DǪ NÀKE LÀÀNÌ NÀTS'ETSO: A CRITICAL REVIEW OF SELF-GOVERNMENT IMPLEMENTATION IN CANADA'S NORTH

by:

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Abstract

Over the last forty years, modern treaties have become one of the most popular arrangements for redefining the relationship between Canada and Indigenous peoples. Canada views modern treaties as means to achieving certainty respecting ownership, use and management of lands and resources. It is also used as a means of achieving reconciliation by redefining the relationship with Indigenous peoples as one based on mutual respect, recognition, and cooperation. Some Indigenous Nations view modern treaties a means for protecting and promoting their unique languages, cultures and ways of life. Canada's rhetoric around modern treaties suggests that there is value in this new legal arrangement. Upon closer inspection it appears that modern treaties may just be an extension of the racist, paternalistic, oppressive policies of the past.

This research asks the question how does modern treaty implementation affect the ultimate value of modern treaties as a mechanism for protecting sovereignty, language, culture and way of life? Drawing on critical theory and a materialist perspective this work offers an analysis of the on the ground implementation of self-government using the Tłįchǫ Treaty as a case study. By deploying theories of totalization and primitive accumulation this work demonstrates that in its current form, the implementation of self-government seeks to transform Indigenous economic structures and define and control the delivery of programs and services in Indigenous communities. Although Indigenous peoples continue to resist, if there is never relief from this oppression, self-government implementation has the potential to do irreparable harm to Indigenous peoples' cultures and way of life.

This work argues that if Canada and Canadians truly seek to undo the harms caused by colonization and to achieve reconciliation, they need to relinquish control over Indigenous lives, lands and governments. New legal instruments do little to resolve the injustice and just serve to be yet another distraction which consumes the resources of Indigenous governments. Ultimately, Indigenous peoples will need to shift attention away from engaging with the state and instead focus their attention inward, asserting their rights to lands and sovereignty to protect their unique culture and way of life.

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Dedication

To Alex, and to all the Tłı̨chǫ children, you have provided the inspiration and the motivation to do this work. May you always have the opportunity to dance, to sing, to paddle, to sled and to appreciate all that your language, culture and way of life offers you.

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Abbreviations

AIP – Agreement in Principle

BCR – Band Council Resolution

CEO – Chief Executive Officer

DCSB – Dogrib Community Services Board

DDEB – Dogrib Divisional Education Board

DIAND – Department of Indian and Northern Development

DRA - Dispute Resolution Administrator

ERWG – Effectiveness Review Working Group

GDP – Gross Domestic Product

GNWT – Government of the Northwest Territories

ISA – Intergovernmental Services Agreement

JBNQA – James Bay and Northern Quebec Agreement

MVEIRB – Mackenzie Valley Environmental Impact Review Board

NWTHSSA – Northwest Territories Health and Social Services Agency

RESS - Rae-Edzo School Society

TCSA - Tłı̨chǫ Community Services Agency

TEO – Tłı̨chǫ Executive Officer

TIC – Tłı̨chǫ Investment Corporation

TG - Tłı̨chǫ Government

UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples

WLWB - Wek’èezhìı Land and Water Board

WRRB – Wek’èezhìı Renewable Resources Board

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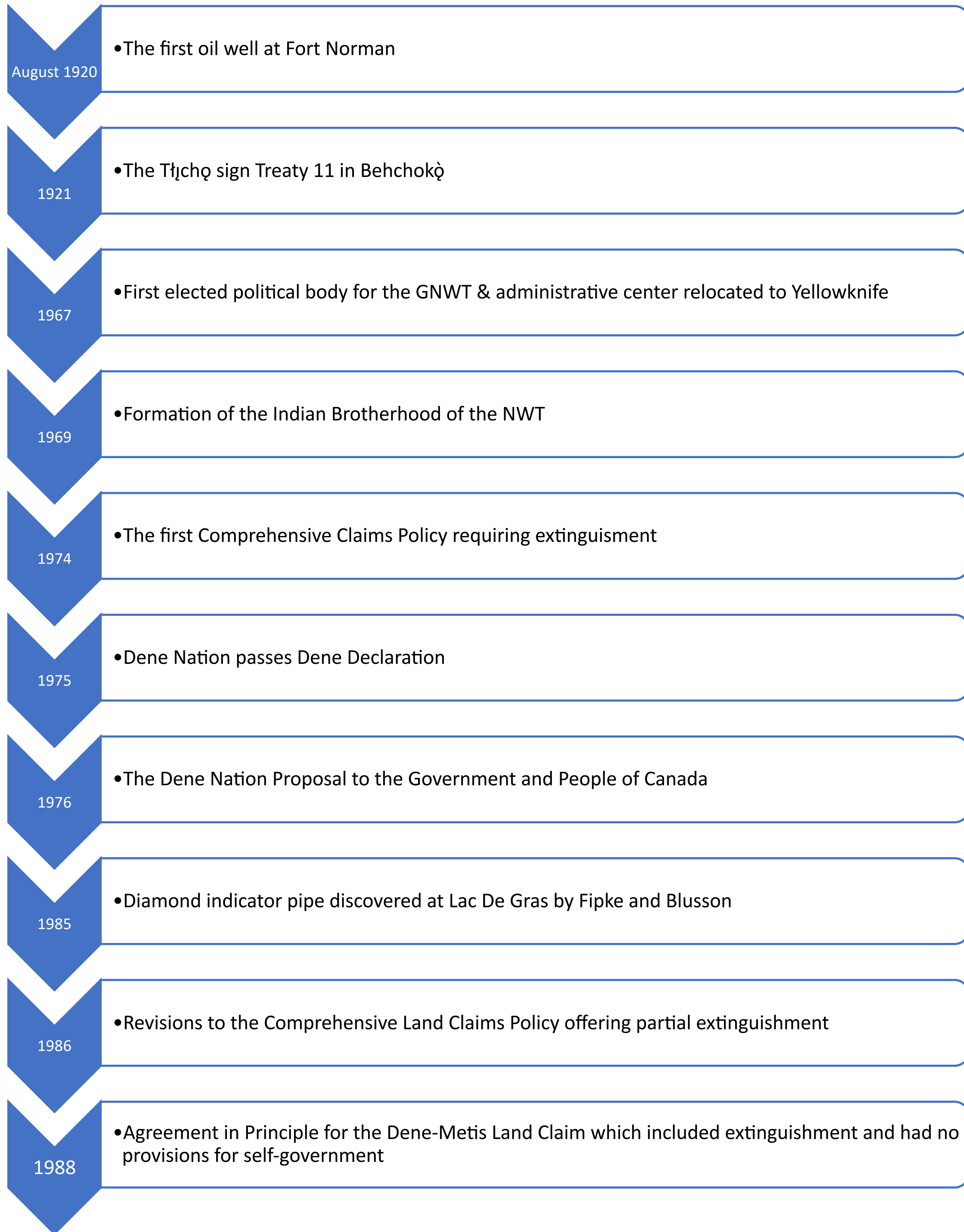
Timeline of Significant Events



