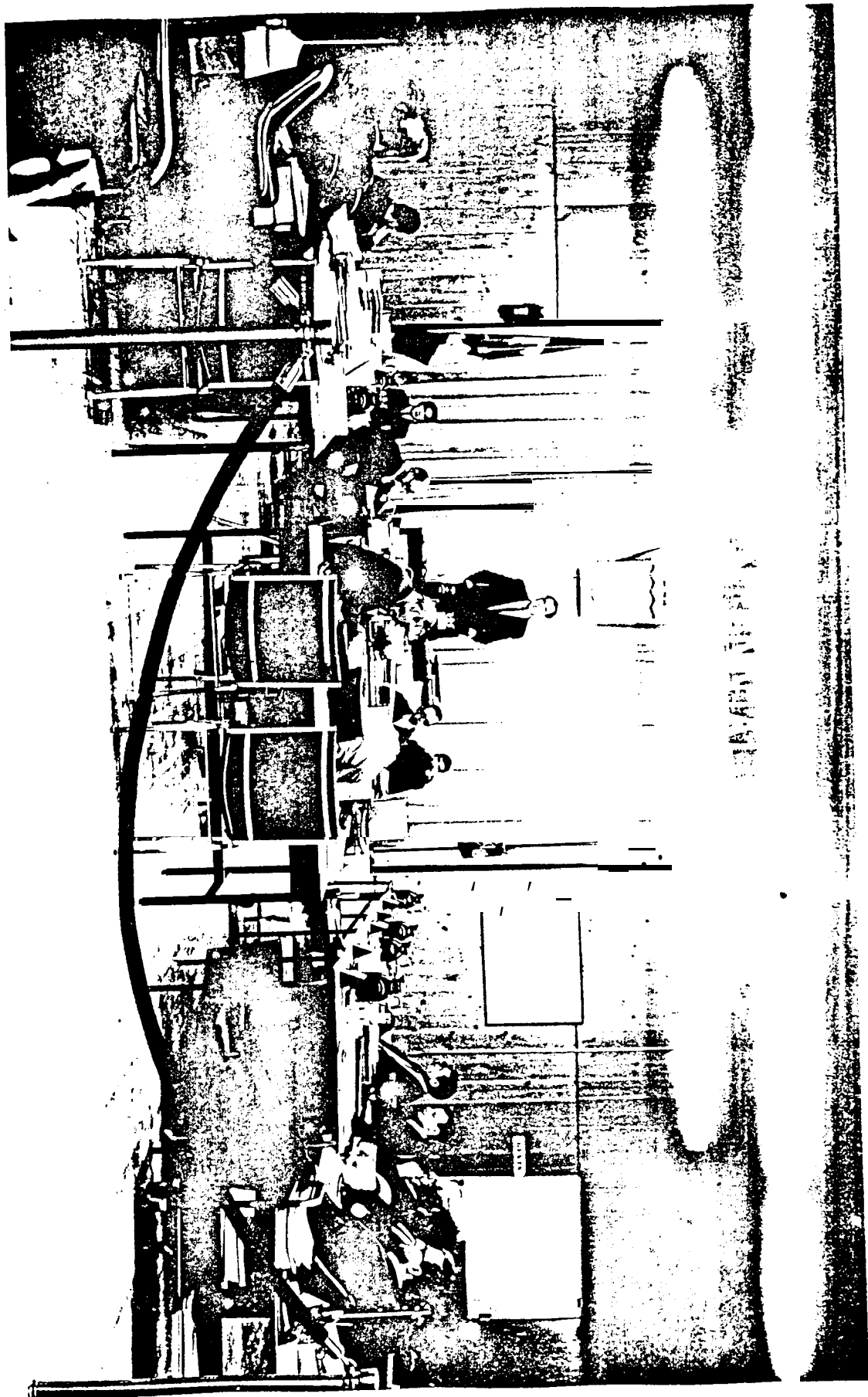
There have been changes in the territorial government to make it more representative of aboriginal peoples. Approximately 32 percent of the territorial government employees in 1989 are aboriginal. While this is an improvement over the past record, it is still far below the proportion of aboriginal residents in the NWT. Just as significant is the fact that few aboriginal government employees are in senior positions, where government policies and laws are developed and influenced.

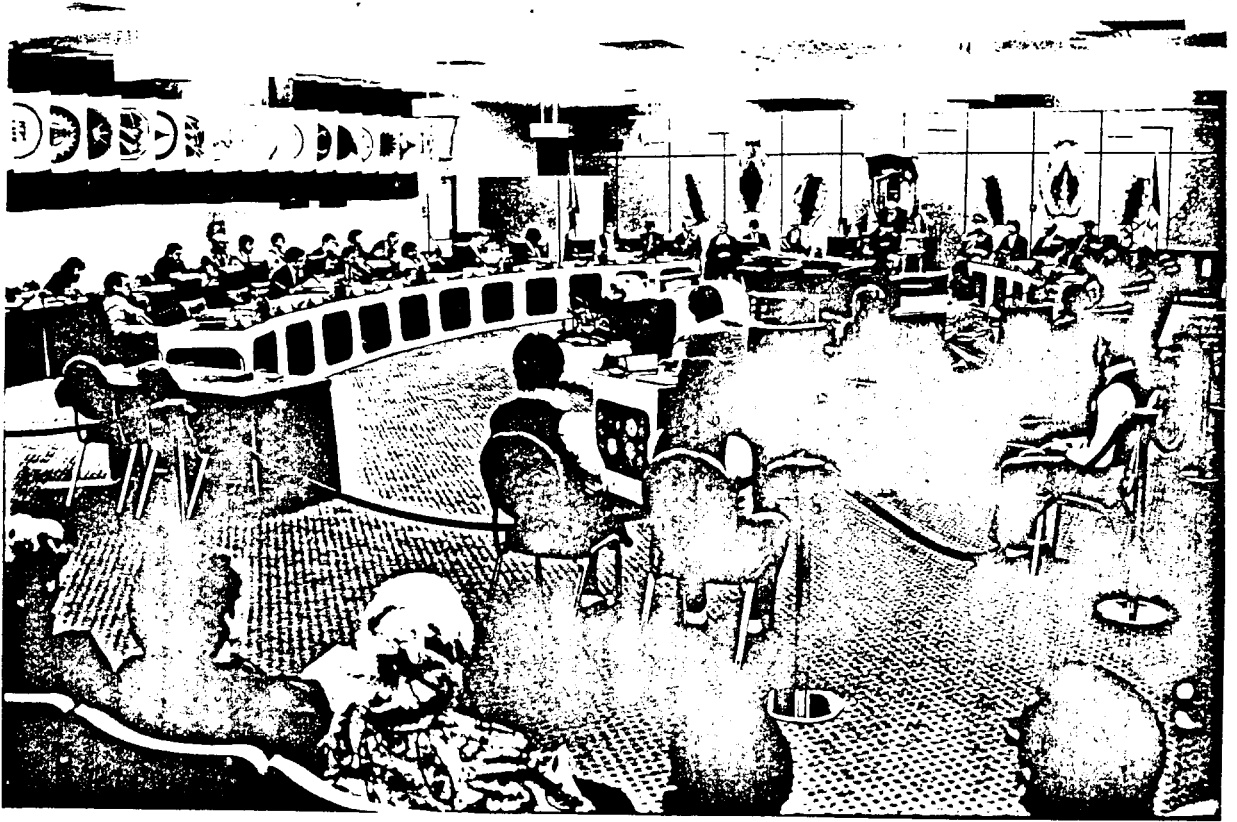
Representation in the Government of the Northwest Territories affords the opportunity to make some changes to the way government serves the people. However, representation does not change the actual institution itself or its basic approaches to governing. Aboriginal self-government has not been achieved by greater aboriginal representation.

The justice system, health system and education system, for example, are still set up in the form and structure established by Euro-Canadians to meet their standards, values and needs. The structure and rules of the Legislative Assembly, and the roles of its members, are based on Euro-Canadian values, history and way of thinking.

Why is self-government important to the Dene? Do you agree that the territorial government does not currently incorporate Dene self-government? Why or why not?

