

A Study in Institution Building for Dene Governance in the Canadian North: A History of the Development of the Dene National Office

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Abstract

For greater discussions of rights and political history, we examine institution building for Aboriginal governance in the north by the Dene. The Dene Nation is a national northern Aboriginal organization that has, in turn, spawned several institutions and process for Aboriginal governance in the Canadian North. This study explains the institutional development of the Dene, in particular the Dene Nation and the Dene National Office, which have been for more than 30 years vehicles for the advancement of Treaty and Aboriginal rights implementation in *Denendeh* (Northwest Territories -NWT). This descriptive analysis begins with a discussion of the origins of Dene national identity, reflected in the story of *Yamoria*. Originally named the National Indian Brotherhood-NWT upon its creation in 1969, the national office has brought both the distinct regional and national concerns of Dene to national and international attention. As an organization, it has carried forward various processes that supported Dene governance including the *Dene/Métis Land Claims*, negotiations of the 1970s and 1980s, regional *Land Claims and Self-Government Agreements*, and a rejuvenated collectivism.

Introduction

The issues of Human Rights in relations to Indigenous peoples and nation states is far from simple. In *Denendeh* the Dene continue to struggle to have their rights recognized and new ways of thinking are required in talking about them.¹ In addition to considerations of human rights are political rights. One area within this rights discourse is to think of institution building for Indigenous governance. This article discusses how several significant institutions have evolved in *Denendeh*. This study will be instructive in understanding both the particularistic and general features of this evolution, the later in order to better understand other forms of Indigenous governance elsewhere.

The fundamental values shaping ongoing institution building for Dene governance is noted in the first section of this article. In the second section, we argue that the Dene National Office is a product of the evolution of the National Indian Brotherhood-NWT and its focus on a Dene/Métis Land Claim, which spanned two decades to 1990. We end the analysis with a description of the Dene Nation as Dene leaders and membership have expressed it through a new constitution. The new constitution is interrogated for what it intends to achieve; and we give a snap shot of the Dene National Office current activities and structures.

The Dene trace their ancestry to the original peoples of the land they know as Denendeh, “land of the people.”² The landscapes of Denendeh vary a great deal; cultures, ecosystems, histories and geographies are woven together along the mighty *Dehcho* (Mackenzie River).³ The traditional Dene territories that are part of the Dene Nation are: *Akaiicho*, *Deh Cho*, *luácho*, *Sahtu*, and *Gwich'in*. The Dene (approx. 20,000) continue to make their homes on the land and in 29 communities that vary in size from villages with populations of 70 to towns of 3,000 Dene. The many rivers flowing through forests and mountains, plains, lakes and marsh are a great variety. From the southern boreal forest to the northern tree-line and the tundra beyond, Denendeh is a land rich in its differences. In the far north and north east of the river delta are the Beaufort Sea and Inuvialuit lands.

In this study, institutions for Indigenous governance are those institutions⁴ constructed by Indigenous Peoples to advance their rights and title.⁴⁴ The views expressed in this article may not be shared by Dene leadership and members and any inaccuracies are those of the authors.

These institutions are organic, reflecting both administrative structures typical of many governments, as well as established cultural practices; in this case we will speak of institutions of Dene governance. Traditional Dene governance institutions existed before British, French and Canadian law came north. The relationship between traditional and “modern” institutions has been written on extensively as colonization elsewhere and so will only be summarized here.

The Dene did not always want or try to make their institutions of governance meet the requirements of Canadian law. With this said, Dene governance and institution building in Canada was strengthened after 1982, when Aboriginal and Treaty rights were enshrined in the *Constitution*. Others have written on traditional institutions of Indigenous governance, modern contexts for Indigenous governance, and the emergence of new models for Aboriginal self-government.⁵

J.R. Miller argues “in the millennium since Europeans made contact with the northern portion of North America, relations between the indigenous peoples and newcomers evolved through several distinct phases.”⁶ The Royal Commission on Aboriginal Peoples (RCAP) delineated specific stages that moved from coexistence, to assimilation, negotiation, and so on.⁷ This was no less the case for Denendeh and the relationship with Canadians continues to evolve. This article attempts to provide some insight to these changing contexts and responses to these relations from primarily Dene perspectives, as expressed by research of the Dene Nation. It will not be argued that the Dene “way of thinking” has been neatly integrated and reflected in an institution of governance. Instead, it will be argued that Dene cultures, practices, and world view, shape a set of evolving institutional structures and activities, which collectively guide the Dene National Office. Over the last 40 years, other institutional structures, forms of activism, and governance building have developed north of 60, and these will be touched on for comparison.

Indigenous Governments in the North

There are, at minimum, two general realities concerning Indigenous governments in Canada; the First Nations’ perspectives and the state’s views. For Dene, the reality is that their governments have evolved out of an international Treaty relationship with the Crown, which pre-date the growth of Canada and continue to exist. Indigenous governments are for Canada, those sanctioned and established through legislation. For example, Band Councils established through the federal *Indian Act*,⁸ Tribal Councils, and corporations established through modern Land Claims and Self-government Agreements.⁹ The territorial government of Nunavut, created through the *Nunavut Agreement* (1993),¹⁰ is not a First Nations government, as Inuit although Indigenous are not Indian or First Nations. The government of Nunavut is a public government which means it must serve and represent the interests of all territorial residents, rather than strictly Inuit interests. The migration of Canadians to Nunavut may one day lead to the government resembling the plurality of cultures and interests, such as the case for the government of the Northwest Territories (GNWT).

Dene Nation’s membership is drawn from five regions, each with an interest in Treaties 8 and 11, modern land claim and/or self-government agreement/processes. Dene Nation is like other Indigenous governments in that its authority continues to come from its members’ Aboriginal rights and title. As an institution

of governance, it does not originate in a legal agreement or laws sanctioned through the authority of the Canadian government. It is a self-recognizing institution, which has strengthened its place in the “Canadian politic” by expanding various Canadian laws (S.35, *Constitution Act* 1982) and policies (Comprehensive and Specific Claims Processes) to make room for Aboriginal rights and title. Ultimately Dene Nation’s legitimacy rests with the Dene people themselves. How is this more than a statement that the Dene Nation’s authority and legitimacy stays with the Dene, not with the Canadian state? Dene governance manages and accommodates the tensions between self-recognition and state recognition. While a combined state and Dene-sanctioned recognition of authority and legitimacy of Indigenous governance may bring benefits, the involvement of the state in legitimizing Indigenous governments for its own purposes can also undermine or undercut the recognition and participation of the Dene. The Dene Nation’s institutional independence, in this respect, has ebbed and flowed over the years with Canadian Indian policy. The Dene have maintained a consistent and principled approach to Dene rights recognition, undiluted by divided loyalties or dependence on other governments; while pursuing regional land claims and other ways to implement their international Treaties.

The plurality of being Dene continues to be brokered, collectively, as diverse interests within the constraints of overarching National, public government “Indian,” northern, and development policies. There is an interconnected network of shifting pressures within each Dene regions.¹¹ These have mostly resulted in the negotiation of land and resource governance on a regional basis. This has been as much a strategy for the Dene to engage and widen Canadian policy limits, as a necessary move toward capacity building; reflective of the decentralized and independent character of each region. The move away from central government, to a federation of Dene regions constitutes a strengthening of Dene governance. The unity of the Dene as a Nation is what prevents the balkanization of Denendeh, but there are opposing forces to a strong Dene National government. The government of the Northwest Territories and the Aboriginal Summit are examples of opposing forces. They both offer forums to negotiate a shared authority and measured responsibility for governance, based on Canadian laws and processes.