1990
•Agreement in Principle rejected at Special Assembly in Dettah. Canada cuts of funding to the Dene Nation for negotiations and announce they will negotiate separate regional claims.
1991
•Gwich'in Regional Claim settled
1992
•Tłı̨chǫ submit regional claim to Canada
1993
•Sahtu Regional Claim settled
1994
•Canada commences claim negotiations with the Tłı̨chǫ
1995
•Canada passes a policy on Aboriginal self-government which indlued thier approach to implementation and negotiation of the inherent right of self-government
1998
•First diamond mine opens
2000
•Tłı̨chǫ vote to accept Agreement in Principle
August 5, 2005
•Effective Date of the Tłı̨chǫ Treaty
2007
•United Nations Passes and Declaration on the Rights of Indigenous Peoples
2018
•Canada issues *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples.* This was an important policy position where Canada committed to achieving reconciliation

Forward

The research that went into this thesis is deeply personal. I see it as the culmination of the knowledge I gained over the past 20 years living and working with the Tłı̨chǫ and then studying at the University. Engaging with the scholars and theorists in the discipline of Indigenous Studies gave me the words and theoretical approaches to understand what I observed when I first moved to the NWT and what I continue to see today.

I moved to Wekweètì in 2001 and took the position of Band Manager with the Dechi Laot'i First Nation, an Indian Act band council. It wasn't too long after I arrived that I became frustrated and disillusioned with the bureaucrats and the policies I was dealing with at the Government of Canada and Government of the Northwest Territories. At the time I didn't have the vocabulary to describe what I was witnessing or the theories to understand why the government acted as it did…I had not yet been introduced to Like the Sound of a Drum and Red Skin White Masks hadn't been published yet. Later, when I arrived at the academy, I would find the tools to make sense of the craziness the Tłı̨chǫ had endured.

I learned that the unique economic and social relations I witnessed in Wekweètì that some how balanced individual autonomy and collective responsibility, and communal ownership and reciprocity without the aid of a hierarchical authority could be described as a bush mode of production.

I learned that Canada and the GNWT's endless insistence that Band business needed to be conducted in a way that resembled the way their governments ran was totalization. I found the word hegemony to describe how Canada and the GNWT would use programs and services to support Canadian norms and ideas – particularly those around governance practices, land management, and economic activity.

And I was introduced to the concept of primitive accumulation that explained why it was so important for the Government to change Tłı̨chǫ ways of being and relating, particularly with the

land – I came to understand that Canada wanted to change the Tłı̨chǫ way of life so they would need to become workers to survive and they also wanted ownership and control over their territory so they could more easily exploit the natural resources.

When I arrived in Wekweètì, the Tłı̨chǫ were nearing the conclusion of their modern treaty negotiations. And in 2003 when they finalized the Tłı̨chǫ Treaty I was able to attend the celebrations in Behchokǫ̀. Prime Minister Jean Cretien was also at the celebration. I remember shortly before he was taken by the arm by Grand Chief Joe Rabesca and Elder Alexi Arrowmaker for a traditional tea dance he commented on the signing of the treaty saying "this is the glory of Canada – we can be what we are and at the same time be part of the greater Canada."

Reflecting on his words, I understood it to be an acknowledgement that the agreement would give the Tłı̨chǫ the legal tools to protect and promote their unique language, culture and way of life – so they could be who they are. Since then there have been many promises made by Canada that they want to achieve reconciliation, that they want a renewed, nation to nation, government to government relationship with Indigenous people and that they want to move away from colonial systems of administration and governance.

The Tłı̨chǫ Treaty became effective on August 4, 2005. I was also at that celebration. It was a historic day, the Tłı̨chǫ now owned 39,000 km2 of their traditional territory and had greater control over their governance. The Tłı̨chǫ talked a lot about their responsibility to serve as custodians of their lands and to preserve and promote their language, culture and way of life.

By the time I came to Winnipeg to pursue my education, the Tłı̨chǫ and myself, had several years of experience implementing their modern treaty. Before moving to Winnipeg I had worked full-time as an Implementation Facilitator. After the move and to this day, the Tłı̨chǫ kept me on as a contractor working on various implementation issues.

Unfortunately, despite the promises from Canada and the GNWT, I felt like I was seeing the same thing happen under the modern treaty, that I had seen as a Band Manager under the Indian Act. Although the rhetoric had changed, the relationship between the Tłı̨chǫ and Canada and the

GNWT changed very little – Canada and in particular the GNWT did not want to give up any control of programs and services. Canada and the GNWT continued to push Canadian values, norms and standards of success on the Tłı̨chǫ people. And Canada and the GNWT wanted to ensure that economic activity continued to the benefit of Canadian's – if it also benefited the Tłı̨chǫ great, but if not, there could always be a legal or policy reason to explain why.

Although I was sure I was seeing history repeat itself, I only had some loose observations and weak analysis. By this time, I had some very deep personal connections to the communities, I was invested (even from a far) in the Tłı̨chǫ achieving their goals for self-government. So, like I had done in my past roles, I wanted to find a way that my academic work would support Tłı̨chǫ efforts. This is all what lead me to my research question "how has modern treaty implementation affected the value of modern treaties as a mechanism for protecting sovereignty, language, culture and way of life?"

I recognized right away that I was in a bit of a tricky position. I'm a non-Dene and non-Indigenous academic and practitioner thinking, writing, and working in the realm of Dene self-government. Since early on in my career (though admittedly not always – I did arrive in Wekweètì with some arrogance – though it was quickly replaced with humbleness) I've been mindful to NOT take up space and to ensure Indigenous voices are the loudest in the room. I've spent the past 20 years being mentored by elders, working alongside Tłı̨chǫ co-workers, observing community life and life on the land and studying leading academics in Indigenous Studies. Although I can never represent a Tłı̨chǫ perspective I think my awareness of my limitations and my personal and professional experiences help to mitigate some of the problems with outsider perspectives. Perhaps that is why it took a decade to finish this work – maybe that is how long it took for me to feel that I not only had the permission of the community but that I had a depth of experience that helped me represent these issues in a way that is respectful and reflective of Tłı̨chǫ community perspectives.