"When the white man governs himself that is self-government; but when he governs himself and also governs another man, that is more than self-government - that is despotism."
- Abraham Lincoln

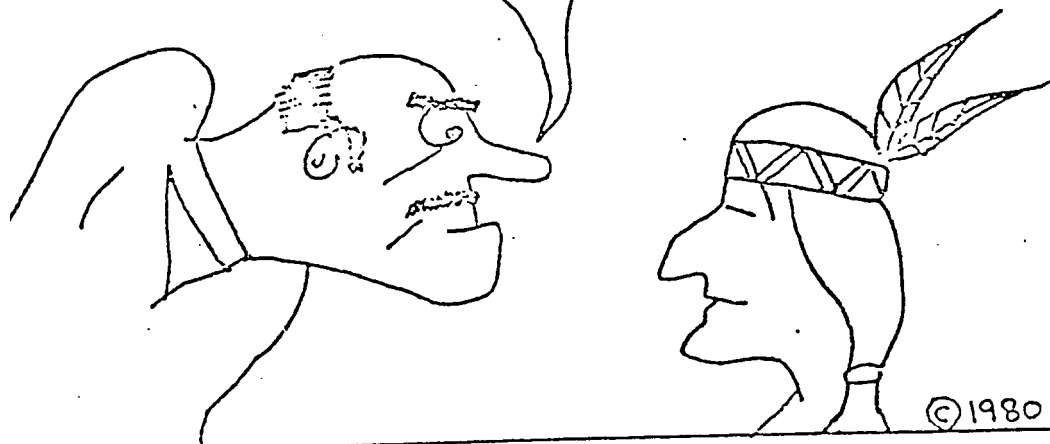




THE

INDIAN | "

IF YOU DO EVERYTHING OUR WAY -
WE'LL LET YOU GOVERN YOURSELVES!



©1980 TY

Nigerian Case Study:

The following narrative is from The Struggle for Democracy, a companion book to the CBC Television series, hosted by Patrick Watson.

"...Even in our age of social science Africa remains a mysterious land, resistant to Western styles of democracy and to the 'laws of political development' Westerners have tried to apply to it. We **might** look to Latin America or Asia to learn about the fate of democracy in the Third World, and we would find similar answers. But in Africa, with its great and burdensome colonial past, its thousand distinctive native histories, **and** its troubled modern history, the range of problems -- and attempted solutions -- seems exceptionally wide. . . If we suspend our own biases and open our minds to other understandings of democracy - we may learn some surprising lessons not just about Africa, but about the democratic Western world as well...

...Consider Nigeria: the European explorers who pushed up its rivers almost two hundred years **ago** found not a nation but a loose collection of over 250 different cultures, each with its own customs, religions, and languages. ..The British welded this diversity into an artificial 'nation' by imposing a common language -- English, of course -- and instituting a British-style parliamentary government, but they were quite unable to turn the vast and fragmented area into an integral democracy.

Nevertheless, for six heady years following independence in **1960** this most populous of African countries (with over a hundred million people) seemed to be making a success **of the** British democratic legacy. ..It had also inherited from the British all the trappings of democratic government -- lots of rival political parties, a dazzling Westminster-style parliament complete with prime minister, cabinet, speaker, an official 'loyal opposition' party, and a regular 'question period' . . . Just how alien these institutions were can be guessed from the fact that in several native languages the only translation for *leader of the opposition' was 'chief enemy' . . .

...Nigeria's efforts to adapt to these important political institutions *came* to a tragic and abrupt end in 1966. The tribes quickly lost patience with the contrived parties and the democracy they supposedly embodied. . . In a pattern now all too familiar in the developing world.. overnight one of the world's largest democracies went from civilian to military rule. . .

...Western democracy has clearly failed Nigeria. But **Africans** are saying that if democracy is ever to return to this volatile, violent, and corrupted nation, it will have to **grow** from native roots. 'It will have to be African,' they say. **.We** do not need things imported from the West.' In fact all of Africa appears to *revere things* imported from the West - Mercedes **Benzes**, **Uzis**, telephones, computers, airplanes, military uniforms and ranks, the formal courtroom and other aspects of criminal law. Yet it is true that the abandonment of deep-rooted customs and cultural patterns may have been the single most critical source of the troubles in **Nigeria**

...democracy today is still threatened by ancient problems of colonialism, the powerful against the **weak**, tribal 'division, internal corruption, and the seeming incompatibility of Western-style institutions with indigenous Third World traditions. . .

...Clearly the struggle for democracy and the struggle against the colonizers are two different struggles; and in achieving independence many nations seem to feel compelled to abjure democracy. Perhaps the greatest test of democracy will be whether they can find a way to resolve these damaging tensions -- and not by merely exporting one nation's constitution to another, or imposing one country's government upon another. This may mean combining ancient forms of tribal co-operation with innovative forms of government, combining the power of universal rights with the uniqueness of each nation's own traditions and customs."

What are the parallels between the struggle for democracy in Nigeria and the struggle for aboriginal self-government for the Dene? What are the differences in the two situations?

Land of the People

The history, values, **culture** and identity of the **Dene** are strongly tied to the land. It has spiritual and religious significance for the Dene. It would be difficult to over-emphasize the special relationship which the Dene have with the land.

Land **is** essential in order for the Dene to be able to express other aspects of aboriginal rights. It is not merely a matter of having some form of ownership over land; **it is also** having authority over what happens in the Dene traditional homeland.

A comparison can be made with other peoples around the world. Any people who see themselves as a nation require an adequate land base. The state of Israel, for instance, grew in **large part** out of a desire by **Jewish** people to **regain** a land base in order for their unique culture and identity to survive.

In Canada there are many immigrants who maintain their cultural links with their home countries. If Italy ceased to exist as a country, how would that affect the cultural identity of Italian Canadians? Without that land base somewhere, the Italian part of their identity would become absorbed into the Canadian mainstream. The cultural connection with people, memories and values requires that Italy continue to exist.

Compensation

The **entire** question of compensation **raises** several unanswerable questions. What have been the human costs to the Dene of sharing their land? Can any **cash** value be placed on the loss of **dignity** and self-reliance?

How much of Canada's wealth has been generated from the land and resources which the Dene have agreed to share with other Canadians?

Compensation cannot be measured in such terms. However, it is recognized in the federal claims policy that a just aboriginal rights settlement will include financial compensation. The money is intended to provide a foundation for economic self-sufficiency for the **Dene**.

Compensation for the past denial of aboriginal rights is being negotiated within land claims talks.



What do you think is required for the protection of hunting and fishing rights for future generations of Dene?



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Surname **CHOCOLATE** Nom

Given names **Dorothy** Prenoms

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IS AN INDIAN WITHIN THE MEANING OF THE INDIAN ACT
CHAPTER 1-6 REVISED STATUTES OF CANADA (1970)
EST UN INDIEN AU SENS DE LA LOI SUR LES INDIENS
CHAPITRE 1-6 DES STATUTS REVISES AU CANADA (1970)

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Special Status

As its first peoples, aboriginal people have **always had** a distinct place within Canada . Special status is not something which the Dene are asking people to give them. It is something they already had when Canada was first settled by Europeans.

That special status has been recognized by the Royal Proclamation of 1763, the British North America Act, the Indian Act, and more recently the Canadian Constitution. Entrenchment of aboriginal **rights** in the Canadian Constitution means that the Canadian government cannot pass laws which deny or override aboriginal rights without the consent of aboriginal people.

The Dene did not immigrate to Canada expecting to live under the political system which exists here. Instead, Canada as a country has been imposed on them. Their situation is unique in Canada.

Aboriginal rights is the modern expression of the special status of the Dene within Confederation.

September, 1987 - Pope John Paul visits Fort Simpson and in a speech urges a new relationship to guarantee the rights of Canada's aboriginal peoples. "...I affirm your right to a just and equitable measure of self-government along with a land base and adequate resources for the development of **a viable economy** for present and future generations."



Building a New Relationship

The Dene are working in *several* ways toward building a new relationship with Canadian society.

1. Land Claims Negotiations

The Dene have been actively involved in land claims negotiations with the federal government since 1976. It has been a long and difficult process for both sides. We will examine the land claims process in the next chapter.

2. Aboriginal Self-Government

The Dene have been working with other aboriginal organizations and the Legislative Assembly to develop a new government in the western Northwest Territories. If those negotiations are successful, the goal of incorporating aboriginal self-government within one government serving all citizens, will be realized.

Self-government within **public** government and another option, separate aboriginal self-government, are examined in Chapter 7.