The Origins of Dene Nation, Governance and Identity

Though a discussion of the story of Yamoria, we trace the origins of Dene governance. Yamoria is a cultural hero, enduring symbol and source of wisdom.¹² The Dene maintain a spiritual connection to the land which also sustains them politically. At the root of Dene identity and perseverance are the practices and beliefs of centuries, a worldview shaping Dene political action. Among the many sources of Dene identity are oral traditions. The story of Yamoria is one such

example of oral history, which conveys a central philosophy for Dene governance. It is fitting that we begin a discussion of institutions for governance by reproducing a story retold at each General Assembly reminding the Dene of where they come from and where their decisions are taking them. Yamoria's story speaks to the resilience, flexibility, and perseverance that are at the core of Dene unity. The story is recorded from a compilation of the telling of it by Dene Elder George Blondin and others.¹³

Many years ago, before the white man came into this country, the Creator sent a special man, Yamoria, who traveled into our land. He put everything into its rightful place and got rid of whatever was harmful to the people. By doing this, he had set laws for people and animals to follow. Until this very day, we are still holding onto them.

There were large beavers living in *Sahtu* (Great Bear Lake). People who lived in this area would travel across the lake by canoe to hunt the caribou. The beavers did not like them to travel across the lake so they would get as close as possible to the canoes and splash their tails hoping to tip them over. When Yamoria heard about that, he went to Sahtu and told the people that he would chase the beavers away.

Yamoria started chasing the beavers around the lake. The big beavers immediately went down to *Sahtu De* (Bear River) but the younger ones were harder to chase towards the river. During the time that Yamoria was chasing the younger ones around the lake, the bigger beavers had built a dam on the river and that's where the Sahtu De Rapids are to this very day. Yamoria got the younger ones to head down Sahtu De and then chased them all down the river to where Tulita (Fort Norman) is now situated. At the confluence of the two rivers, Sahtu De and *Dehcho* (Mackenzie River), he killed two medium beavers and one small one. The larger ones still living continued down our Great River Dehcho. After killing the three beavers, he stretched and pegged the three hides on the south face of *Kweteni aa* (Bear Rock Mountain). You can see the impression they made to this day.

From the top of *Kweteni aa*, he shot two arrows at the confluence of the two rivers and he said "as long as this earth shall last call them Yamoria's arrows." Still to this day you can see two big poles sticking out of the River. Even after each spring, when the ice goes, there are always two big poles sticking out of the river.

After shooting the two arrows into the river he brought the beavers that he killed up the Dehcho River about twenty-five kilometers from

the confluence. There he slept and where he had cooked the beavers, the grease that had drizzled from them started to burn and until this day that fire continues to burn.

There are some legends that state that during your travel at night by that site, if you can see that fire coming out you would live a very long life. This they say, that it's not always visible for everyone, just a few.

According to Stanley Isaiah of Liidlii Kue (Fort Simpson), the symbol of the three beaver pelts on Kweteni aa and the forever-burning fire up river from that mountain are signs on the land of the teachings of the legends. Mr. Isaiah said that, if we remember them and live them, if we take the signs set on the land for us as our symbols, we will survive as a Nation.

The five-colour ribbons are for the five tribes of the Dene Nation. The logo was first painted on a traditional Dene drum.

Dene continue to tell Yamoria's story to remind each generation of the ties of culture to traditions, to the land, and to reinforce these relationships. For the Dene, this is a significant process that is often misunderstood by outsiders as mere myth making. The next section looks to the development of a central formalized institution, by the Dene and for the Dene.

The National Indian Brotherhood-NWT

The National Indian Brotherhood-NWT (NIB-NWT) was established in response to a series of provocative actions on the part of Canada infringing Dene rights and the understood relationship between Dene and the Crown.¹⁴ NIB-NWT's formation was a catalyst for collective action, reflected in the statement from Lutsel'Ke Chief Pierre Catholique,

never again will one chief sit down with many government people. From now on, if twenty-one government people come to a meeting, twenty-one Indian leaders must come and sit across from them. From now on, we the Chiefs must talk with the Government only when we are together.¹⁵

The NIB emerged in 1970 as a vehicle for cohesive Dene action. Dene lands and livelihoods were being threatened by industrial development; political pressure was bearing down from Canada's Indian policy.¹⁶ These and other factors were propelling the Dene toward marginalized engagement with the dominant society: the fate of their cultures and lands were no longer completely in their control. The Dene sought to express the rights' and values flowing from their ancestors'

relationships with the land and the Crown, while managing change and future development. The shift from the NIB to Dene Nation was an affirmation of identity and rejection of Canadian Indian policy. The growing institutional capabilities of the Dene to express their political identity and interests, both traditional Dene teachings and in their own languages (and in English), within the context of shifting Canadian political processes, was the context in which institutional development began.

Several outside factors contributed to the momentum of the work of the Dene National Office. Issues such as land tenure were being defined by Canadian courts, as was the case with *Calder* (1973)¹⁷ and *Paulette et al.* (1973). Ideologically, the late 1960s and early 1970s were a time of increased individual and collective identity and expression throughout North America.¹⁸ Faced with an unexpected and vociferous rejection of Canadian Indian policy by Indigenous peoples and their supporters throughout Canada, the federal government was forced to reconsider its views on Aboriginal and Treaty rights. The pent up anger from First Nations to the Crown and Canada had been focused on neglect at the hands of federal and provincial government policy. By the mid 1970s, the federal government seemed prepared, perhaps having learned from their activities in Quebec, to negotiation and accommodation.¹⁹ Economically, Denendeh was inundated by mining, oil and gas, and other resource development activities. Politically, Aboriginal rights and title organizations, such as Federation of Natives North of 60, the Council of Original Peoples Entitlement, the Council of Yukon Indians (renamed Council of Yukon First Nations), Inuit Tapirisat of Canada (renamed Inuit Tapiriit Kanitami) were emerging as mechanisms for decolonization.²⁰

Political events of the early 1970s saw the rejection of colonial federal/territorial administration in favour of Indigenous political self determination. The emergence Dene nationalism flowed from a desire to implement Treaty 8 and 11 as understood by the Dene. Dene nationalism was heavily engaged with the resolution of rights issues; two major schools of thought about how this might occur resulted among Dene. On one side was a group of leaders and community members, who believed they could negotiate to trade ownership of land, as long as they controlled it. Many of the most outspoken proponents of the Mackenzie Valley Pipeline argued that economic development at that time would save the Dene, not recognition of Aboriginal Rights and Title.²¹ On the other hand there were those who believed they had no right to trade the land away, instead the land was to be held in trust for future generations, forever. Many of these leaders made strong statements about the need to protect, preserve and share the rights and responsibilities of Denendeh. These two opposed positions grew very far apart, ultimately playing out over the last 30 years to shape the development of institutions and policies of the Dene.

This brief discussion of the development of the NIB-NWT and its evolution into the Dene Nation did not occur in a vacuum. Some people argue that the

political development of the Dene was reactive. We argue that the Dene have been asserting their own ideas of political development and working from their own models and institutional structures, which ultimately seek to maintain the link of culture and land.

Canada Accepts the Dene Rights: a Cornerstone for Building Lasting Institutions

The development of institutions for Dene governance began as a struggle for rights recognition in the early 1970s which continues to this day. The struggle has had moments of unity and discord. The struggle has evolved within the context of the growth of the GNWT. Long after the NWT was renamed from Rupert's Land, the name designated by the Hudson's Bay Company from 1670 to 1870. The NWT developed as an administrative colony, a territory of the federal government in Ottawa after 1867 to the 1970s. After 1980, the GNWT closely resembled a democratic responsible government with community, regional, and territorial jurisdictional powers.

Before the beauracratization of Dene life, self-determination was, simply put, how people lived. Political self determination has always been a key goal of Dene people, and it was on Canada's rejection of this goal that land negotiations of the 1980s and 1990s continuously faltered.²² This goal was for many years at odds with Canada's vision of the Dene as a minority people, one of many in the north, whose lives required modernization and "civilization." Since the mid-1800s, when Canada began to assume responsibility for Indigenous people from the British Crown, Dene as First Nations, were slated for assimilation under Canadian policy and legislation.²³ Dene Elders and activists gave voice to a nationalist vision during the early 1970s through key court cases and public process such as in the *Paulette Case* (1973) and the Berger Inquiry (1977). These processes, conducted according to Canadian legal and policy frameworks, affirmed Dene awareness of their relationship with the Crown regarding treaties, and their right to participation in development, respectively. The negotiations of the 1970s and 1980s foundered on Canada's inability to address the issue of self-determination; and communities such as *K'aho Gotine* (Fort Good Hope) demonstrated that communities could ignore colonial institutions and create a government meeting its own needs. *K'asho Gotine* did this during the 1970s by developing a government model confirming their own cultural preference for cohesion and cooperation, combining the band council and municipal government into one entity.