I was very fortunate that once I decided the topic of my research, the Tłı̨chǫ created even more opportunities for me to be a participant observer. I was brought on to files as a researcher, policy analyst and communications and strategy advisor. I also assisted with other community-based

research activities such as the creation of the Tłįchǫ Government's strategic intentions. This provided me the opportunity to facilitate and sit in on meetings where leaders, elders and youth talked about what they wanted for the future and how they felt they could best achieve these objectives.

I took these firsthand experiences and applied widely accepted theories to understand a very specific, localized case study of the implementation of the Tłįchǫ Treaty. I accept the critique that this work borrows off but does not further the work of Dr. Coulthard and Dr. Kulchyski, but I believe its value is in contributing to the dialogue about the shortcomings of government policy in achieving a renewed relationship between Indigenous peoples and the state as well as bringing some attention to the challenges of implementing modern treaties. This is not a work of political theory, but a study that applies political insights, in part thereby illustrating their efficacy.

There were two areas related to the Tłįchǫ Treaty that I focus on in my research: economic measures and the Intergovernmental Services Agreement which allows for the delivery of health, education and social services.

The economic measures chapter, chapter 26, outlines the commitments of the GNWT and Canada to support a uniquely Tłįchǫ economy. Specifically, the objectives of the chapter are to maintain and strengthen the Tłįchǫ traditional economy and for the Tłįchǫ to achieve economic self-sufficiency. Built into the chapter are accountability measures to ensure the work of the GNWT and Canada is effective. A tri-party working group was formed to oversee the review and I was brought on to this file to assist the Tłįchǫ representatives.

In our tri-party meetings it quickly became apparent that Canada and GNWT were not able or not willing to understand the Tłįchǫ perspective. With regards to the traditional economy, Canada and the GNWT only talked about the number of people hunting, or fishing or sewing, and so on and so forth. They seemed incapable of understanding that the traditional economy as anything more than a collection of pre-contact activities.

Similarly, with regards to economic self-sufficiency, they again failed to comprehend the Tłı̨chǫ perspective on what it means to be self-sufficient. Canada and the GNWT focused on indicators such as: economic activity, economic output and economic opportunity investment, (mostly focused on the non-renewable resource industry), housing, education and skill attainment (again, focused on skills that would benefit the non-renewable resource industry).

I knew that from the Tłı̨chǫ perspective, the traditional economy was more than a collection of activities and it was NOT something that was exclusive to the time before contact when they were isolated and independent from outsiders. That is why I trace their economic history to demonstrate that with each era, the Tłı̨chǫ adapted new technologies, equipment and some of the social practices and made it part of their own economy. And although government assistance and capitalism impacted the traditional economy, it has persisted and there are continued efforts and investment to strengthening it.

Similarly with self-sufficiency, there was a vast difference between the Tłı̨chǫ understanding and Canada and the GNWT. Canada and the GNWT see economic self-sufficiency as separate from the traditional economy, the Tłı̨chǫ view them as intimately tied together. In my interviews time and time again, economic self-sufficiency was linked with knowledge, understanding and practice of Tłı̨chǫ culture and way of life. The values of reciprocity, sharing and communal ownership, that characterize the traditional economy, are precisely the factors the Tłı̨chǫ believe will lead to economic self-sufficiency because for the Tłı̨chǫ it is not about one individual – and their individual income, the house they live in or the education they attained, but it is about all Tłı̨chǫ collectively as a nation having a sustainable economy that provides for all Tłı̨chǫ people, not just those who chose to participate in the non-renewable resources industry. Like their traditional economy the Tłı̨chǫ wish to build a modern economy that provides for the social well-being of all Tłı̨chǫ, not just a select few.

It has been questioned how this return to a traditional economy can be achieved and the importance of culture in its restoration. To this I want to make two important points…I'm not suggesting that every Tłı̨chǫ teenager is going to trade their iPhone for a rifle and that all Tłı̨chǫ will return to a subsistence lifestyle on that land. Throughout history the Tłı̨chǫ have always

adapted new technologies and applied them to their economy, and this will continue. What they seek to achieve is an end to their displacement from the land. Land-based activities have been reduced, but not destroyed. These land based activities inform the material qualities of the traditional economy – how time and space is organized, how proceeds are shared – it is these social relations of production that the Tłįchǫ want to preserve in their uniquely Tłįchǫ economy, rather than the dominant northern economy that displaces Tłįchǫ peoples from the land by exploiting its resources and only investing in economic activity that furthers this industry.

I don't think it was a mistake that the Tłįchǫ believed a chapter on economic measures was important. They knew that their economic organization would have a profound impact on their culture – if the values of a capitalist mode of production continued unchecked it would rob the Tłįchǫ of the essence of what it was to be Tłįchǫ.

I also don't think it was a mistake that Canada and the GNWT wrote themselves into the economic measures chapter. They knew the theft and control of Indigenous lands needed to continue but in the era of reconciliation and government to government relations they had to find new, subtle ways to ensure that the Tłįchǫ economy and Tłįchǫ lands continued to be dominated by a hegemonic centre.

My research also looks at the Intergovernmental Services Agreement (ISA). The ISA is a government-to-government agreement which established the Tłįchǫ Community Services Agency (TCSA) for the delivery of GNWT programs and services, most notably education, health, and social services. The agency was to be an interim or temporary body through which the Tłįchǫ Government exercises their right to self-government and assumes responsibility and accountability for the delivery of current GNWT programs and services. Before the expiry of the ISA, which was in 2015, the parties were to review the agreement and make decisions regarding the future delivery of programs and services. The lead for this file brought me on to support re-negotiation efforts.

The Tłįchǫ have a history of transformative program and service delivery. Long before the creation of the TCSA they were finding ways to delivery services that incorporated their

language, culture and way of life. It was hoped that under self-government, this would continue and improve. Unfortunately, what they have found is that the ISA did not provide the necessary protections for language culture and way of life.

Tłı̨chǫ leadership identified three factors that are contributing to the problem. First is the lack of accountability to the Tłı̨chǫ Government. Ultimate authority over program and service delivery remains with the GNWT. This leads to the second problem which is a lack of recognition of local knowledge and experience in program delivery and policy development. Finally, there are ideological differences between the Tłı̨chǫ and the GNWT and western values have left very little room for Tłı̨chǫ approaches.

The problem lies in the GNWT's belief that it can provide an abstract governance structure wherein different cultural forms can be delivered. What this approach does not acknowledge is the governance structure itself reflecst western cultural values and contradicts Dene cultural forms. As a result, the GNWT does not relinquish control in any meaningful way and it continues to define success and how to achieve success.