3. Constitutional Conferences

Since aboriginal rights were entrenched in the Canadian Constitution in **1982**, four First Ministers Conferences have been held. The purpose of those meetings was to identify and define what specific aboriginal rights should also receive constitutional recognition. Aboriginal self-government was the focus of discussions,

The Prime Minister, Provincial Premiers, and national aboriginal leaders failed at those meetings to agree on entrenching aboriginal self-government. Several provincial premiers refused to entrench the concept until it is clearly defined.

The Dene have been working to resolve their future relationship **through** negotiation. Negotiation requires accommodation from each **party at** the table. This is sometimes called the political process. It involves elected leaders trying to reach agreement **on** behalf of the people they represent. It requires give and take. It is influenced by public opinion and events.

Another option which is available is the courts. The Dene have not used the courts to achieve their goals for several reasons:

- a) The courts are an adversary system involving opposing sides. One side wins and one side loses. This does not reflect the traditional Dene way of resolving conflicts by agreement through discussion and consensus. It is preferred that a new relationship be one that both the Dene and the rest of Canada are happy with. After all, we will all still have to live with one another.
- b) There is no certainty about what the results will be. The courts would be a gamble for both the Dene and the government.
- c) Court cases are generally time-consuming and costly. They also stand in the way of people working out for themselves, solutions which can satisfy the interests of both parties.
- d) Aboriginal rights is only partly a legal question. It is also a question of building a relationship based on justice and fairness. A court ruling would only address a future relationship from the standpoint of law.

The Native peoples do not want to recreate a world that has vanished. They do, however, want to find a place in the world that we have forced upon them. Indian treaties, Indian reserves, the Indian Act - these are all institutions that we have devised to manage the Native peoples primarily for our own convenience. Now they want to develop institutions of their own fashioning; they are eager to see their cultures grow and change in directions they have chosen for themselves. They do not wish to be objects of sentimentality. They do not want Native culture, Native communities and the Native economy to be preserved in amber for the amusement and edification of others. They do not want to return to live in tents and igloos. Like us, they are residents of the twentieth century. They, too, live in a world in which progress has an industrial and technological definition. However, because the Native peoples use the technology of the dominant society, that fact does not mean that they should study only English or French in school, that they should learn no history except ours, or that they should be governed by our institutions alone.

-Thomas Berger, Fragile Freedoms

Chapter 6.

Negotiating Aboriginal Rights: Land Claims

Will a **Dene/Metis** land claims settlement address all the **Dene** concerns about their place in Canada? Why are land claims negotiations taking so long? What are some of the difficulties?

A Background to Negotiations

When the Dene presented a comprehensive proposal for their land claims to the federal government in 1976 it included all aspects of aboriginal rights. The proposal included land rights and what are often called, political rights. Political rights include self-government and ways to ensure a distinctive cultural identity.

The federal government refused to include political rights in the claims negotiations process. Federal funding, to support the Dene efforts to pursue recognition of their rights, was withheld for some time because of that disagreement. Ottawa continued to insist that political rights must be dealt with in a separate forum.

In 1981, the Dene agreed to the federal conditions. The new Dene position followed a federal commitment to fund discussions in the north on ways to incorporate aboriginal self-government into a new government serving all residents of **Denendeh**.

The Dene and Metis, as descendants of the original occupants of Denendeh, are working together on one land claims settlement. There are approximately 15,000 Dene/Metis who will benefit from their land claims agreement. They are referred to as beneficiaries.

The land claims negotiations are between the federal government and the **Dene/Metis**. The federal government represents the interests of all other people in Canada, including the **non-Dene** who live in Denendeh. The territorial government has a representative who sits at the negotiating table as part of the federal team.



What's Been Accomplished?

An Agreement in Principle (AIP) on the Dene/Metis land claim was signed by the Federal Government and the Dene/Metis in September, 1988. An Agreement in Principle provides the basis for a final agreement. It identifies what subjects will be included in the final agreement and what has been agreed to so far on each of these topics.

Negotiations leading to a final agreement will further refine what has already been agreed to and address issues which still need to be worked out. The federal government set a two-year deadline for negotiation of a final agreement.

A final claims agreement will be entrenched in the Constitution of Canada. That means it cannot be changed without the agreement of the Dene/Metis. Ordinary legislation could be changed by Parliament without any Dene/Metis involvement.

Conditional Approval

The Dene/Metis gave conditional approval to the land claims Agreement in Principle. At a Dene/Metis Joint Assembly in Hay River in July, 1988 there was general satisfaction with the amount of compensation money and land that were in the AIP. For that reason the Dene/Metis did not reject the AIP.

However, the Dene/Metis believe that there are some things missing from the interim agreement. When the AIP was signed in Fort Rae, the President of the Dene Nation, Bill Erasmus, outlined the major requirement for a final agreement.

"We must recognize that the AIP covers only some of our* rights - only some of the matters which define the relationship between the Dene and the people of Canada. This AIP addresses only the ownership and management of land and resources. It does not address our right to self-determination as a self-governing nation. The final agreement must resolve this to our satisfaction. . . . In the end, self-government must be united with the ownership and management rights which are now in the AIP. Before we sign final agreements, it must be clear that all of our rights will be entrenched in the Constitution of Canada"

Why **This** Position?

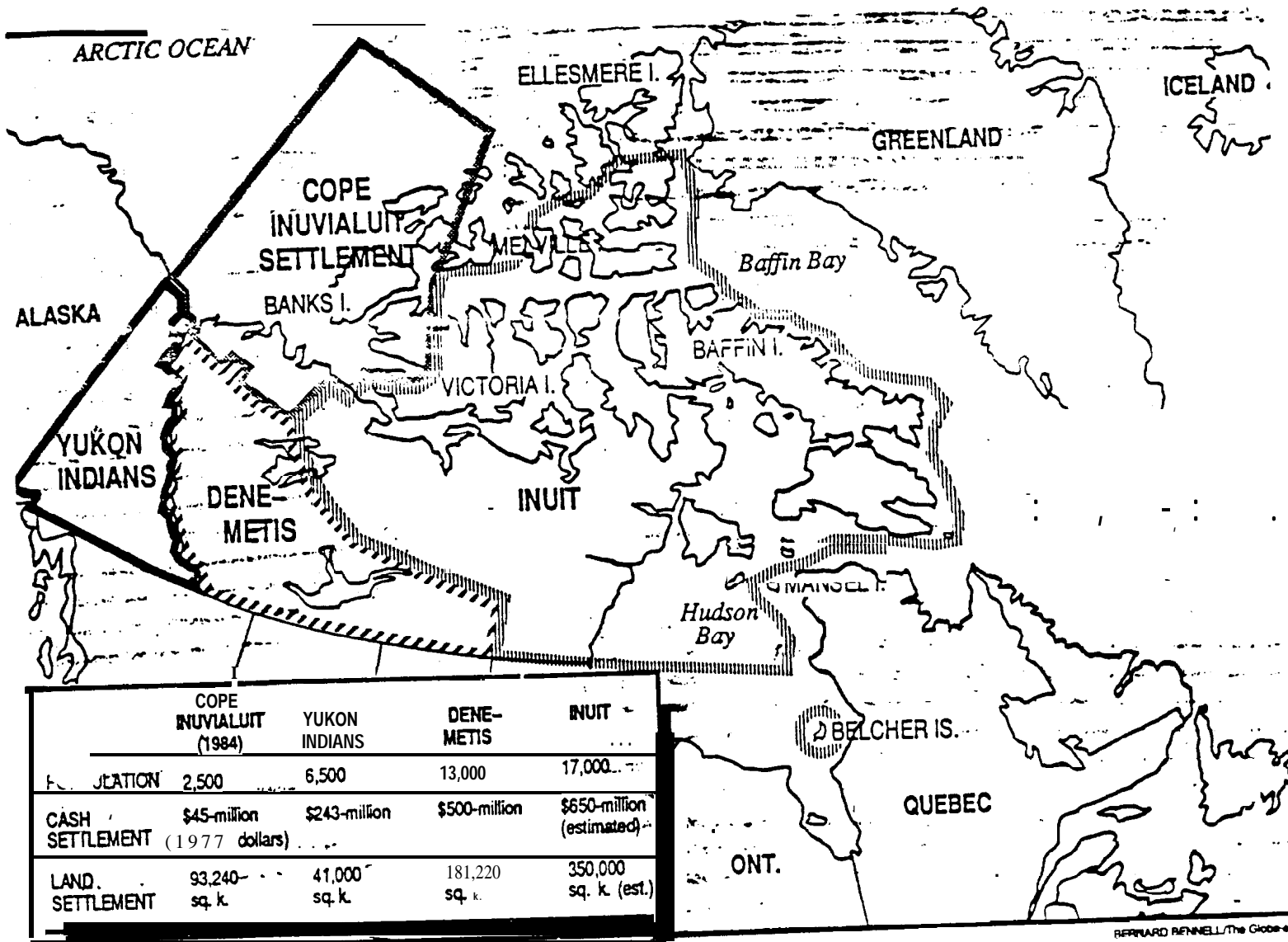
When the Dene agreed to limit land claims negotiations to land, money and resource management, and deal with other aboriginal rights in another forum, it was assumed that both would proceed **at the same pace**. That has not happened. There has been no agreement so far on what form Dene political rights will take.