Re. Paulette et al. (Caveat case 1973)

A defining characteristic for institution building in Denendeh was the submission of a caveat on Dene land rights to the Supreme Court of the Northwest Territories, what came to be known at the *Paulette* case.²⁴ In *re. Paulette et al.*,

Justice William G. Morrow gave significant recognition to Dene rights. There is no debate that Treaty was negotiated and signed; however the oral version and written version do not match, and it has been the contention of the Dene that the written Treaty was not what was discussed in Denendeh in 1899 and 1900. In its hearings the court went to the Dene elders, whose oral traditions and recollections of Treaty signings were the basis on which the court found in the Dene's favor. This model of community hearings would be repeated by Justice Berger when he was to investigate the impacts of the development of a pipeline along the Dehcho (Mackenzie River) valley.

In March 1973, the National Indian Brotherhood's Board of Directors met in Fort Rae "to discuss the Treaty research collected by its fieldworkers conducting interviews."²⁵ After their application was refused by the Land Title Registrar, the Dene Chiefs took their request to the Supreme Court of the NWT.²⁶ Justice Morrow was asked to decide whether Francois Paulette and 15 Indian Chiefs could register a *caveat* based on aboriginal rights on 400,000 (increased to 450,000) square miles of land throughout which they were resident. The case tested the rights of the federal and territorial governments to develop on Dene lands, essentially freezing development without the consent of the Dene. Dene title, land transfers and the verification of the Elders' interpretations of the Treaty were tested by the judicial processes in the case. While ultimately the ruling was overturned by a higher court on a technicality, the initial judgment gave weight to Dene views which ultimately resulted in delaying the proposed pipeline development.

The testimony of the Elders revealed an understanding of the content and purpose of treaties far different than the Canadian government understanding of the written texts of the Treaties.²⁷ The Elders' memories and oral traditions showed that Dene, at the time of signing, understood treaties as agreements of peace, friendship, and sharing – not agreements of rights extinguishment and land sales. Based largely on the testimony and oral tradition of the Elders, Justice Morrow decided that Dene rights existed, and that there was "sufficient" doubt about whether Aboriginal title was extinguished, despite the language contained in the written text of the treaties. "The Aboriginal right to the land," he concluded, "was sufficient interest for a caveat to be filed."²⁸

In 1977 the right of the Dene to file a *caveat* was overturned by the Supreme Court of Canada; however, the court did not challenge the existence of Dene rights as defined by Justice Morrow in 1973. This was seen as a significant victory by the Dene and proved to be important to the establishment of the *Comprehensive Claims Process*. The events and outcome of the case was a landmark moment and together with other legal judgments in favor of Aboriginal rights, forced Canada to reconsider its policies and approach to addressing Aboriginal rights. Legal challenges and attempts to define Dene rights and understanding of the Treaties by Canadian courts was the impetus required to get the Crown's attention and focus Canada's energies to redefine their relations

to First Nations, not the least with the Dene. However, the biases of the federal government and divisions between Métis and Dene were not easily overcome.

The Dene-Métis Joint Negotiations Process

One of the most significant projects for the Dene Nation was the development of a negotiation position, research, and negotiation of a comprehensive land claim settlement. During 1974, the Dene in partnership with the Métis began to negotiate recognition of their rights with Canada. Despite efforts to work together, the partnership foundered several times over key issues including membership eligibility and the constitutional relationship between governments. The Dene vision included the eventual transition of Denendeh from a federal administration to a democratic and responsible Dene government. Self-determination was the foundation of the negotiations for Dene. For the Elders, Dene had to continue to be self governing. Living with the land and resources in the traditional way, and adapt and resolving the pressures and decisions required by a new way of life based on communities and a wage economy, did not mean that Dene ceded control.²⁹

Canada's position was that governance and political development would not be determined within a rights negotiation forum. The Dene, coming increasingly under the control and administration of the GNWT, had until 1979 steadfastly refused to participate or vote in elections. Canada's unwillingness to discuss political development prompted the Dene to review their position, and in 1979 the first Dene candidates ran and were elected to serve as members of the Legislative Assembly. The intent was for Dene leaders to work from within the GNWT in support of Dene rights in tandem with the rights negotiation process of the Dene Nation. The Dene desire for responsible and representative government in their homeland was a major factor in the territory's evolution from an appointed administration to an elected and responsible government. However, in migration of Canadians and others to Denendeh, in particular in the capital city, Yellowknife, is pursuit of economic benefits, has been a significant demographic shift so that the Dene are becoming a minority. While the Dene/Métis joint negotiation ended in 1990, three of five regions maintain these political ties with rights conferred to both Aboriginal peoples. In the Tlicho (North Slave) and Akaitcho (South Slave) regions, separate paths were followed by the Dene and Métis (and further divisions among the Métis as well, North Slave Métis Alliance and NWT-Métis Nation).

The K'asho Gotine Charter Community

It has been said that the Dene democratized the NWT; the Dene dragged the colonizers from a political stone age into an enlightened conception of equality and democracy. Dene refused to live by an imposed government seen as an affront to the ideals of equality and fairness. The partially appointed executive

and governing council of the Northwest Territories of the 1970s was the least representative or responsible of any government in Canada. For many years Dene refused to participate and focused on seeking Canada's recognition of Dene people's human rights. Judicial decisions support Aboriginal peoples in their struggle for rights recognition, in particular *Paulette* (1973) and *Calder* (1973). These cases would set the foundation for other Aboriginal rights and title cases heard by the Supreme Court of Canada.³⁰ The Dene rights negotiation process which took place throughout the 1970s and 1980s was one avenue to achieve recognition and make changes. Yet another approach was taken by K'asho Gotine.

By the late 1970s, Fort Good Hope was suffering under the ravages of alcohol, the effects of the transition from bush to community life, and increasing presence of government and outsiders to the Sahtu. Norman Wells Oil and gas development attracted an influx of workers from southern Canada. Rental housing and welfare demoralized people and marginalized the need for traditional roles. Traditional leaders were being ignored. A variety of boards and committees had been set up as a way to consult with the community on a regular basis, but this consultation framework fragmented the community. Organizations—the settlement council, band council, and Métis Local – were played off against each other by federal/territorial, and private interests.

The result was a state of unease. The community recognized that control had to be taken by the people. Residents decided to bypass institutional processes created by outsiders, and focus instead on creating their own ways of working together and making decisions.

In 1977 a *resolution* was passed prohibiting the building of additional rental housing.³¹ A year later, the community did not participate or vote in elections for the settlement council. In this manner the Band Council became the central institution and membership was expanded to include Métis. The same year, a resolution was passed prohibiting alcohol in the community. By 1982, a Community Assembly was established which included all adult community members, and this body became the forum at which all major community decisions were made. A charter describing the evolving system was drawn up, and the community assumed authority from the GNWT for delivery of local services.

The "Fort Good Hope Model" was the basis for a new form of community government sanctioned by the territorial government: the Charter Community government, which subsequently came into use in other communities in the NWT. The model was significant because it showed the ability of Dene to reject imposed institutions, and the ability of communities to run their affairs through appropriate institutions of their own design. For K'asho Gotine, the solution was at its foundation an expression of self-determination: developing culturally appropriate ways to look after community affairs, without having to adjust community needs to fit with the priorities of far away governments.

While community-based governance within the territorial government framework is one option employed by the Dene to implement their rights, in the

next section we will examine the preconditions that set the foundations for all attempts by the Dene to implement their Aboriginal and Treaty rights and responsibilities. Political, social and economic factors of the 1980s and 1990s led to the establishment of regional claims.