This is troubling because education, health and social services impact Tłı̨chǫ people daily. The programs, policies and practices deployed under these services impose western values on Tłı̨chǫ people. It may look innocuous on the surface, a simple hiring decision or a health or child and family services policy or even governance decisions, but these patterns of dominance, that are largely invisible to those in power, undermine Tłı̨chǫ language, culture and way of life and ultimately Tłı̨chǫ autonomy. While the Tłı̨chǫ Government is working to protect and promote Tłı̨chǫ language, culture and way of life, through the delivery of services, the TCSA requires Tłı̨chǫ people to modify their existence and adapt their day to day lives to conform with the western ideas, concepts and world views.

Thankfully the attack on Tłı̨chǫ communities hasn't been entirely successful. The Tłı̨chǫ have found a way to protect and uphold their language, culture and way of life but the cumulative effects of this constant attack are worrisome.

I hope this work will support the Tłı̨chǫ's continued efforts to redefine their relationship with Canada and the GNWT through negotiations, policy reform and the genuine drawing down of jurisdiction. I hope that it inspires other researchers to look at the issues that will support Tłı̨chǫ efforts to protect their language, culture and way of life through self-government. And finally, I hope that it helps Canada, and Canadians to see that self-government and its related concept of certainty over lands, resources and jurisdiction cannot be the final destination if what they truly desire a renewed relationship with Indigenous peoples and reconciliation. If Canada wants to undo the harms caused by colonization they need to implement an approach that honours the sovereignty of Indigenous nations and creates the space for Indigenous nations to freely determine their social, political and economic development. Self-government does not do this. True reconciliation will be an on-going journey, where we seek to find ways to respect and reconcile the existence of two autonomous nations, bound together but independent, with their own distinct cultures and ways of life.

Chapter One – Historical Context and Theory

Introduction

On July 13, 2020, the Tłı̨chǫ Government, which is the government of the Tłı̨chǫ Nation resulting from the ratification of the Tłı̨chǫ Treaty with the Government of Canada in 2005, issued a press release condemning the actions of the Government of the Northwest Territories (GNWT) for taking economic opportunities away from Tłı̨chǫ companies and Tłı̨chǫ citizens on Tłı̨chǫ traditional territory. Grand Chief George Mackenzie, expressing his outrage and the disrespect of the treaty, is quoted as saying:

> There are few opportunities in our region for economic development, especially with the restrictive COVID rules and the GNWT has shown its complete disrespect, not just for Tłı̨chǫ people, but for our treaty – the Tłı̨chǫ Agreement. Premier Cochrane and Minister Nokleby have shown that their words of change and new ways of working with Indigenous Governments is nothing but talk. [1]

The dispute was and continues to be over a multi-million-dollar contract for the reconstruction of the Rae Access Road. The Rae Access Road connects the Rae site of the Tłı̨chǫ community of Behchokǫ̀ to Hwy 3, also known as the Yellowknife Highway. The access road is not only on Tłı̨chǫ territory, but is entirely within the community boundary of Behchokǫ̀, the largest Tłı̨chǫ community and the only one, at the time, with year-round road access. The citizens of Behchokǫ̀, the vast majority who are Tłı̨chǫ citizens, use the road every day. They rely on the road to connect to Edzo, the second community site of Behchokǫ̀ located along Hwy 3.

Behchokǫ̀ citizens travel along the access road daily to attend the local high school in Edzo and the local health center and elementary school in Rae. The access road also provides the citizens a link to Yellowknife, where many residents of Behchokǫ̀ work. Bi-lateral engagement over the road began in March when the Tłı̨chǫ Government sent a letter to Minister Nokelby requesting a direct negotiation contract for construction of the road with the Tłı̨chǫ Investment

[1] Tłı̨chǫ Government, "Tłı̨chǫ Government Demands GNWT Cancel Rae Road Public Tender" July 13, 2020. https://tlicho.ca/news/tlicho-government-demands-gnwt-cancel-rae-road-public-tender [accessed January 22, 2023].

Corporation (TIC) – the Tłįchǫ Government's economic arm. The request was based on a principle from the GNWT Negotiated Contracts Policy which stated that the GNWT could enter into direct negotiations if doing so would contribute to supporting and developing "self-sustaining businesses at the local and regional level."[2]

There is also a supporting provision in Chapter 26 of the Tłįchǫ Treaty[3] that states that the GNWT should give priority to Tłįchǫ entities and individuals when projects take place in Tłįchǫ communities or on Tłįchǫ lands and that consultation should be done with Tłįchǫ communities to find the most suitable business to undertake projects. The Tłįchǫ Government proactively sent out this request ahead of the project being put out to public tender because in 2019 a project for Crushed Aggregate Product and Stockpiling, work located along the Rae Access Road on Tłįchǫ traditional territory, was awarded to RTL Robinson, a Yellowknife business that has no Tłįchǫ interests. Their letter went unanswered.

Weeks later, the GNWT Infrastructure Department posted a request for tender for the project on their website. The tender makes no provisions for Tłįchǫ employment or subcontracting commitments. The competition closed on June 18, 2019, with four bids being submitted. Three of the four bids were from companies based in Yellowknife, including RTL Robinson who had the lowest bid. The fourth was from Tłįchǫ Engineering & Environmental located in Behchokǫ̀.

Although there was a delay in awarding the contract, without proper protections in place, the Tłįchǫ were certain the contract would go to RTL Robinson. RTL was able to propose the most competitive bid because they did not have to build a camp and they had equipment on site from the 2019 Crushed Aggregate Product and Stockpiling contract. Furthermore, when the Tłįchǫ approached Minister Nokleby about a direct negotiated contract with TIC, the

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[2]Government of the Northwest Territories, "11.26 - Negotiated Contracts Policy 20 September 2007" https://www.eia.gov.nt.ca/sites/eia/files/content/11.26-negotiated-contracts-policy.pdf [accessed October 4, 2021] 1.