Imagine that you were negotiating with someone to determine how much money you would make working for them each Saturday. It **would** be difficult to come to an agreement on a wage if all you knew was what day of the week you would be working. Other questions would need to be answered. How many **hours** of work? What kind of work would you be doing? Is it work that **you** would like? Is it work that goes against what you believe in? Is it work that might be dangerous or unsafe?

Depending on the answers to these questions, you could then make one of several decisions. You could try to negotiate for more money. You could refuse the job offer. You could try to negotiate for a different job or better working conditions for the same amount of money.

Money **is** not the issue for the **Dene/Metis**; and the decision to be made is much, much more important. It will affect future generations. However, the **Dene/Metis** are in that kind of a position. Without knowing what the **whole** picture is, it is difficult to agree totally with only one part of it.

At a minimum, the **Dene/Metis** seek guarantees that, first, other aboriginal rights will be dealt with; and second, that they will be worked on in a process agreeable to the **Dene/Metis**.



The map shows the four 'claim areas.' Within these areas, natives will have traditional land-use rights. The actual land to be owned within each area Inuvialuit 21 per cent, Yukon Indians 8 to 9 per cent, Dene-Metis 16 to 17 per cent and Inuit slightly more than 17 per cent, subject to negotiation.

BERNARD BENNELL/The Globe and Mail

The Major Points in the AIP

The land claims Agreement in Principle is a long, complicated document. The following is an outline of its main points.

Land

112,000 square kilometres (70,000 square miles) of land will be owned by the Dene/Metis. This is less than one-quarter of the area within the NWT traditionally used by the Dene/Metis. Sub-surface rights are rights to the minerals, oil or gas which might exist under the surface of land. The Dene will have sub-surface mineral rights to 6,240 square kilometres (3,900 square miles) of their land.

There are restrictions on where the Dene/Metis lands can be selected. Land selection will have to leave room for public, private and commercial activities around communities, including areas for public wildlife harvesting and recreation. For instance only if the person having a cottage lease agreed, could the Dene/Metis select lands which have already been leased to someone else.

The AIP guarantees access to Dene/Metis lands for public recreation, fishing, hunting of birds and commercial purposes.

Management of Land and Water

The Dene/Metis will make up 50 percent of the members on the three boards which will manage all lands in the area traditionally used by the Dene/Metis in the territories. However, the territorial or federal Minister, who is responsible for the issue, can veto any decisions which these boards make.

The boards are responsible for land and water management, environmental impact assessment and review, and land use planning.

Wildlife Harvesting and Management

The Government keeps ultimate responsibility for the management of wildlife and wildlife habitat.

The Denendeh Wildlife Management Board may limit the amount of wildlife harvested by Dene/Metis. The Dene/Metis can nominate up to half of the members on this board.

The **Dene/Metis** will be given preference in the commercial harvesting of wildlife. Their dependence on wildlife will be recognized if and when it is necessary to place limits on the harvesting of wildlife. '

Cash compensation

The **Dene/Metis** will receive \$500 million in 1990 dollars. That money will be transferred to them **during** the next 15 to 20 years. This includes money which will be received from the federal government earnings from oil, gas and mineral development in Denendeh.

An estimated \$30 million used by the **Dene/Metis** to negotiate their claim, plus interest, will have to be paid back to the federal government.

How will a land claims settlement change the relationship between the **Dene/Metis** and the rest of **Canadian society**? What aspects of aboriginal **rights** are not included in the **Dene/Metis** Agreement in Principle?



In Simple Terms

James Ross is the Dene Chief in Fort McPherson. This is how he explains in simple terms what the Dene/Metis land claim means.

"The Dene believe that since the Mackenzie Valley is their homeland and they depend on the land and resources for their survival, they should have a say in what happens to the land.

However, the reality is that the federal government controls what happens on the land. It is considered Crown land. When the Dempster Highway was to be built, there was no consultation with the community of Fort McPherson. When oil and gas exploration happens, until recently there was no consultation with the people who used the land. People never ask our advice about where they might build a cabin, or even come to us and ask if we're already using that land.

The claims process is first, to have the right to some Dene control over land **recognized**, and **second**, to have people involve us when they want to do something with the land.

Since the claims process is one of negotiations, no one gets everything they want. We're not getting total control. But hopefully enough.

It's like if you own a building lot in a town. If someone wants to go across your lot, they have to have your permission. That's the way the land we own will be.

We're not going to own all the lots in the town. Once our land claim is settled we're going to have some say, though, on how the rest of the lots are developed."

..

June, 1978 - The last survivor of the Dene chiefs who reportedly signed Treaty 11 in 1921 dies. Julian Yendo, of Wrigley, was 93 years old.



Interpreting and Negotiating

Ted **Blondin** is the Chief Negotiator for the **Dene/Metis**. He is directly responsible to the Dene/Metis people. He reports to them through the President and Vice-Presidents of the Metis Association and Dene Nation.

"In many respects being a negotiator is like being an interpreter. For the Dene the land is almost like a religion. It is a very spiritual thing. The government doesn't see it that way. It's like talking **apples** and oranges. So the negotiator has to develop arguments to try to get what the people want in language that the government will deal with.

A classic example of the difficulties is ownership of water. When the Dene talk about the land, they include water. In each of the Dene languages, there is one word that incorporates both. Both land and water are essential to the Dene way of life.

The federal government comes back with lots of regulations and legal language about how no one can own water. It's free flowing. It can only be managed, and the federal government is the ultimate manager. But that doesn't address the Dene concern to be the owners of the water, which is the highest form of management.

Every Dene community is located on a body of water. In the **North** Slave there are lots of lakes. If we select land around a lake, in effect you control access. But that doesn't help when you are dealing with rivers.

In the larger sense, both the young and old Dene are talking about the same thing, control. The younger people are **using** existing structures to try to win that control. But in the end the claims process is very restrictive when viewed from the communities.

Even things that happen internationally affect land claims for the Dene. The Dene want to be able to continue to harvest the Porcupine Caribou Herd. But that ability could be affected if the Americans decide to go ahead with development in Alaska, because the herd crosses those borders.

Land selection is a difficult process. For the Dene it isn't simply economics. It's not a matter of wanting the land where the gold and oil and gas are. Land is part of

Quote

"Caribou like pipeline. They lean up against them and have lots of babies. You scratch it. There's more caribou than you can shake a stick at." U.S. President George W. Bush explains why he doesn't believe the Porcupine Caribou herd would be affected by oil development.

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EVEN DECISIONS BY THE UNITED STATES
CAN AFFECT DENE HARVESTING RIGHTS

our heritage. people want to leave some of that to their children. so they want to select traditional harvesting areas, places where their people have always gone at certain times of the year. If they own that land they can control what happens there.

There are a lot of different games played. For example, the federal government uses different stalling tactics to give the new Minister of Indian and Northern Affairs time to be briefed. We're often caught in the situation where we are reacting to whatever the government initiates.

We have a lot of work to do in our own backyard as well. We have to make sure that people are informed, that what we are doing is in step with what people want."

In what sense is a land claims negotiator a bridge between two worlds?

Negotiations in Practice

A common question of many northerners is, why are land claims taking so long? That's a question which you can try to answer by putting yourself in the position of some of the people who are taking part in these negotiations. This experience might help you form some opinions on the best way to negotiate other aspects of aboriginal rights.

The Objective

To **negotiate** a land claims agreement between the **Dene/Metis** and the Federal Government.