Shifting Institutional Contexts

The Dene National Office is as much a political organization as a social link the Dene have built between their traditions and modernity. This is unique in the North. While the Dene Nation is made up of all Dene people, the Dene National Office evolved as an institution to advocate Dene self-governance, land management, cultural revitalization, research, education of Canadians and others, and more. Today, three of the five Dene regions have assumed authority over their lands and governance in negotiations with the federal and territorial governments through the federal *Land Claims Process*.³² The Dene National Office was established on the principle of unity. It draws its strength from the inherent flexibility and resilience of the Dene, which is required to meet the needs and support the independence of the five regions. What underlies this story is the source of Dene strength and identity.

Negotiated throughout the 1980s, the claims negotiation process resulted in the *Dene/Métis Agreement-in-Principle* (AIP) being signed in 1990 by Canada, the Dene, Métis, and the GNWT. However, the Dene National Assembly, consisting of Chiefs and community delegates, rejected the AIP that same year. A variety of factors led to the choice of some regions to take separate paths in the struggle to establish Dene governance. Historical differences contributed to the very strong forces of economic development, which varied from region to region depending on the natural resources being exploited. Lands and resource development, more than philosophical differences, resulted in two regions seeking separate agreements. The issue of self government also remained outstanding, as did Canada's requirement that the Dene extinguish their aboriginal rights in exchange for the contents of the AIP.

Throughout the 1970s and 1980s the Dene partnered with the NWT Métis Nation.³³ The Métis Nation-NWT is now defunct, replaced by the North Slave Métis Alliance and the South Slave Métis Association.

In negotiating a joint land and resources Agreement under Canada's Comprehensive Land Claims Process. The Dene/Métis process has often been discussed as an institution of the Dene; however, participation in the process was a strategic response to the federal government. Within this forum, the Dene asserted rights and title to lands and ultimately sought to have these affirmed and respected by Canada. In the 1970s, the comprehensive claims process was the only forum within which Dene could put forward their collective voice in a way that engaged Canada.

There were different paths the Dene and Métis could have taken to ensure their individual and collective interests were protected. A vision of a shared future for the Dene and Métis, where the combined strength of all the different linguistic and cultural peoples who are Aboriginal, required a learned form of liberalism, a flexible approach to reconciling internal conflicting interests. In order to work collectively, many differences had to be ignored and reconciled; what ensued was an internal process of negotiation, and a few differences would always be in conflict. Negotiation, acquiescence, and acceptance to disagree among Dene and Métis ran parallel to the process of engaging Canada. The Dene-Métis claim as a project of the Dene National Office was flawed in some respects.

Internal and external pressures included differences in circumstances, interests, history, and geography, from the peoples of the Delta to those in the South Slave required change to develop unity. Interests and gaps in capacity challenged Dene and their institutions, including the Dene National Office resources. Out of the necessary internal negotiation of differing interests and circumstances emerged regional Dene governments. This decentralized approach was taken up after 1990 with each Dene government pursuing negotiations with Canada individually. It is important to understand the effects of the development of regional claims, and one of the most significant effects was the subsequent increased institutional capabilities of each Dene government. Once perceived as a weakness of the Dene Nation, decentralization has instead evolved into strong individual Dene governments with legal recognition, capacity, and resources to bring to bear in resolving collective Dene concerns as a Nation.

The Gwich'in, feeling under significant economic and political pressures that had been building for several years, decided to leave the Dene Nation³⁴ and pursue negotiations on a regional basis.³⁵ This was the end to a decade of increasingly fragmented discussion and negotiation toward one agreement for the diverse regions. After 1990, Dene negotiated their rights to governance and lands regionally following various models, with Canada using some of the provisions of the AIP as the basis for their negotiations and agreements.

The Gwich'in and Sahtu reached negotiated settlements on lands and resources in 1992 and 1993 respectively. The Tlicho (Dogrib) reached an *Agreement-in-Principle* on land, resources, and self government during 1999 (initialed in 2003). The Deh Cho is currently negotiating lands, resources, and self government and Akaitcho is pursuing the implementation of the Treaty, as well as *Treaty Land Entitlement* at Salt River First Nation and Smith's Landing (reached separate agreements during 2002 and 2001 respectively). The NWT Métis Nation and the North Slave Métis Alliance are independently pursuing agreements with Canada on rights to lands, resources, and governance.

The Gwich'in and Sahtu have each approached self government differently. The four Gwich'in communities; collectively sharing lands and communities with the Inuvialuit, have opted to negotiate a regional form of self government in

partnership with the Inuvialuit. Regional and community governments will be public in nature, with jurisdictional guarantees and representational mechanisms to protect the integrity of the Gwich'in and the Inuit inherent rights to self government. In the Sahtu, district governments are being created, where self government is negotiated separately at each of the five communities. These governments will serve the needs of all community members. However, the Sahtu Dene Council, Sahtu Renewable Resources Board also act as coordinating mechanisms for the Sahtu communities (include Dene, Métis, Canada and GNWT), relationships that will need to be worked on to operationalize.

The Tlicho have opted for a distinct model of self government. The *Tlicho Agreement* allows for creation of governments for Tlicho citizens, and many key services will continue to be provided by contracting with territorial government departments and agencies during a ten-year transition period. Like the case of the Akaitcho Territory Government, the Métis are not party to the comprehensive claims.

Agreements are being negotiated during a period of increasing development and prosperity in Denendeh. There are three new diamond mines, the latest being DeBeers, on Tlicho and Akaitcho lands (North Slave Geological Province), and oil and gas development is expected to enter the environmental assessment process some time in 2004. In places such as the Gwich'in and Sahtu regions, agreements have provided capital and land and resource ownership and management authorities to take advantage of renewed oil and gas exploration. Similar agreements expected for Tlicho and Akaitcho have resulted in industry and government consulting and reaching agreements with those peoples in respect of benefits and participation in resource development activities. The Deh Cho and Akaitcho have reached Interim Measures Agreements with respect to lands and resources partially in response to development pressures in their territories. Each region is engaged on agreement implementation, focusing resources on building community capacity to undertake these responsibilities.

Even with the Dene pursuing separate negotiating processes, the Dene National Office continues to remain vital in the pursuit of National concerns of: health, the environment, and political development. The National Office is not the only forum the Dene are using to pursue their political and economic objectives, but it is being used. In addition, the territorial and federal governments have established a side-table, working with Dene governments to discuss matters of mutual concern most notably through the Intergovernmental Forum, established in May 2000. At this table some Dene sit with the Inuvialuit and Métis, with funding coming from the territorial and federal governments. Likewise, the NWT Aboriginal Summit enables some Indigenous leaders to work together on issues of mutual interest such as capacity building and economic development. These vehicles are seeking ways to hold inter-governmental discussions on key issues. Canada, the GNWT, and the Aboriginal Summit have used this forum for negotiating further devolution of governance powers from Canada to the territorial and Indigenous governments. Through this forum the scope and extent of the

authority and responsibilities of Dene governments are being harmonized in relation to the federal and territorial governments.³⁶ The “devolution process” and the involvement of some Indigenous leaders as partners in its negotiation is a sign of the desire to hold increased economic and political power of these governments as a result of negotiated agreements.

The Dene have not been supportive of devolution in the past, which sought to create a significantly different relationship between governments without adequate Dene participation. Previous attempts at devolution proposed to end Canada’s responsibilities and by establishing the GNWT, bypassing Dene governments. Dene believe they have established their Aboriginal rights and title and that the *Constitution Act* (1982) affirms them; as a result, Dene governments, not the GNWT, should be primary candidates for receiving devolved governance powers from Canada. “Devolution” talks seek to increase territorial government responsibilities to approximate those powers within the Constitutional ambit of provinces. The question of devolution is beyond the scope of this study; however, there are many unanswered questions surrounding devolution that will have significant implications for Dene governance and institution building. Currently, the devolution negotiations include representation of most Dene governments through their membership in the NWT Aboriginal Summit; however, some Dene have opted out of the Summit. Regions such as the Deh Cho believe the process may compromise their current land and self government talks, and object to the GNWT assuming what they see as Dene governance responsibilities. Regardless, the Dene feel that agreements negotiated between them and Canada will provide the necessary tools to protect and maintain their collective interests within the broader community.