[3] The land claim and self-government agreement between the Tłįchǫ, Canada and the GNWT, which became effective on August 5, 2005, is commonly referred to as the Tłįchǫ Agreement. Although you would never hear anyone in a Tłįchǫ community refer to it as the "Tłįchǫ Treaty" I have chosen to use the word "treaty" to convey its constitutional protection and its importance. It also helps to separate it from other agreements that have been reached between the Tłįchǫ and Canada and/or the GNWT that do not necessarily have constitutional protection. The Government of Canada recognizes that agreements reached with Indigenous groups as a result of the Comprehensive Land Claims Policy are *modern treaties* although they to commonly refer to these modern treaties as *agreements. (https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231)*

government refused. The project was being funded by the Government of Canada and Minister Nokleby indicated that federal funding rules required the territory put the project out to tender. There are multiple examples of the GNWT getting exceptions to this rule but on this project, they refused and promised "the GNWT [would] work to ensure that local labour and subcontractors are used on the project to maximize economic benefits to Tłįchǫ citizens."[4]

Understandably, given the long history of broken promises, the Chiefs were doubtful their communities and their people would see any benefit. Despite the very clear agreements outlined in the constitutionally protected Tłįchǫ Treaty, Canada and the GNWT consistently find a policy or process to use as an excuse to not fulfill their obligations to the Tłįchǫ. This episode is just another, in a long and dreary list, |of the state using policy and process to protect their own interests over Tłįchǫ interests.

In recent decades, the Government of Canada has produced a series of seemingly more progressive statements on its relationship with Indigenous people. This stems from a history where Canada deprived Indigenous peoples of their lands and rights. Consider, for example, the Dene and Canada entering into the agreement outlined in Treaty 11 in 1921. The treaty was inspired by the discovery of oil at Fort Norman in 1920.

A government treaty party quickly moved into the Mackenzie District of the NWT but what they brought with them was an ultimatum beyond any possibility of negotiation. Promises made by commissioners were never added to the treaty and were never carried out. The late historian Rene Fumoleau, in his book on the history of Treaty 8 and Treaty 11, concluded: "In spite of these noble sentiments, official documents show that the Government in 1921 viewed Treaty 11 as a mere formality. Nor is there evidence that the Government ever developed a clear policy of fulfilling its obligations to the Indian peoples."[5]

Now fast forward to 2018 when Canada issued *Principles respecting the Government of Canada's relationship with Indigenous peoples.* The document opens with the following declaration:

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[4] Cohen, Cindy. "N.W.T gov't disrespecting Tłįchǫ Agreement with road construction contract, say Tłįchǫ leaders," CBC North, July 15, 2020, https://www.cbc.ca/news/canada/north/nwt-disrespecting-tlicho-agreement-construction-contract-1.5649009 [accessed March 20, 2021].

[5] René Fumoleau, *As long as this land shall last: A history of Treaty 8 and Treaty 11, 1870-1939*. [Calgary: University of Calgary Press, 2004], 273.

> The Government of Canada is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change that moves away from colonial systems of administration and governance.[6]

This new approach is accompanied by grand apologies, acknowledgment of past assimilationist policies and practices, recognition of the right to self-determination and a commitment to fundamentally change their relationship with Indigenous peoples. Such rhetoric, which has long characterized relations between the Government of Canada and Indigenous peoples was, as usual, taken by most Canadian's at face value. However, Manual (2017), Coulthard (2014) and Kulchyski (2005) have argued that underlying this implied progressiveness, continues a seemingly inadvertent perpetuation of power and entrenchment of Canada's control over Indigenous peoples.

Canada's racist, assimilationist and paternalistic nature continues to be seen in their relationships with Indigenous communities in the modern treaty process. Modern treaties are one way Indigenous peoples have attempted to reverse the destructive legacy of colonization and to establish a relationship with Canada that better reflects their social, economic, and cultural aspirations. The increasing demands by Indigenous peoples for recognition of their right to self-determination, including their inherent right to self-government through the modern treaty process, has prompted a flurry of intellectual activity which has sought to unpack the complex social and political questions that these claims raise (see Pappilon, 2008, Irlbcher-Fox 2009, Coulthard 2014, Nadasdy 2017, and Kulchyski 2005). While this literature demonstrates that self-government may return a measure of control over the social, political, and economic organization to Indigenous Nations, it comes at a cost because it is designed to serve the interests of the state, leaving Indigenous aspirations for self-government difficult, perhaps even impossible to achieve.

Martin Pappilon has studied the implementation of the James Bay and Northern Quebec Agreement (JBNQA). Signed in 1975 with the Crees of Eeyou Istchee and the Inuit of Nunavik

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[6] Canada. Canada's System of Justice. *Principles respecting the Government of Canada's relationship with Indigenous peoples*. https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html [accessed February 5, 2020].

in Northern Quebec, this modern treaty is the first agreement reached under Canada's 1974 Comprehensive Land Claims Policy.

After studying governance structures created by the modern treaty and the Cree and Inuit relationship with Canada, Pappilon argues that the impact of modern treaties should be assessed with caution. As outlined in his research, evaluating the impact of the modern treaty in strict economic terms, may lead one to believe the quality of life in communities has improved. However, Pappilon concludes that Cree and Inuit communities in Northern Quebec were not markedly better off than similar northern Indigenous communities located in the Yukon, Northwest Territories or Nunavut that did not have a treaty or that signed one more recently.[7]

On the part of the Cree and Inuit, the objective of the JBNQA was to have some influence over the rapidly changing social and economic conditions they were facing. Initially, Pappilon concludes that the modern treaty failed in this respect. It wasn't until the Cree and Inuit developed several governance bodies under the JBNQA to protect their political and social interests that they began to see some success in meeting their treaty objectives. Pappilon concludes that in themselves, modern treaties do not change the relationship with the state or improve socio-economic conditions and overall well-being of the community. However, over time and through collaboration and ingenuity, instruments can be created which will assist Indigenous peoples in achieving their objectives for signing a modern treaty. [8]

Stephanie Irlbacher-Fox's *Finding Dahshaa*, provides insight into the potential for self-government negotiations to have a positive impact on Indigenous peoples but due to the disconnect between the state and Indigenous people's view of the purpose of self-government, negotiations often result in structures and programs that seek to change Indigenous peoples. [9] Irlbacher-Fox reveals the state's reluctance to relinquish bureaucratic authority and the deeply colonial and assimilative nature of aboriginal policy and self-government negotiations.

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[7] Martin Pappillon, *Aboriginal Quality of Life Under a Modern Treaty: Lessons from the Experience of the Cree Nation of Eeyou Istchee and the Inuit of Nunavik*. [Institute for Research on Public Policy, 2008], 14.

[8] Ibid, 19.

[9] Stephanie Irlbacher-Fox, *Finding Dahshaa Self-Government, Social Suffering and, Aboriginal Policy in Canada* [Vancouver: Vancouver : UBC Press, 2009], 12.

She argues that if government is ever to find an effective route to improving the lives and life chances of Indigenous peoples, it is aboriginal policy that must change, not Indigenous people.[10] Drawing on three cases of self-government negotiations in which she participated, Irlbacher-Fox analyzes the relationship between ongoing injustices experienced by Indigenous peoples, the resulting social suffering and the way in which self-government is being used to address these issues. She uses the theoretical concepts of democratic decision-making and state theodicy to explain the discourse patterns she observed in self-government negotiations and supplements this with her own sociological analysis of social suffering.