Positions You Might Put Yourself In

Dene Chiefs

Metis Local Presidents

Presidents of the Dene Nation

President of the Metis Association of the Northwest Territories

Chief **Dene/Metis** Negotiator

Prime Minister of Canada

Minister of Indian Affairs and Northern Development

Chief Federal Negotiator

Government of the Northwest Territories Negotiator

The Interests of Those Involved

One reason the federal government wants to settle land claims is to provide industry with certainty over who owns and has authority over land in the NWT. One reason the **Dene/Metis** want to settle land claims is to have a greater say in what happens to the land. What other reasons do each have for wanting to settle land claims?

The federal government owns and controls the use of the land now. It can let resource development happen without a land claims agreement. Does this provide pressure on the **Dene/Metis** to settle their claim as soon as possible? What pressures are there on the federal government to settle?

These are **just** some of the **issues** you will have to think about in order to put yourself in the position of people at the land claims negotiations table.

Talk to people in your community and read newspapers articles to see how many other interests you can list for each participant.

Dene-Metis meeting Cadieux

Kathryn Welbourn
NEWS/NORTH

Dene and Metis leaders are meeting with new Indian and Northern Affairs Minister Pierre Cadieux for the first time on Wednesday to discuss their negotiations budget.

"We identified the amount of work required if the feds want an agreement by March 1990. We are really making an effort to do that so we are presenting Pierre Cadieux with a detailed claims agenda for the rest of the claim. It will be costly," says chief negotiator Ted Blondin.

The Dene and Metis have already presented the budget to DIAND, Blondin says, but he is concerned it may be rejected.

"They say they will not be able to give us the full amount we asked for but then they (DIAND) still have to make a presentation to cabinet to ask for additional claims negotiations money."

Blondin won't comment on the amount the Dene and Metis want to complete land claims negotiations except to say "it is a lot of money."

He hopes the presentation of the negotiations agenda by Dene Nation president Bill Erasmus, Metis Association president Mike Paulette and himself will convince Cadieux the secretariat needs the funding they have requested.

"But we're not sure what he's prepared to do (at the meeting)."

The Dene and Metis recently cancelled a joint leadership meeting because of a lack of money.

Paulette says the three native leaders will also discuss amendments they want made to the government's comprehensive claims policy to allow pro-

visions for self-government, government in April, Blondin says.

management in negotiations during the meeting.

In anticipation of the funding, the secretariat is advertising for five new term positions including a self-co-ordinator.

The duty to settle native land claims

Outside the tiny Dogrib church at Rae this week beside Great Slave Lake, Prime Minister Mulroney put his signature to a bit of history. After 15 years of sometimes angry argument, the federal government has half-agreed to settle accounts with the Métis of the Mackenzie Valley.



Mulroney permanent.

The agreement gives nearly 15,000 Dene Indians and Métis ownership of some 180,000 square kilometres of land, 10,000 of those with mineral rights included. Finally, with a \$500-million cash settlement, they will keep traditional rights to bunting, fishing and trapping in another million square kilometres of the Northwest Territories and gain a strong say in land, wildlife and water management.

In scope alone the agreement is immense. It makes the Dene and Métis the largest non-government landholders in North America.

It also gives hope that settling the many other land claims in the territories and provinces is not an endless or futile task. If this enormous transfer of resources is possible, surely the smaller claims still outstanding can also be settled.

It must be said, however, that many of these negotiations rattle on at cross-purposes. The Dene-Métis agreement is a good example; the government negotiated as benefactor, handing over vast lands and money; native groups took the land and other concessions merely as small and belated payment for the far greater land and wealth long since taken by the Crown.

Even with its shortcomings, this is a welcome achievement. It is evidence that the dispiriting obstacles to native land claims across Canada need not be permanent.

Similar differences impede settlement of other native claims. Even harder to agree on, or even to define, are the principle and practical effect of native self-government.

Self-government is an issue that worries and offends provincial governments especially. Unable so far to fit native self-government easily into the neat federal-provincial-municipal scheme, governments have resisted granting any self-government at all. Yet, for native leaders, self-government is perhaps the most critical question of all to be answered in land-claim settlements.

The self-government question must be answered. Until it is, no government can settle its account honorably with Canada's original peoples.

Chapter 7.

Negotiating Aboriginal Rights: Self-Government

What do you think would be the ideal relationship between the **Dene/Metis** and the rest of Canadian society? What should **Dene/Metis** self-government look like? What will be required for **Dene/Metis** self-government to be achieved?

"The old approaches are out. We've been allowed to delude ourselves about the situation for a long time because of a basic lack of political power in native communities. This is no longer the case, and it is out of the question that the newly emerging political and legal power of native people is likely to diminish. We must face the situation squarely as a political fact of life but more importantly, as a fundamental point of honour and fairness. We do, indeed, have a significant piece of unfinished business that lies at the foundations of this country."

-Lloyd Barber, former Commissioner of Indian Claims in Canada, 1974 Speech to Rotary Club, Yellowknife

Considering the Options

Through self-government the **Dene/Metis** seek greater control over their lands, and to establish their own economic, cultural, educational and social priorities and policies.

The **future** relationship with Canadian society is not just a choice for the **Dene/Metis**. The negotiation of that relationship will require the participation and agreement of non-Dene. Aboriginal self-government, should be viewed as part of the evolution of Canada as a nation.

The **Dene/Metis** currently have two options available to them for achieving self-government. This concluding chapter will encourage you to think about what you would like the relationship between the **Dene** and the rest of Canada to be in the future.

Aboriginal Self-Government Within Public Government

This is the option which the Dene/Metis are currently trying to develop. The Inuit, Inuvialuit and representatives of the Legislative Assembly are also involved in these negotiations. Successful negotiations will create an unique kind of public government in Canada.

Nowhere else in Canada does such a government exist. However there are examples, in countries such as Belgium and Switzerland, where distinctly different cultural groups work in partnership to govern themselves and live together within one nation.

For this option to satisfy the Dene/Metis, a public government would have to guarantee the aboriginal rights which are not included in a land claims agreement.

Ways would have to be found for the Dene/Metis to govern themselves within the same government which protects and serves the interests of all other residents. Everyone would want it to be efficient and fair. Such a public government would have to balance the collective aboriginal rights of the Dene/Metis with the individual rights which all Canadians are guaranteed.

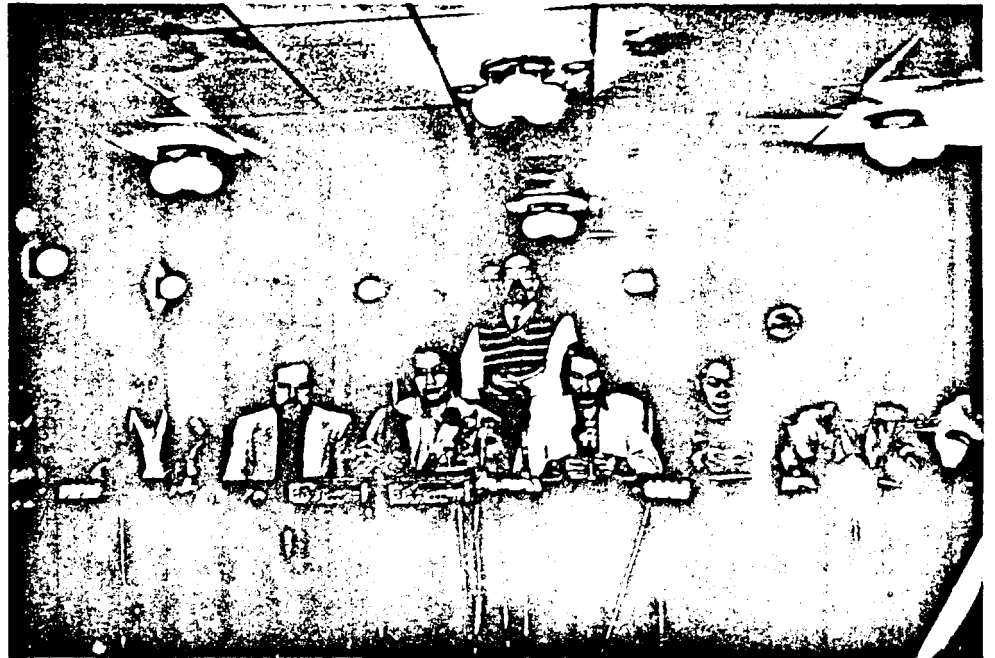
This model would change government at all levels, territorial, regional and community. At the community level, the Dene/Metis might have sole powers over land use on their lands and could control some programs and services.