Since the Dene-Métis negotiating process ended in 1990, the Dene have pursued different paths toward the shared goal of self determination. A future has begun to unfold, which gives hope that the Dene will have a greater share in the opportunities and benefits of development, a reversal of what has so long meant development in the north with profits migrating south. Changes to the Dene Nation constitution in 2002 reflect the future direction for the Dene.

The New Dene Nation Constitution

When our Creator had said this land 3000 years will be here, we have 1000 years left to go. That is why we have to look after our children today. We have to fix it so it can be better for our children. Those non-aboriginal people they live in the south also, they live here. But us here, we are the ones that are supposed to be protecting things. If we are living in the south, we don’t go anywhere. As for myself, I am 69 years old and I live in Deline. I won’t go anywhere else that is the kind of Dene people we are; this is our land. When you talk about certain issues, fix it. You have to fix it for the future of the children. Those of you sitting

around here, you have to do the right thing for your children so they can survive in the future. If you are against each other then it's not going to go right for us.³⁷

Dene leadership had long recognized the need to update the Dene Nation constitution to mirror the realities of the simultaneous solidarity and independence of the five regions. History was made on July 11, 2002, when the thirty-second annual Dene National Assembly convened in Liidlii Kue, Denendeh. Earlier in the day, the assembled Chiefs set in place a motion for unity.³⁸ The National Assembly resolved that all five regions of the Dene: the Gwich'in, Sahtu, Deh Cho, Tlicho, and Akaitcho, were in solidarity once again. The assembled leadership acknowledged that while, "in the past, territories/regions have left for their own purposes," they were now ready to "clarify and unify the membership of the Dene Nation." Close to 200 Chiefs and their delegates had gathered together and on the fourth day in the afternoon the Dene agreed that "their relationship is built on trust and co-existence as long as the sun shines and the rivers flow."³⁹

The new constitution rests on the provision that "nothing in the Charter or By-Laws of the Dene Nation shall be interpreted in a manner which interferes or will have ill effect on the Aboriginal and Treaty rights and interests of the Dene." Prepared under the direction of the Dene Constitutional Working Group, this key principle recognizes a contradiction inherent in the situation in which the Dene find themselves: while feeling a strong will to cooperate, this is juxtaposed with the divisive and potentially difficult nature of reconciling their rights *vis-à-vis* government policies and processes which over the last 20 years have seen Dene placed in direct competition with each other at the negotiating table.⁴⁰ This principle and other changes to the constitution reflected larger trends and changing circumstances occurring within Denendeh since 1990. Not least of these was the growth in resources and capacity of regional/community governance institutions. For example, the *Tlicho Agreement* on lands, resources, and self government was initialled in 2003. Similarly, Deline, in the Sahtu Region, was negotiating community-based self-governance; while the Gwich'in in association with their Inuvialuit neighbours, were negotiating a joint regional self government agreement. The Sahtu and Gwich'in final agreements on lands and resources had created new resource governance regimes affecting all regions in the north. Recent renewed discussion on the development of a gas pipeline down the length of the Mackenzie valley had brought into sharp relief the irreconcilable pressures faced by regions at different stages in negotiating land and resource agreements. As a result, the Dene leadership recognized that the Dene Nation constitution required changes to provide an effective framework for Dene to pursue shared interests and goals.

At a special Dene Assembly (Yellowknife, February 2001), the Dene leadership began discussions on drafting changes to their constitution. Wording was prepared by the Denendeh National Office. At the General National Assembly

delegates passed a motion adopting “in principle” the Amended Dene Nation Constitution and By Laws, subject to resolution of certain concerns. The Dene Constitutional Working Group, chaired by National Chief Bill Erasmus, with representatives from all Dene regions, held several meetings to resolve these concerns. Changes to the constitution established a new way of working together, in light of recent events, and provided a trajectory of political development for long term Dene unity and cooperation.

A preamble was added to the document which set out some basic values, objectives and historical facts relating to Denendeh. The preamble is a general guide for the future interpretation of the Charter. The new Dene Charter complements the constitution and affirms Dene use and occupancy within Denendeh: continuing inherent sovereignty, signing of Treaties 8 and 11, Canada’s failure to adequately honour the terms of these Treaties, the history of the Dene struggle to achieve recognition of and to implement their Aboriginal/treaty rights, and the continued need for the Dene Nation to assist and coordinate the pursuit of Dene collective rights and interests. According to long time Dene chief and activist, Jerry Paulette, the preamble states:

to capture the history of the Dene Rights agenda and what point it led to devolving to the regions, basically in 1990-1991, and the leadership’s respect each others self-government agreements. It also says although that is what occurred, the Chiefs and communities still feel a need to work together. It is proper protocol, the regions being together again. The constitution and bylaws should be redrafted to meet the circumstances of today’s reality.⁴¹

That reality has seen a shift in responsibility for negotiating agreements from the Dene Nation as a whole to regional Dene governments, along with an emphasis on capacity building for implementing Dene rights and title at each of these tables. As a result, references to the Dene Declaration,⁴² to retaining Dene inherent rights, and to upholding Dene laws have been removed from the statement of Dene Nation’s objectives. These have been replaced with a revised provision that recognizes the role of the Dene National Office supporting each Dene government throughout Denendeh.

Membership provisions of the Dene Nation have been radically simplified.⁴³ Instead of Dene individuals, the by-laws now identify the five regions as the basic members of the Dene Nation. The Dene communities located in or associated with each of the regions are listed. It is explicitly recognized that the Dene Nation’s members are “self-governing” and they will determine their own membership, including just who may be a Dene citizen, and how they will be represented in the Dene Nation. Again, this shift responds to the issue of membership lying within the moral and legal decision making authority of Dene governments, consistent with the affirmation of their autonomy.

Under the new by-laws, all Dene citizens have the right to participate and to speak at the annual Dene National Assembly. Voting is restricted to delegates sent by each Dene community according to the formula laid out in the by-laws.⁴⁴ Delegates to the National Assembly include Chiefs, Dene community delegates, and members of the Executive. This strikes a balance between ensuring peoples' participation in the business of the Nation consistent with Dene political principles of consensus building. Participation in the National Assembly must be open to maintain legitimacy. It represents the highest level of authority for the Dene, which is always the people, and its institutional practices give form and authority to those decisions (motions and resolutions) made on behalf of the Nation.

While the Assembly sets the general direction and purpose of the Nation on a yearly basis, an Executive and Elders Council operates throughout the year to make decisions and implement the direction of the National Assembly. The Elders Council is newly established through the constitution; it exists to reflect the important role of Elders in Dene society and to also support the Executive, which is charged with day to day governance responsibility. Composed of five members drawn from each region, members of the Elders Council are determined by each Dene government through Dene custom. From this body of five Elders one sits and represents their decisions on the Executive. The combination of Elders along with Chiefs and regional Dene representatives enhances the legitimacy of the practical steps taken to implement directions received by the Dene National Office. This change has increased the soundness of decision making through explicitly incorporating Dene political practice into the day to day operations.

It is now the Executive who is responsible for the preparation of "periodic strategic plans" based on "information and submissions" from the leadership. The practical supervision and direction of the office is at the discretion of the Dene National Chief and the Executive Director; however, under the constitutional changes the Executive can play a more active role. The Executive as the Dene Nation's Board of Directors is responsible for a greater degree of management of the National Office than in the past.⁴⁵ And finally, the Dene National Chief is identified as the Chief Executive Officer and spokesperson for the Dene Nation, with responsibilities clarified fully in the by-laws.⁴⁶ The National Chief will, on request, report to the Executive and be responsible for all operational and administrative matters. The eligibility requirements for the National Chief have been revised so that he/she now must simply be a "Dene Citizen."

The new constitution of the Dene Nation has begun to reflect historical changes, the new contexts and future direction of the organization regarding the implementation of Dene rights and title. Moving the Dene National Office towards the operationalization of Dene governments can be seen in the day to day activities of the National office in 2003.