Dene scholar Glen Coulthard's *Red Skin White Masks* offers a deep theoretical analysis of contemporary Indigenous-settler relations in Canada. He argues that for the last 40 years, Indigenous-settler politics in Canada have been dominated by the politics of *recognition* of which self-government is one of the most recent iterations of this approach. Coulthard reveals that although the approach may appear to be more conciliatory and less overtly assimilationist, the current form of recognition based politics will not result in Indigenous communities achieving their goals of sovereignty and will only serve to further entrench the colonial, racist and patriarchal approaches governments have always used.[11] He reminds us that settler colonialism is about access to territory and uses Marx and Fanon to frame and explain the social and political consequences of Canada's recognition based Indigenous policy.

Coulthard nuanced interpretation of Marx's theoretical framework and advocates that it can be extremely "relevant to a comprehensive understanding of settler-colonialism and Indigenous resistance". However, this requires that the classical historical materialism "be transformed *in conversation* with the critical thought and practices of Indigenous peoples themselves." [12] Specifically, he suggests there are three problematic features of Marx's primitive accumulation theory. First, that expropriation only occurred in the formative stages of capitalism. Coulthard argues that expropriations, by way of violent dispossession of Indigenous lands by the state is a persistent and ongoing process.[13] Second, the problem is the Eurocentric notion which

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[10] Ibid, 2

[11] Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* [Minneapolis: University of Minnesota Press, 2014],, 3.

[12] Ibid, 8.

[13] Ibid, 9.

suggests development is unilinear, inevitable and associated with progress. He argues that any analysis of settler colonialism must be divested of this racist notion. Lastly when thinking of capitalism as a social relation, one must consider the "effect of *colonial dispossession"* on Indigenous peoples as a whole, not simply the "expropriation of the worker." [14]

Coulthard explores colonial subjectivity or the "specific modes of colonial thought, desire and behaviour that implicitly or explicitly commits the colonized to the types of practices and subject positions that are required for their continued domination." [15] He does offer a way out and looks to Anishinaabe scholar Leanne Betasamosake Simpson for a culturally grounded alternative to colonialism.

Culture is an important factor in Indigenous resistance as it is culture that will determine how territory is used: either in a sustainable way to support a unique culture and way of life or to be destroyed for the accumulation of capital and amassing of abstract wealth. Coulthard's five arguments on Indigenous resurgence and decolonization offers economic, political, social, and cultural alternatives designed to disrupt the power structures of colonization to enact a future rooted in relationships of respect and reciprocity. Later in this work, I will revisit and further explore the important contributions Coulthard made in *Red Skin White Masks.*

In Nadasdy's *Sovereignty's Entailments,* an ethnographic analysis of everyday practices of state formation with the Yukon First Nation, he argues that the requirement for Yukon First Nations to act state-like and to frame their powers in terms of sovereignty, is transforming Yukon Indigenous peoples' relationships with one another, and with the animals, and the land. [16] This is because state formation brings with it assumptions about space, time, and sociality that are inconsistent with Indigenous Yukon peoples' cultural practices. He suggests that escaping this oppressive, redefining of Indigenous life requires a cultural revolution.

Nadasdy demonstrates that historically, there were no hard geographical and social binds that defined Indigenous Yukon peoples. Their organization and movements were fluid and

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[14] Ibid, 11.

[15] Ibid, 16.

[16] In reading Nadasdy's work, it is important to carefully consider his nuanced use of terms. First Nations is a term used by Canada to refer to Aboriginal peoples (a term Canada defines in Section 35 of the Canadian Constitution) who are not Metis or Inuit. When using the term First Nations in the context of self-government, the term is further limited to only First Nations with status. The term Indigenous peoples is a more inclusive term that, in this context, refers to the original peoples who occupied the territory now identified as Yukon, as well as their descendants.

motivated by relationships of reciprocity and kinship with their entire environment including the land, the animals, and the people. Today however, Yukon First Nations are required to identify as a member of a band that has a defined geographical area and a defined membership. This became necessary as Canada did not recognize the Indigenous Yukon peoples' traditional organization, which is exemplified by flexibility and a high level of personal autonomy. Also, Indigenous Yukon peoples' historic movement patterns, which are characterized by regular migration within their traditional territory, could not be captured within Canada's definitions or understanding of geographic areas. Without formal definition of these traditional practices, the Indigenous Yukon peoples' culture and lands would have been vulnerable to colonial power and exploitation. As a result of Canada's inability to officially define these traditional practices, the Indigenous Yukon peoples' had to conform to a system defined by Canada.

Furthermore, in order for First Nation self-government structures to be recognized as a *government,* Canada requires them to reflect and relate to Canadian governance structures. As a result, although Yukon First Nations have gained a measure of control over their social, political, and economic organizations, it came at the cost of organizing themselves in a way that is foreign to Indigenous Yukon peoples, and ultimately changes how they relate to one another, the animals, and the land. Nadasdy argues that sovereignty entails ways of being, knowing and interacting with other people, animals and the land that are incompatible with Indigenous Yukon peoples' ways of living in and engaging with the world. [17] He urges Indigenous Yukon peoples to radically rethink and restructure Aboriginal-state relations if they want self-government to be a mechanism for empowerment and the protection and maintenance of their ways of knowing and being. [18]

An important piece of work for any study on Dene self-government and self-determination is Peter Kulchyski's *Like the Sound of a Drum: Aboriginal Cultural Politics in Nunavut and Denendeh.* Kulchyski studied the recent political reorganization in the North and the related cultural politics in three northern communities: Fort Simpson (Liidi Koe), Fort Good Hope (K'asho Got'ine) and Pangnirtung (Panniqtuuq). Highlighting key developments in the

[17] Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* [UBC Press, 2004], 263.

[18] Ibid, 268.

creation and expansion of the Government of the Northwest Territories and the newly formed territory of Nunavut, he recounts how the state operated with the goal of incorporating Indigenous peoples into mainstream society. [19] He concludes that the state will not stop trying to achieve this goal, "as long as the dominant order depends on the logic of capital accumulation and the expansion of the commodity form." [20] Kulchyski also documents the response by Indigenous communities to the "unrelenting, totalizing machinery" of the state.[21] He celebrates the "cultural politics" of the communities and the many unique and creative ways communities are opposing the imposition of external political systems. He argues that these communities are ready for self-government and should not be required to conform to the requirements for self-government as determined by the state.