How Would it Be Negotiated?

In 1982 a process to negotiate new forms of northern government was established. It is called the Constitutional Alliance of the Northwest Territories. Its members include representatives from the Legislative Assembly and aboriginal organizations representing Dene, Metis, Inuit and Inuvialuit.

The Alliance has been working on the basis that the Northwest Territories will be divided into two separate new territories. A majority of voters approved the idea of division during a plebiscite in 1982. Assuming that division does happen, the cultural groups in Denendeh (Dene, Metis, non-aboriginal people and perhaps the Inuvialuit) would develop a partnership approach to government.

Federal approval of new arrangements would then be required. Ottawa has expressed openness to new and innovative forms of government in the North. It has said that any new government should be democratic, respect aboriginal rights and claims, and not be too costly.



In January, 1987, the Western Constitutional Forum, a sub-group of the Alliance, put forward principles for a public government in Denendeh which would accommodate aboriginal self-government. They were approved by the Dene, Metis and Legislative Assembly.

What Would It Look Like?

It is difficult to say what such a government might look like. Here are some of the changes to our current government which have been suggested by the Dene/Metis and by the Western Constitutional Forum.

1. Guaranteed Representation

A guaranteed number of elected aboriginal representatives in the Legislative Assembly, in the Executive or Cabinet and local governments has been suggested. This would ensure some say in government, no matter how small a minority Dene/Metis might become in the future. In communities with large aboriginal populations, non-Dene would be guaranteed representation.

There are forms of guaranteed representation already in Canada. Each province and territory is guaranteed at least as many members in the House of Commons as in the Senate. Quebec is guaranteed strong representation in the federal Senate and on the Supreme court. In New Zealand, Maoris (the aboriginal people there) are guaranteed seats in the legislature.

2. Aboriginal Languages

Making aboriginal languages official languages in the regions in which they are spoken, along with English and French, has also been suggested.

3. Decision Making

Decision making should rest as closely as possible to the people. "people and communities should control matters which affect them exclusively. They should have influence and input into decisions which affect them as well as others.

The Dene tradition of making decisions, through discussion until a consensus or common agreement is reached, might be incorporated into a public government. Decisions in the Legislative Assembly are now made on the basis of majority rule.

4. Participation in Government

The Dene traditionally participated more" directly in their government, rather than just being represented by it. To involve people more directly, votes might be held on important issues, as well as for the election of leaders. The traditional Euro-Canadian way is to elect others to make decisions on behalf of people. Dene elders have traditionally had an active role in education and other aspects of Dene life. Perhaps mechanisms could be developed to involve elders more directly in government activities.

Every resident would have the right to participate in and benefit from public institutions, programs and services according to basic democratic principles guaranteed in the constitution.

5. Protecting Aboriginal Rights

It has been proposed that the Dene and Metis have a veto, or the right to reject laws and regulations which would interfere with their aboriginal rights. This might be accomplished through a Senate or separate government body whose job would be to review government policies and laws in order to protect aboriginal rights.

Aboriginal rights would be further protected if the Constitution of a new public government could only be changed with the approval of each cultural group.

6. Government Responsibilities

It has been proposed that the Dene and Metis have total authority over government responsibilities which affect them exclusively. Examples might be aboriginal language instruction, other aspects of education, and control over Dene/Metis lands. Separate institutions for social and health services might be set up for each cultural group, unless they agree that a joint institution can serve their interests adequately.

Most government responsibilities affect all citizens; therefore, authority over the majority of government activities and programs would be shared by all cultural groups.

7. Relationship to the Land

Another suggestion would be to have environmental laws based on the traditional harmonious relationship of the Dene with the physical environment.

These are some of the proposals which have been suggested. In any negotiation process, the end product is the result of accommodation and compromise.

Which of these ideas do you like or dislike? Why? Which ones do you think both Dene and non-Dene could agree on? What are some of the obstacles and benefits of accommodating aboriginal self-government within a public government?

Separate Aboriginal Self-Government

The federal government has agreed to negotiate what it calls, community self-government, with aboriginal peoples. Through this process aboriginal people could exclusively control many aspects of their own government.

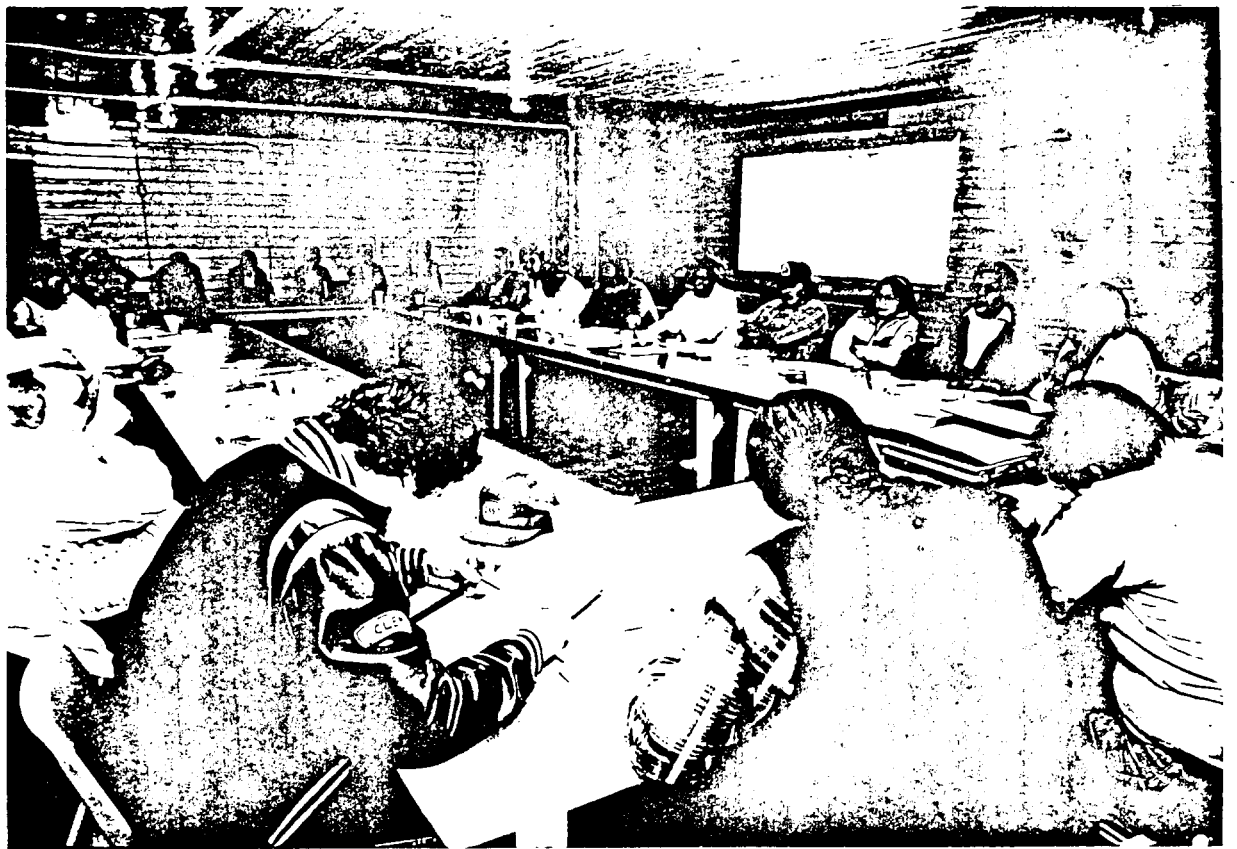
There has only been one such agreement negotiated. It is with the **Sechelt** Band in British Columbia. Ottawa has agreed to negotiate such arrangements with the Dene if they wish to pursue this option.

Dene/Metis self-government would be limited to communities, or perhaps take the form of tribal or regional governments. That would mean, for example, that the **Dogrib** nation would run its own government for its people who live on Dogrib lands.

How Would It Be Negotiated?

Community self-government would be negotiated directly **between** the federal government and the **Dene/Metis**. Negotiations would be consistent with federal policy. The Government of the Northwest Territories would play a role similar to its role in land claims talks.

Community self-government would not require the Dene to negotiate directly with other northerners. However, other northerners and the territorial government would be affected.



What would it look like?

The Sechelt Band community self-government has the following responsibilities.