Denendeh National Office: A Snapshot of 2003

The Dene National office in 2003 is a relatively flat organization, highly integrated with few divisions and employees. In the past the organization was as large as 60-80 full and part-time employees, but today there are 16. Close to 90 percent of the employees are Dene, with only two who have been brought in for their technical skills. Roughly three quarters of the staff are female, and half of the management positions are filled by women. The newly elected National Chief Noeline Villebrun is the first elected woman to hold the position which has been, until now held by men.

The Executive is composed of the National Chief, executive assistant, secretary, Parliamentary liaison officer, and chief [administrative] executive officer. The oldest department, besides Finance and Administration, is the Resource Centre which is staffed by a program coordinator and two technical staff. The Health division, the largest division of the National Office is made up of a manager and three program coordinators, two of which are in charge of specialized projects. The terms of employment of project coordinators are largely based on the life span of the project they are working on. In the Lands and Environment division there is one manager and a program coordinator. The nature of the work by these two divisions is both national and international, supporting the regional/territorial work of each Dene government.

The many activities of the Health division range from programs dealing with the physical (for example diabetes) to social (for example suicide prevention) well-being of the Dene. The actual initiatives conducted under the direction of the Health Manager vary from year to year; however, in 2002, the Health division undertook one initiative, in particular, which is illustrative of the breadth and nature of the work undertaken by the Dene National Office staff. With the formation of the National Aboriginal Health Organization, Dene Nation worked with other First Nations across Canada to have greater input and control of Health care initiatives for their people. *The First Nations and Inuit Longitudinal Health Survey* is being coordinated by the Yellowknife office under the direction of a program coordinator. Community and regional field workers are trained by Health division staff to conduct an exhaustive health survey. The data from the survey will be held by Dene Nation and interpreted results will be shared with the key-funding agency, Health Canada. The Regional Health Survey is being managed by Dene Nation and the results will be both protected and shared with the federal government as is deemed appropriate by the Dene Nation.

The Lands and Environment division is equally involved in a number of northern initiatives and activities. Each Dene regional government and community is responsible for specific and local activities and practices related to land and resource management. As the national organization of the Dene, the Lands and Environment division support each regional model of land and resource management, building innovative practices with limited capacity for sustainable communities in all five regions. One initiative, the Denendeh Environmental

Working Group (DEWG), was established as a non-political forum where technical representatives and elders can gather with invited guests from government, academia, and non-governmental organizations, to share what is going on in Denendeh. The DEWG meets in a workshop format to discuss climate change (Thebachaghe 2002) and related environmental relationships. To date the activities of the DEWG are being documented, protected and shared at international forums, for example in both the Arctic Council's *Arctic Climate Impact Assessment* and the *Snowchange 2003* conference.

What is most characteristic of the National office is the lack of formal hierarchy. Staff meetings are irregular, although reforms have been made to regulate meetings and communications, with decision-making based on consensus. In keeping with the mandate of the organization, work is seen as for the people, for the physical and spiritual as well as the physical betterment of the Dene.

The National office plays a dual role of daily operations and Assembly/ leadership meeting operations. The organization operates on a fiscal year for programs and projects in a central suite of offices in Yellowknife. Gearing up for Leadership meetings and the National Assembly, the normal operations become dormant and the majority of resources are redirected at planning, organizing and running either of the two gatherings. In either case, Leadership directs where meetings will take place, often they are rotated throughout one of the Dene communities, which requires moving the National office operations to the meeting location for three to six days.

Besides the daily operations, the National Assembly and Leadership meetings, the Dene Nation is affiliated with several other Indigenous institutions. The institutional linkages to the Centre for Indigenous Nutrition and Environment (McGill University), Assembly of First Nations, and the Arctic Athabaskan Council, are three examples. Dene Nation has found it favourable to create and join organizations/institutions, which have aided in advancing Dene interests within highly specialized forums. Our relationships have often mirrored those of other national Aboriginal organizations such as the Council of Yukon First Nations.

Beyond significant support and work with the Dene governments, international affairs are a priority for Dene Nation; however, participation on the numerous international bodies is a great strain on resources. In many cases Dene Nation has looked for partnerships where resources could be shared and synergies optimized. A good example of this is when the Dene sought greater representation on the Arctic Council.

The Arctic Council is a non-legislative body of the nine circumpolar heads of state. The council sought the participation of Indigenous Peoples, after they were lobbied to do so. In the early development of the Arctic Council, the Dene did not fully participate, instead allowing their interests to be supported indirectly through the work of the Inuit Circumpolar Conference (ICC). ICC is an organization with several years of international experience and historic

collaborations with Dene Nation in the very successful Coalition of Arctic Indigenous Peoples Against POPs (CAIPAP). In 2000, Dene Nation along with Métis Nation-NWT, Council of Yukon First Nations, and Alaskan Athabaskan Tribes, established the Arctic Athabaskan Council (AAC). The membership of AAC was guided by rules for establishing Permanent Participants, set by the Arctic Council.⁴⁷ From an institutional perspective the work of the AAC is conducted through the National Chief, especially at the Ministerial meetings of the Arctic Council. During working group meetings and the Senior Arctic Officials meetings the manager of Lands and Environment attends. The reasons for this is historic, as the Arctic Council's work was, to begin with, focussed on monitoring contaminants in the Arctic, the same focus that Lands and Environment had at the national level through their long-term work on the Northern Contaminants Program. Financial support for participating on the AAC comes from the AAC secretariat in Whitehorse, Yukon, and Dene Nation's activities in the AAC in Denendeh continue to suffer for lack of resources there.

Conclusion

This discussion has looked at where Dene Nation comes from and where it is presently. We have highlighted current activities of the Dene National Office to show the scope and reach of its purpose. The Dene Nation and the Denendeh National Office are platforms for Dene to advance, create the context for, and respond to various interests and goals they have in relation to the Canadian nation state.⁴⁸ The Dene have developed many resilient and flexible institutions, serving multiple purposes, which have only been touched on in this article, although each merits its' own study.

Our analysis characterizes the institutions of the Dene Nation as responsive to a continuously emerging set of organizational contexts and structures; the cumulative effects being the recognition and advancement of Dene rights and way of life in the Canadian North; an example of institution building for Indigenous governance. Dene cultures and values significantly shape both decision-making processes and organizational culture. This study is instructive in understanding other Aboriginal governmental and historical processes, illustrating the usefulness of historical research, based on documentary and oral sources including: reports, studies, and primary documents produced from within, and outside, of the Dene Nation since the 1970s. Elders, Chiefs and Dene leadership are quoted from statements made during National Assemblies and other forum, which collectively function as the public governance structures of the Dene.⁴⁹

The Dene face challenges over the years that have led to the development of robust institutions of governance. Institutional changes have reconfigured but never weakened the continuous assertion and pursuit of Dene rights to land use and governance. Changing contexts highlight the strength and intimacy of the connection between Dene and their lands. The main source of Dene marginalization within Canada is that hard won agreements with the Crown are

very slow in being implemented. The Dene know their rights. Over 20 years ago, the *Constitution Act* (1982) enshrined Aboriginal rights, marking a significant step toward rebalancing the relationship between Canada and Indigenous peoples. For the Dene, constitutional recognition affirmed their relationship to the Crown, which Canada accepted to uphold in 1982. Until that time, the matter of Aboriginal rights and title were so poorly understood by Canadian law makers that some Canadian institutions had tried to convince the Dene that their people did not have any rights. When Dene rights along with all Aboriginal and Treaty rights were enshrined (S.35) Canadian courts began to correct legislation and regulations that ignored or damaged them. Courts are however, poor legislators, and the process is expensive and adversarial. Dene Elders say we have to work together, the Dene and federal government, to build trust in light of this long and difficult history.