Kulchyski's analysis of the intersection of political aspirations of Dene and Inuit communities with Canada, GNWT and Nunavut's political systems makes an important contribution towards understanding not only the pressures faced by these communities, but the inherent strength and importance of their cultural resistance. My work relies heavily on Kulchyski's writings. Concepts from *Like the Sound of a Drum,* such as totalization, primitive accumulation and subversion, are explored further later in this work.

Each of these authors has made an important contribution towards the critical analysis of Canada's legislation and policies in the northern context and how they fall short of Indigenous articulations of self-determination. Their scholarship has documented Canada's shifting polices, from the pre 1969 White Paper, [22] an era that was unapologetically assimilationist, to more current positions that are supposedly based on reconciliation, mutual respect and recognition. To date, there has not been an in-depth study on modern treaty implementation, this research seeks to fill this gap.

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[19] Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* [Winnipeg: University of Manitoba Press, 2005], 16.

[20] Ibid, 16.

[21] Ibid, 17.

[22] The 1969 White Paper was a policy paper issued by Prime Minister Pierre Elliot Trudeau and Minister of Indian Affairs Jean Chrétien in 1969 that proposed ending the special legal relationship between Aboriginal peoples and the Canadian state and dismantling the Indian Act. This white paper was met with forceful opposition from Aboriginal leaders across the country and sparked a new era of Indigenous political organization in Canada.

I have set out to answer the question, how does modern treaty implementation affect the ultimate value of modern treaties as a mechanism for protecting sovereignty, language, culture and ways of life? With at least 16 modern-treaties and self-government agreements completed and more than double that many currently under negotiation, this research offers an original contribution that may prove valuable to Indigenous nations – both those negotiating modern-treaties, considering entering negotiations and/or those who are struggling to implement their modern treaty. Relying extensively on Kulchyski and Coulthard's work, this analysis, inspired by historical materialism, seeks to further understand the threat of settler colonialism on Indigenous culture. I offer an analysis of an *on-the-ground* implementation of self-government using the Tłı̨chǫ Treaty as a case study.

The Tłı̨chǫ Treaty is part of a more recent model of land claim and self-government agreements that use an *exhaustion model* rather than the original extinguishment model. In early modern treaties, such as the JBNQA, the government demanded that Indigenous nations extinguish their rights, particularly Aboriginal title. The more recent modern treaties, such as the Tłı̨chǫ Treaty and the Nisiga'a Agreement, set out to fully describe all Aboriginal rights and title. No rights can exist that are not defined in the treaty. Kulchyski calls this the exhaustion model because "fully exhausts Aboriginal rights and title" by not allowing for anything not contemplated in the treaty. [23] Although the Tłı̨chǫ Treaty may share many of the elements present in modern treaties, this work is not a comparative study. More research should be undertaken to assess the success or failures of the implementation of other modern treaties.

Both Kulchyski and Coulthard have warned that the exhaustive, recognition model that informs modern treaties serves to perpetuate colonial, racist and patriarchal approaches and seeks to erase unique Indigenous cultures. My work is an extension of these nuanced analyses of self-government. It provides concrete examples of the failings of self-government, motivated by primitive accumulation and accompanied by totalizing forces. These are terms that are starkly visible in the implementation of the Tłı̨chǫ Treaty and since they are so important, I will define

[23] Peter Kulchyski, "Trails to Tears: Concerning Modern Treaties in Northern Canada" in *The Canadian Journal of Native Studies 35, no. 1;* [2015], 72.

them in the coming pages. Also, like these prominent Indigenous studies theorists, I offer that the greatest tool of resistance available to the Tłįchǫ people is the strength and retention of their culture.

The following chapters attempt to document some of the shortcomings of the state's approach from the perspective of Indigenous leaders and community members. I have found that although the state has effectively used the rhetoric of *reconciliation* and *nation- to-nation* when speaking about self-government, the underlying processes contribute to capitalist expansion which conflicts with the social relations, practices, beliefs and values that the Tłįchǫ hope to preserve through the implementation of their modern treaty. It is my hope that in uncovering these often-dismissed or unseen struggles, that it will provide some insight into the constraints Indigenous peoples face in their efforts to protect and promote their unique languages, cultures, and ways of life. It is not to say there have been no victories; there have been, and I detail these as well. However, although every gain the Tłįchǫ make towards autonomy and away from the totalizing forces of the state is a good one, political and cultural sovereignty will be necessary to fully protect their language, culture and way of life.

For over the past 20-years, I have been working closely with Tłįchǫ communities as an administrator, consultant, and researcher. This has given me access to the community perspectives which I hope to represent in this work. This experience has given me the privilege of being a participant observer at meetings, conducting policy reviews and supporting Tłįchǫ Government executives in negotiations and intergovernmental relations. My perspective as a settler researcher and practitioner is mitigated by my years of living with the Tłįchǫ in the Tłįchǫ community of Wekweètì. Combined, these personal and professional experiences have resulted in a long-term relationship of mutual respect and trust with the Tłįchǫ. This has opened doors to community perspectives and viewpoints that are often overlooked or submerged in the face of western ideas. I have tried to capture the unique perspectives of Tłįchǫ communities through interviews that I've conducted (See Appendix A) as well as interviews conducted and documented by other researchers. My deeply intimate and lengthy relationship with the communities also help to mitigate the power imbalances that often exist between researchers and communities. My strong personal and professional connections to the Tłįchǫ Government and the community, that extend past the life of this project, help to ensure that my research is centered around the Tłįchǫ perspective.

Ethnographic descriptions of my experiences living and working with the Tłı̨chǫ contained at the end of each chapter provide a sense of cultural context and cultural referent for understanding Tłı̨chǫ self-governance. The purpose of these descriptions is to bring attention to how the Tłı̨chǫ teach and mentor the *outsiders* they work with and to bring to light the subtle and nuanced ways the Tłı̨chǫ related to others. Those who wish to work with the Tłı̨cho might find some lessons in these descriptions. I hope the stories impart to this audience the importance of patience and being a guide from the side, rather than a sage on the stage. And, I hope it conveys the unique, richness of Tłı̨chǫ culture. It is also for the Tłı̨chǫ people, a gesture of acknowledgement, a celebration of all that they have offered me. To the Tłı̨chǫ readers, I have only one request. As you flip through the pages of my work to get to the stories – the pieces you probably find the most interesting - that perhaps you might pause along the way to read some of the theoretical work, for as much as I'm confident in my analysis, I know there is so much more to learn and you, my Tłı̨chǫ mentors, colleagues and friends have been some of my greatest teachers.