1. It decides its own structure and way of operating.
2. It has control over access to its lands and for landuse planning.
3. On its own lands, it regulates:
 - taxation
 - building construction and repairs
 - education of Band members
 - health services,
 - social and welfare services
 - natural resource preservation and conservation
 - management of fur-bearing animals
 - public order and safety
 - roads
 - businesses, professions and trades
 - the sale and possession of alcohol

If the Dene/Metis chose the community self-government option, they could negotiate to take over programs now delivered by the Government of the Northwest Territories.

The federal government has limitations on what it is currently willing to negotiate. The Dene\Metis are not happy with many of these limitations. The restrictions include:

1. The self-government arrangements are protected in federal legislation. Ottawa could pass new legislation changing the arrangements .
2. Funding arrangements to pay for new responsibilities are unclear and levels of funding are not guaranteed.

How would such an arrangement for the Dene/Metis change the relationship between them and non-aboriginal residents in Denendeh? Do you think this is a good idea?

Different Opportunities in Denendeh

The opportunity to develop aboriginal self-government within a public government is much greater in the Northwest Territories than in southern Canada. Aboriginal self-government is much **more** likely to take the form of separate self-government in the provinces. Here are the reasons why:

1. The **Dene/Metis** make up almost half the population within **Denendeh**. The Northwest Territories is the only jurisdiction in Canada where aboriginal people are a majority of the population.
2. The Government of the Northwest Territories is not as **firmly established** as provincial governments. It has not existed as long. It does not have as much power.
3. The Government of the Northwest Territories **exists only** in federal legislation. It does not have its own constitution.
4. The federal and territorial governments have **shown** more respect and recognition for aboriginal rights than provincial governments.
5. All NWT residents share a desire for northern government to have more power and independence from the federal government. This means there is an openness to the idea of changing the government which is not found in the provinces. Both **Dene/Metis** and non-aboriginal residents need each other to meet their separate goals.

A Combination of Both?

The *former* minister of Indian Affairs and Northern Development; William **McKnight**, made the following statement in a letter to the **Dene/Metis** in 1988.

"You made it clear to me once again how important it is to your people to have control over your lands and your future. In turn, I confirmed to you **that** there are **at least two** ways, in addition to the many provisions already in your (land claims Agreement in Principle) agreement, by which we can accommodate your concerns. These were the Constitutional Alliance and the community negotiation processes. The former may be particularly valuable in dealing with your territory-wide concerns, while the **latter** will support your management of your own lands."

Is Self-Government Going to be a Once and For All Deal?

Other relationships within Canada continue to evolve. The balance of power between the federal and provincial governments shifts from time to time.

The relationship between Quebec and the rest of Canada continues to change. The *Meech Lake Accord*, reached in 1987 will, if approved by all the provinces, create a special status for Quebec within the Constitution of Canada.

Which aboriginal self-government option will provide the future relationship you would like to see between aboriginal and non-aboriginal people in Denendeh? What are the advantages and disadvantages of each option for Dene/Metis and non-aboriginal peoples.

Reflections on Canadian Society

"In many respects the native peoples of Canada are a test of Canadian society: a test of its compassion to reach out for new and deeper values of tolerance and friendship; a test of its laws to do justice to the weak and the few; a test of its willingness to share the nation's wealth, and to give equality of opportunity a chance, freedom a new birth, and self-respect a new home in the minds and hearts of Canada's native peoples."

-Joint Senate-House of Commons Committee
on the Constitution, 1981

Do you agree with this statement? Why or Why not?



Simply

Honour the Spirit

WHITE invaders saw native people as godless unfortunates, ripe for conversion to Christianity. In fact, spirituality in most native cultures was highly-developed. **Indigenous people** created complex mythologies which attempted to situate their lives in the scheme of creation. Animals, insects, trees and even the **landforms** were all infused with the power of the 'Great Spirit'.

The physical world was an emanation of the Spirit. Harmony in the former depended on understanding and respecting the spirits whose intervention in daily life was common.]

Some observers speculate that an intense native spirituality both attracted and enraged white colonizers

whose Christian faith had become lifeless and diluted. In any case Europeans were keen to replace native beliefs with Christianity. They did so with some success but in most cases indigenous people just added Christian beliefs and practices to their own.

Native spirituality **stands** in stark contrast to the crass materialism of modern consumer society. For the most part native people have not let a passion for possessions undermine their relationship with the divine. Where traditional spirituality still survives it gives meaning to native lives and provides a barrier to the corrosive influence of materialist culture.

Love the Land

ACCORDING to native lore the land is a gift from the creator which we hold in trust for future generations. Indigenous people see themselves as part of a continuum stretching from the time of creation. No one, they say, has the right to deprive future generations of their birthright.] For most indigenous people private ownership of land is a completely foreign concept.

In industrial society the value of land is measured crudely in dollars

and cents. Short-term greed has turned vast areas of once fertile farmland into arid desert. Profit-hungry corporations continue to fight pollution controls, dumping deadly chemicals into our lakes and rivers, poisoning the air and scarring the land — all in the name of economic development.

Chief Seattle summed up the American Indian attitude in 1854: 'Whatever befalls the earth befalls the sons and daughters of earth. If we spit upon the earth, we spit on ourselves.'

Respect Nature

TRADITIONAL native societies depended on animal and plant life for survival — people were both producers and consumers. Life was difficult with daily survival the primary preoccupation. But the environment was neither strange nor menacing — whether it was the Amazonian rainforests, the Australian desert or the Arctic permafrost.

Today most native people still see themselves as integrated into the natural world. In many ways they are the original ecologists: they've lived a harmonious, sustainable relation-

ship with their environment for thousands of years. In industrial societies we tend to treat natural resources as infinitely renewable. There is no thought of tomorrow: the idea is to mine the minerals, cut the trees, catch the fish and damn the consequences. Nature is a chaotic force to be subdued and exploited.

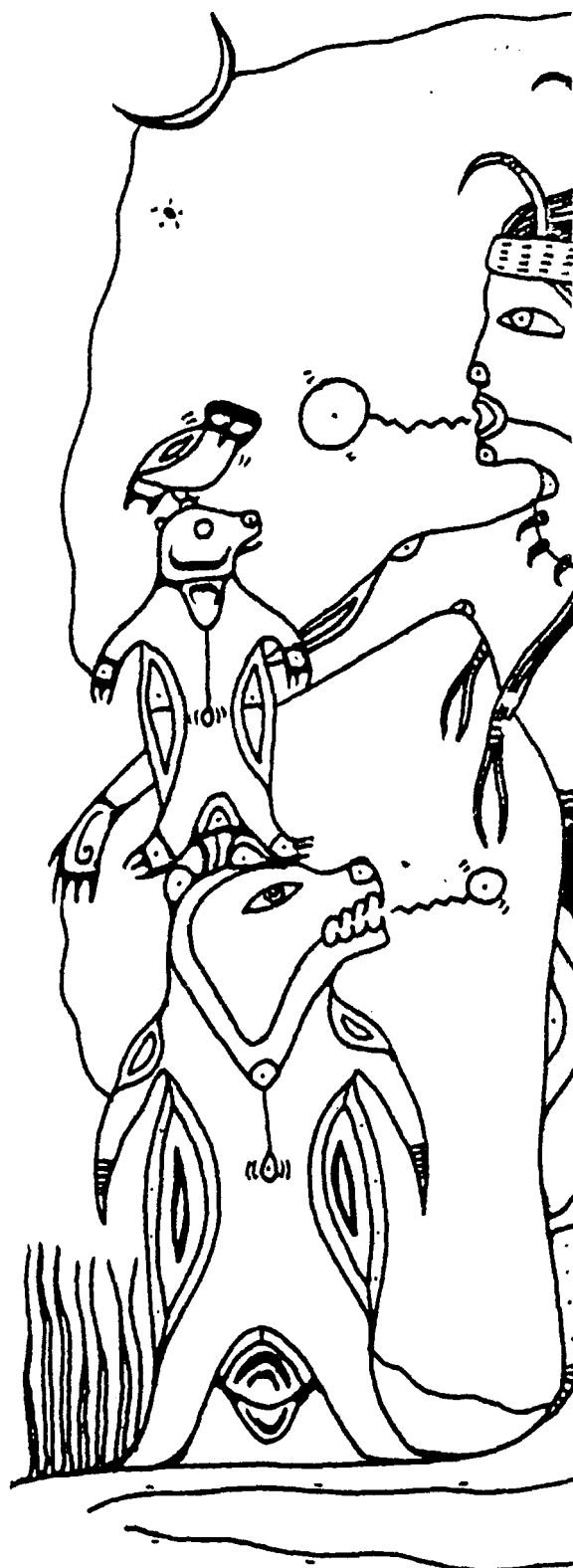
Nomadic Indians did not tax the land or its resources. Nothing was wasted: everything was eaten or used for clothing or tools. Compare that to the casual, throw-away style of industrial society where waste is built-in to the economy and sportsmen slaughter animals for the sheer thrill of the kill.