The renewed Dene Nation constitution allows us to better implement self-government in Denendeh through revitalizing the relationships and mechanisms within the Dene Nation, a key institution which after more than 30 years of operation, continues to act as a catalyst for Dene unity. Each Dene government can define their participation in the Dene Nation. National Chief, Bill Erasmus, during the historic meeting in Liidlii Kue, stated:

I talk of working with others in the north, bring these powers to the north, and agree we have to work together. It is the only place in the country we can do this, but it means we have to trust each other. Our organization is to bring us all together. You can still have your regional control.⁵⁰

The Dene continue to patiently educate Canadians about Aboriginal rights and title. We understand who we are, where we are from, and what we need to continue to do as Dene in the future. As Dene continually struggle to secure rights recognition and implementation within Canada, these rights are often spoken of through the language of the Canadian *Constitution*, and those references to Aboriginal rights contained in its Section 35. But the Dene know that progress requires education and this takes patience, that Dene rights are still not fully understood or admitted by Canada, and that the generations to come will need to be vigilant in continually renewing and realizing their rights. In this future, the Dene Nation will be a resource: of information, historical documentation, advocacy, and togetherness of Dene people and governments as long as the sun shines and the rivers flow.⁵¹

The intent for much of the Dene institution building has been to move into greater local autonomy: what has often been perceived by some as a weakening of the Nation as a whole through a balkanization into five regions. However, this perceived regionalism speaks to Dene identity and place and has been the source of renewed strength.⁵² The motivation to work together in building a common future is linked to Dene cultural traits of sharing and caring. The unity of strong

regional governments within the Dene nation is a result of Dene governments having regained recognition and control of lands and resources, and consequent political power *vis-à-vis* Canada. Together, they have an opportunity to bring their individual powers and strengths to bear on issues of collective interest and concern.

Notes

1. Dene, as an Aboriginal people, have rights in addition to fundamental human rights shared by all. These rights are referred to as Aboriginal to demarcate the rights of original inhabitants, usually colonized people, *vis a vis* colonizers. In the case of Canada both the English and the French claimed the land, in various forms, as a commodity within Imperial Empires. In the case of Aboriginal people, no such argument was made to them; however, there were *Peace and Friendship Treaties* which evolved into other forms of treaty making between the Crown and various Aboriginal "nations and tribes." Aboriginal rights are practical in the case of rights to resources and lands. These rights are also concerned with individual and collective rights. For Dene and many Aboriginal peoples their rights are held under the suppression of illegally established nations who overtime sought to dispossess and colonized the original occupants of the land. The Dene, like many Aboriginal Nations, sought to share and build alliances with newcomers, not to control or be controlled in the exchange.

2. Denendeh is the land that is today referred to as the Northwest Territories, Canada. It is one of three northern territories, the other two being Yukon and Nunavut. When compared to Canada's provinces to the south and east, Denendeh has been shaped and therefore reflects familiar influences of Aboriginal and newcomer contact, fur trade history, Treaties, colonialism, and the imposition of Canadian Indian policy (for example the Indian Act). There are also vast differences to the historical, economic, geographic, ethnic, etc., composition of Denendeh when compared to the other territories and provinces.

3. Susan Quirk and Antoine Mountain, *The Dene Nation: Past and Future. A Report to the Royal Commission for Aboriginal Peoples*. Prepared for Dene Nation (Yellowknife: Dene Nation Resource Library/Archives, 1993).

4. The views expressed in this article may not be shared by Dene leadership and members and any inaccuracies are those of the authors.

5. The defense of the rights and title of Aboriginal peoples gained strength after 1982. However, Aboriginal rights and title have been in conflicts created by centralized governance since England claimed Denendeh as "Rupert's Land." In 1670, England's King George V granted a Royal Charter for all lands draining into Hudson's Bay to the "Company of Adventures," later incorporated as the Hudson's Bay Company (HBC). The Charter followed the first successful voyage of Henry Hudson into the Bay, which now bears his name, and gave the company monopoly trade, exploration rights, and quasi administration of the lands and people. All of this was done without asking permission from the Aboriginal inhabitants and land owners, based on false assumptions of *Terra Nullius*. Far removed from this "discovery," the Dehcho (Mackenzie River) drains the Peace River system to the west and south, from British Columbia and Alberta, and does not drain into Hudson's Bay. Instead the Dehcho empties into Tucho and flows northward. The Nahanni empties into her at Liidlii Kue and flows over 700 km northward to the delta and into the Beaufort Sea. With the sale and transfer of Rupert's Land in 1870 from the HBC/England to Canada, administrative control over Denendeh was passed into the hands of the new dominion (formed in 1867) without the knowledge or consent of Dene and Métis. Present day conflicts can be traced to Canadian legislation after the signing of Treaty 8 in 1899 and Treaty 11 in 1921, and in particular after 1969. For a discussion on traditional Dene governance see

Rene Fumoleau, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (Toronto: McClelland and Stewart, 1973). For a discussion on self-government, see Michael Asch, *Home and Native Land: Aboriginal Rights and the Canadian Constitution* (Toronto: Methuen, 1984). For more on the contexts for Indigenous governance in Canada, see: Harold Cardinal, *The Unjust Society* (Edmonton: Hurtig, 1969); Leroy Little Bear, Menno Boldt and Anthony Long, Eds., *Pathways to Self-determination: Canadian Indians and the Canadian State* (Toronto: University of Toronto Press, 1984); Rick Ponting, Ed., *Arduous Journey: Canadian Indians and Decolonization* (Toronto: McClelland and Stewart, 1986); Renee Lemouthe, RCAP report on Treaty 11 date etc.; and, Frank Cassidy and Richard Bish, *Indian Government: Its Meaning in Practice* (Lantzville: Oolichan Books, 1989).

6. J. R. Miller, Ed., *Sweet Promises: A Reader in Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991), vii.

7. Canada, *The Royal Commission on Aboriginal Peoples* (Ottawa: Minister of Supply, 1996), Vol. 1, 37.

8. Since the "Battle of Plains of Abraham," and before Canada became a nation state in 1867, it was a dominion of the British Empire. Treaties and the *Royal Proclamation of 1763* guided "Indian Policy" in the dominion until the establishment of the Canadian Parliament. Almost ten years later in 1876, Canadian legislators consolidated a number of separate but specific statutes to form what we know as "An Act respecting Indians" or the *Indian Act* (1985). The Act is the source of authority over the management and control of Indian lands and was used by Canada to assimilate and civilize Aboriginal peoples. Canada's intent with land claims has been to exchange Aboriginal title for *fee simple*.

9. Governments recognized through land claim and self government agreements are those institutions recognized as legally possessing the rights, powers, and responsibilities invested in them by agreement between Indigenous peoples political organizations, Canada, and the territorial governments.

10. Tungavik and Canada, Department of Indian and Northern Development, *Agreement between the Inuit of the Nunavut Settlement Area and her Majesty the Queen in right of Canada* (Iqaluit: Tungavik, 1993).

11. Mel Watkins, Ed., *Dene Nation: The Colony Within* (Toronto: University of Toronto Press, 1977); Thomas Berger, *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry, Vols. 1 and 2* (Toronto: James Lorimer, 1977).

12. The Dene Nation, *Denendeh: A Dene Celebration* (Yellowknife: The Dene Nation, 1984), 135.

13. Stanley Isaiah, personal communication, Liidlii Kue, Denendeh, recorded by Dene Nation. n.d.

14. These actions included the attempted closure of Indian Affairs in the NWT following on the White Paper's release in 1970; the cumulative frustration of chiefs as DIAND began to offload its responsibilities to the new GNWT; and the attempt to establish a National Park near Lutsel K'e without consultation with the Dene during the early 1970s.

15. R. Griffith, "Northern Park Development: the Case of Snowdrift," *Alternatives* 14 (1) (1987):26.

16. By the term Canada's *Indian Policy*, we mean such legislation as the *White Paper* (1969), in addition to the ever persistent assimilative pressures of the *Indian Act* and residential schools. The *White Paper* was a policy paper released by the Canadian government, proposing to end the *Indian Act* and abolish aboriginal rights and title. The *White Paper* focused and galvanized political organization of Indigenous peoples all over Canada, including in the North.

17. See note 30.

18. For example, peace movements in response to the war in Vietnam, feminist movement in response to patriarchy, Black movement in response to racism, student movement in response to the upper middle class. Spurred on by writings and thinking as diverse a liberation theology and Saul Alinsky's "Back of the Yards" organization against Kodak and Paulo Freire's *Pedagogy of the Oppressed* (New York: Continuum, 1970).