Over the centuries, indigenous cultures have amassed a tremendous storehouse of knowledge about the natural world. People like the Lawa in northern Thailand grow at least 75 food crops and over 20 medicinal plants.' Many modern wonder drugs have been extracted from rare plants widely-used by Indian tribes. What was once glibly dismissed as 'folk medicine' is now studied by scientists



Lessons from

Most indigenous people live on the fringe of the dominant society which surrounds them. Whether in Brazil, Canada or Burma contact between outsiders and native people is usually



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native- people resist Oppression

glancing and superficial. That is unfortunate because tribal peoples have a huge amount of accumulated wisdom and knowledge to teach us. And the lessons could help change the world.

NATIVE people were initially welcoming to foreign invaders: they believed the land was big enough for everyone. But it wasn't long before friendship turned to hostility as Europeans enslaved natives, stole their land and looted their treasures. The Indians did not give up without a fight. When the first group of colonizers deposited by Christopher Columbus attacked Indian villages in search of gold the Indians fought back, killing all the white invaders.⁵ That was the beginning of four centuries of warfare between Europeans and Indians in the Americas.

Today native people are organizing nationally and internationally to win their rights. In countries like Guatemala, Brazil, Bangladesh, and West Papua (Indonesia) tribal people under siege are forced to organize militarily to defend themselves.

Elsewhere, the Filipino Cordillera

Native Peoples Alliance effectively fought off the Chico Dam project which threatened to flood the land of thousands of Kalinga and Bontoc people. Maoris from Aotearoa and Cree from northern Quebec have taken their fight to the UN. And the World Council of Indigenous People (WCIP) has made tremendous strides to bring together indigenous peoples from around the world.

Visible minorities, community groups, women's organizations and others in Western countries who suffer from racism or discrimination can learn a great deal from this powerful determination to survive. In the Third World — especially in Latin America — the long resistance of native people to assimilation could be a rallying point for peasants and the urban poor in their battle for work and decent living conditions.

Value Tradition

NATIVE culture is under fire everywhere. Indigenous values are being destroyed by imported consumer culture, imposed education and alcohol. But despite this onslaught, native people cling stubbornly to their traditional values: in so doing they show us the need for cultural roots. Old people are highly revered for their knowledge and experience and are held in great esteem. In industrial society the aged are largely forgotten and dismissed as boring relics of a bygone era. The

cult of youth reigns supreme.

Despite the cultural trauma they experience native people know who they are. Their traditional values reinforce their will to survive as strong independent peoples.

And native people are flexible. They never hesitated to borrow from industrial society, to use new methods to carry out traditional activities. Industrial society looks to the future; tradition is dismissed as antiquated and inefficient. Whatever is new is good.

Claim Your Rights

NATIVE people the world over have seen treaties broken, communities destroyed and their lands and resources stolen. Now they are demanding basic rights: some native groups use the term self-determination, others self-government. But it amounts to the same thing — the right of indigenous people to control their land and resources in their own way, according to their own needs and aspirations.

Where tribal peoples are still ruled by colonial regimes (as in New Caledonia or West Papua) they are seeking complete independence. But in most cases indigenous people accept their futures are linked to the dominant society around them. And they are beginning to build alliances with other like-minded groups. They want

equality, political autonomy and a recognition of past sins. In concrete terms that may mean compensation for land lost; it may also mean a share of income derived from the extraction of natural resources on alienated homelands.

But in the majority of cases it means a secure land base where they have complete economic control and the political space to develop as distinct societies. This struggle hits at the central question of power and the need for a new political vision based on decentralized, democratic control over the use of land and resources. This is a lesson for all of us in an age when national governments and multinational corporations run roughshod over local community interests and regional needs.



This illustration is by Blake Debassige, an Ojibwe artist from West Bay Reserve on Manitoulin Island in Ontario. The image stresses the love and respect aboriginal peoples have for the land. The connecting lines show the interdependency of humans, plants and animals. Birds represent the great spirit which exists in all living things. The muskrat and bear represent the culture and tradition of Indian peoples. The Circle represents native peoples standing up and speaking for their rights. Feet rooted in the ground show the close relationship with the land and the struggle over land claims. The knife symbolizes the determination of native peoples to defend themselves.

4. Tribal Minorities in Asia: The Indigenous Peoples of the Chotanagpur Plateau. J. Burger CIDSE, 1986:5. Tumor, 1985, op. cit.

Glossary

Aborigine - Aboriginal inhabitant, especially Australian aboriginal person.

Apartheid - The policy of imposed racial segregation and discrimination practised in South Africa. "Apartheid" is the Afrikaans word for "apartness."

Assimilation - The absorption of a minority group into a dominant group.

Bureaucracy - The administration of government through departments, or bureaus, run by appointed officials; the officials who administer the government.

Colonialism - The practice of various economic, political and social policies by which an imperialist (colonial) power maintains or extends its control over other lands and/or peoples.

Confederation - The federal union of the colonies of British North America to form Canada. The first colonies to join Confederation in 1867 were Ontario, Quebec, Nova Scotia, and New Brunswick. Manitoba joined Confederation in 1870, British Columbia in 1871, PEI in 1873, Alberta and Saskatchewan in 1905 and Newfoundland in 1949. The Yukon and Northwest Territories have been under federal control since 1871.

Conquest - The defeat of the French by the British in North America in 1760. At this time New France became part of the British Empire.

Constitution - The set of rules and principles by which a country or group is governed. These rules may be unwritten laws such as customs and traditions, as well as written laws. The document listing such written laws is also **called** constitution.

Culture - The beliefs, customs, skills, arts, institutions, etc. characteristic of a particular group of people in a particular time period.

Customs - The traditional way of doing things in a country, community or group.

Democracy - A system of government in which the people choose who will govern them by elections. "Democracy" also refers to the ideals and principles of such a government, such as equality of rights and opportunities and the rule of the majority.

Entrench - Apply extra safeguards to guarantee rights.

Entrenchment - of rights in legislation protects them by law; entrenchment in a constitution further protects rights because they cannot be done away with, or changed, by a simple change in law.

Ethnocentrism - The attitude that one's own culture is superior to others.

Federal - A type of government in which the powers are divided between one central government and several subordinate governments. Canada has a central government in Ottawa, ten provincial governments, and two territorial governments.

Franchise - In politics, the right to vote.

Genocide - The deliberate extermination of a race, nation, or group of people.

Government - A ruling body that runs the affairs of a country, province, territory, city, town or other municipality in Canada. It makes and enforces laws.

Human rights - Powers or privileges that belong to all people. Many countries have laws to protect the human rights of their citizens.

Imperialism - The policy of extending authority of one country over other countries and territories. It usually includes economic control.

Indigenous - People who inhabited a land since the dawn of history or before the arrival of colonists.

Integration - The bringing together of different cultural groups as equal parts of a whole, unified culture.

Metis - The descendants of both aboriginal Canadians (except Inuit) and Europeans through intermarriage"

Multiculturalism - A government policy recognizing and promoting the various cultural groups in Canada.

Non-Status Indians - Those whose names were not recorded on treaty or band lists, or who lost or gave up their Treaty Status.

Paternalism - The care or control of subordinates (as by a government or employer) in a fatherly manner; esp. the principles or practices of a government that undertakes to supply needs or regulate conduct of the governed in matters affecting them as individuals as well as in their relations to the state and to each other.

Prejudice - A judgement made before the facts are known; an unreasonable hostility towards a person, group, race or nation,

Segregation - The policy of separating or keeping separate different cultural groups.

Sovereignty - The right to govern a nation, involving the recognition of a nation's authority, borders and territory by other nations.

Special status - A position that sets someone or something apart from others. It usually brings with it special treatment or powers.

Technology - The application of scientific knowledge to practical uses, resulting in new products and methods of production.

Photo/Cartoon Captions and Credits

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