19. The October Crisis in Quebec saw the federal government enact the *War Measures Act* in that province in response to the activities of the Front de Liberation du Quebec (FLQ), and murder of a Quebec politician and minister. Quebec was also the scene of France's President DuGal's famous "Viva Quebecois Libre" speech.

20. There are numerous works on decolonization including those by Ward Churchill, *Since Predator Came: Notes from the Struggle for American Indian Liberation* (Littleton: Aigis Publications, 1995); Linda T. Smith, *Decolonizing Methodologies* (London: Zed books, 1999); Chris Paci, "Developing Decolonizing Curriculum: A case study of First Nations Studies Certificate Development," Saskatoon: Canadian Indigenous/Native Studies Association, Annual Conference 2001), 32-49.

21. A proposed Mackenzie Valley gas pipeline running the length of valley, crossing significant areas of traditional Dene territory, was the subject of a public Inquiry headed by Thomas Berger between 1973 and 1976. The inquiry was a catalyst for Dene political organization. The Inquiry outcome was a moratorium on pipeline construction until Dene rights and title were resolved. This was seen as a major victory in many respects for the Dene.

22. The development of Indian policy was met with institution building for Indigenous governance and process for self-determination. One response from the Dene to legislation and policies that attempted to strip their rights from them, for example the *Indian Act*, lead to organization to achieve recognition of their rights and institutions of self-determination.

23. For example, the *Gradual Civilization Act*, and various other bits of legislation were consolidated into the first *Indian Act* after Canadian Confederation; see RCAP (1996) and Miller (1991) for a more complete history on legislation regarding Indigenous Peoples.

24. *Caveat* 1973, *re. Paulette et al.* 6 W.W.R. 97. [1975].

25. Quirk and Antoine, (1993) 31.

26. The *caveat* was one of the few legal remedies available to the Chiefs as they sought to participate in decision making over land use and resource development. Canada contested the case on the grounds that the NWT Supreme Court did not have the jurisdiction to hear it, that the *NWT Land Titles Act* did not apply. Ultimately Canada refused to participate in the case, forcing Morrow to appoint a lawyer to represent the Crown's interests during the proceedings.

27. To satisfy whether the chiefs had Aboriginal rights, on which they based their claim, the proceedings took the court to various NWT communities – from Rae to Tsiigehtchic, — to talk with elders who had been present when Treaties 8 and 11 were signed.

28. See R. Fumoleau, *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870-1939* (Toronto: McClelland and Stewart, 1974); and Indian Brotherhood NWT, *9 Volume set of transcripts from Elders interviews and articles collected as research into Aboriginal Rights in Denendeh* (Yellowknife: Dene Nation Archives, 1976).

29. The Dene have title, to exchange it under Canada's claims policies for Fee Simple title is often rejected by the Dene as absurd.

30. See for example, *Calder v. Attorney General of British Columbia* [1973] S.C.R. 313, 7 C.N.L.C. 91 (S.C.C.); *R. v. Guerin* [1985] 1 C.N.L.R. 120, [1984] 2 S.C.R. 335 (S.C.C.); *R. v. Sparrow* [1990] 3 C.N.L.R. 160, [1990] 1 S.C.R. 1075, 70 D.L.R. (4th) 385 (S.C.C.); *R. v. Van der Peet* [1996] 2 S.C.R. 507, [1996] 4. C.N.L.R. 177 (S.C.C.); *Delgamuukw v. British Columbia* [1998] 1 C.N.L.R. 14 (S.C.C.), reversing in part (1993) 10 C.L.R. (4th) 470, [1993] 5 C.N.L.R. 1; (Macfarlane J.A.)(Hutcheon J.A.), varying in part [1991] 5 C.N.L.R. 1; [1991] 3 W.W.R. 97.

31. Resolutions and motions are the equivalencies to legislation, passed at council meetings, general assemblies and provide directives from members to their governing bodies.

32. Canadian governments have sought to assign legal recognition to Indigenous peoples and their rights to and ownership of lands through a formalized land claims process, determined through Canada's *Comprehensive Land Claim Policy*. The process

involves negotiation between Indigenous, federal, and territorial/provincial governments. A contentious issue for most First Nations has been the requirement to surrender undefined Aboriginal rights, in exchange for defined rights, land ownership, participation in land and resource management, and cash compensation.

33. The Métis Nation-NWT is now defunct, replaced by the North Slave Métis Alliance and the South Slave Métis Association.

34. The Gwich'in formally re-entered Dene Nation at the 32nd National Assembly in Liidlii Kue. From 1990 to 2003, Gwich'in continued to attend Dene Nation meetings, and the National Chief continued to attend Gwich'in assemblies.

35. A decision reached, in part, because of the Inuvialuit Claim, which threaten to subsume most of Gwich'in lands.

36. Devolution in 2003 is different than in the 1970s when the Department of Indian Affairs, building on the inertia of the establishment of a territorial government (1967), tried to withdraw services and staff. Renewed interest in the intergovernmental process is in measure a result of changes in Canadian Indian policy and recognition of Aboriginal rights and title.

37. Leon Modeste, personal communication, Liidlii Kue, Denendeh, Dene General Assembly, July 7, 2002.

38. Dene National Assembly motion 02/03-004 *Dene Nation Unity*.

39. Dene National Assembly motion 02/03-006 *Constitution and By-Laws of the Dene Nation*.

40. Dene Nation Constitutional Working Group, memo from Jim Edmonson, July 3, 2002.

41. Jerry Paulette, personal communication, Liidlii Kue, Denendeh. Dene National Assembly, summary notes, July 10, 2002.

42. Dene Nation, *Dene Declaration* (Sombaa'ke: Dene Nation, 1975).

43. Dene Nation By-Laws (November 12, 2002): Article 1 Membership, Article 2 The Dene National Assembly, Article 3 The Leadership, Article 4 The Executive, Article 5 Raising Money and Borrowing, Article 6 Inspection of Records, Article 7 Yearly Financial Statements, Article 8 Branch Offices, Article 9 Change in Constitution and By-Laws, Article 10 Interpretation of the By-Laws.

44. *Ibid.*, Article 2.11 (b) Each Dene Community shall have three (3) additional (to the Chief article 2.11 (a)) voting delegates; (c) Where a Dene Community has more than one hundred (100) Dene Citizens, they shall have one additional delegate for every additional fifty-one (51) to one hundred (100) Dene Citizens in that community.

45. *Ibid.*, Article 4.5 - 4.11 outline the management responsibilities of the Executive.

46. *Ibid.*, Article 4.12 - 4.29.

47. Arctic Council rules for Permanent Participants was membership by organizations representing many Indigenous Peoples (as was the case for RAIPON), or the same Indigenous culture in more than one country (as was the case with Sami Council). The number of Permanent Participant seats on the Arctic Council are limited to six. For more information go to www.arcticathabaskancouncil.com

48. This is apparent in the Dene Declaration from 1975: We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a nation. What we seek then is independence and self-determination within the country Canada. This is what we mean when we call for a just land settlement for the Dene Nation (see note 19).

49. Some of the documentary sources have been published, but many are not. Of these later documents they remain internal documents meant for the organization, but with care can be shared to some extent with others. The Dene Nation and the National office have created a rich archival library housing a wealth of original, primary and secondary materials, over the past 33 years.

50. Chief Bill Erasmus, personal communication, Liidlii Kue, Denendeh, Dene National Assembly, summary notes, July 9, 2002.

51. This article is dedicated to the people of Denendeh. To all the Dene: children, women, men and leaders, who have fought and will fight with grace and kindness for our rights, Massi Cho (big thank you). To all who have supported us in our struggle, those non-Indigenous brothers and sisters in Canada and overseas we are deeply touched. We welcome you to come and visit us in Denendeh.

52. This movement to regionalism has not been characterized as a werrling of control from strict federal government administration, rather there has been a slow and deliberate drum beat, interrupted now and then by the voices of federal and territorial politicians. These events mark distinct contextual shifts of the Dene Nation, as its members move from being a unitary "colony within" under the control of the federal and territorial governments. See Watkins, 1977.