The following chapters will engage with critical theory, in particular Marxist theory, to demonstrate that self-government in Canada's north, that has been accomplished upon the backdrop of a prosperous resource extraction economy, has not resulted in a renewed relationship as promised by Canada. The recent discovery of natural resources in Canada's North, combined with calls for justice and reconciliation, forced Canada to redefine their relationship with Indigenous peoples. This created a unique opportunity for Indigenous peoples in the North to assert their rights to their traditional territories, support their unique governance practices and attempt to develop a more respectful relationship with Canada and the GNWT.

However, behind the rhetoric, Canada's approach has not changed; land-claim and self-government agreements are rooted in a desire to support capitalist expansion. This ever-present need for Canada to feed capitalism results in new mechanisms to ensure stable access to Indigenous lands so the resources and wealth can be extracted. Along with this approach comes structures and policies that work to guarantee that Indigenous social and political relations work in harmony with the goals of capitalism. As a result, rather than a relationship based on respect and co-operation, the actions of the government attempt to transform Indigenous people's unique economic structures and ways of life.

Critical Theory & the Tłįchǫ-State Relationship

The relationship between the Tłįchǫ Nation and the Governments of Canada and the Northwest Territories is a colonial one. A colonial relationship is one where the power has been structured and is used to facilitate the dispossession of Indigenous peoples from their land and self-determining authority. At every moment in history when Canada wanted something from the Tłįchǫ, they came to the table willing to engage and develop a relationship, though not always in good faith. However, when the Tłįchǫ were in need, their requests were often ignored. Critical theory is well situated to interpret and gain an understanding of this colonial relationship because of its critiques of modernity and capitalist society and its concept of totalization.

The reality of the Tłįchǫ-state relationship is that Canada has attempted to dominate the Tłįchǫ to assume ownership and control over their lands and resources, and both the GNWT and Canada have used policies and laws to attempt to alter Tłįchǫ way of life and undermine Tłįchǫ autonomy. Outside of Indigenous circles, these acts have gone almost entirely uncontested. However, as a society, we are not free of our history, where we are and where we are heading cannot be understood without acknowledging our colonial past. Engaging with Sartre, Adorno, Marx, Gramsci, Kulchyski and Coulthard helps to provide an understanding of the Tłįchǫ - state relationship through their reinterpretation of economic and political notions of state power. The cluster of insights each of these authors has on the concept of totalization, hegemony, expansion of the commodity form and capital accumulation helps to situate the Tłįchǫ-state relationship in theoretical terms and stimulate a discussion about the nuances that are often overlooked.

To demonstrate my claim, I will begin by theoretically and empirically mapping the relationship between the Tłįchǫ Dene and the Governments of Canada and the Northwest Territories (NWT) starting with Treaty 11. I will examine the significant political movements, policies and agreements that led to the Tłįchǫ Treaty signed in 2005. An examination of this history demonstrates that, at every juncture, while the Tłįchǫ, staying true to their unique social, cultural, and political values, attempted to develop a respectful relationship with Canada and the GNWT, they were met with further attempts to access Tłįchǫ lands rich with resources. On the other hand, Canada and the GNWT, on every occasion, attempt to minimize their contribution towards the health and prosperity of the Tłįchǫ and their way of life. In Chapter 2, I will outline the Tłįchǫ history as they have recorded it in their cosmology, introduce the four Tłįchǫ communities and offer a Tłįchǫ understanding of the Tłįchǫ Treaty. Chapter 3 offers an account

of the implementation of Chapter 26 - the Economic Measures Chapter of the Tłı̨chǫ Treaty which outlines Canada and GNWT's commitment to strengthen Tłı̨chǫ traditional economy and support the economic self-sufficiency of the Tłı̨chǫ Nation. The chapter details some of the tri-party discussion concerning economic measures and the efforts by GNWT and Canada to fulfill their commitments. Chapter 4 outlines four Tłı̨chǫ led initiatives; the creation of the Rae Edzo School Society, the development of the philosophy *Strong Like Two People*, the formation of a model for an integrated service delivery and the establishment of the *Trails of Our Ancestors* program, that demonstrate their visionary aspirations for self-government. The chapter also details the advances they have made with on-the-ground service delivery in their communities. Chapter 5 outlines the Intergovernmental Services Agreement (ISA), a sub-agreement to the Tłı̨chǫ Treaty that created the Tłı̨chǫ Community Services Agency (TCSA). This unique agency delivers programs and services from both the GNWT and the Tłı̨chǫ Government in Tłı̨chǫ communities. The chapter will outline the challenges with implementation and renegotiation of the ISA. The concluding chapter will review these implementation efforts and demonstrate that, although the rhetoric has changed, the underlying motivations and therefore the outcomes, have not.

The Discovery of Oil in the NWT & Treaty 11 – Primitive Accumulation

Treaty 8 had been signed with the Dene south of Great Slave Lake in 1899. However, at the time, Canada had no interest in signing a treaty with the Dene to the north of Great Slave Lake. Missionaries pleaded with Canada to sign a treaty to help alleviate extreme poverty and to provide proper health care and education. The Dene had been economically devastated when white trappers and fur traders moved into the territory after they entered into Treaty 8 with Canada. The high price of furs caused reckless and intensive trapping resulting in northern game and fur becoming increasingly scarce.[24] The government did nothing to protect the Dene or their economy.

The influx of settlers brought with them small-pox, influenza, and other foreign diseases. Without vaccinations or antibiotics, and in a state of destitution with many on the brink of starvation, the Dene had no defense, and hundreds died. Canada still refused to sign a treaty with

[24] Fumoleau, *As Long as This Land Shall Last,* 127.

the northern Dene as they felt the cost would be too great. They also saw the land as having no value and therefore useless for settlement and industrial development.

This all changed when the first producing oil well at Norman Wells came to be in August of 1920. Motivated by the promise of petroleum and a belief that there were also gold deposits in the area, the Government of Canada moved quickly to draft a treaty to be entered into with the various Dene Nations north of Great Slave Lake and along the Mackenzie River. Canada identified a Government Agent, Henry Anthony Conroy to lead the treaty party. Conroy, who had long advocated for a treaty, was widely respected and trusted by the Dene. Canada sent him out to obtain the rights and title to the land, but he was given no room to negotiate and was told to follow the letter of the Treaty. Thus, rather than an agreement of mutual concessions, negotiated in the spirt of reconciliation, Treaty 11 was imposed on the Dene people.

During the summer of 1921, the treaty party travelled up and down the Mackenzie River signing with the Slavey Dene at Fort Providence (Zhahti Koe), Fort Simpson (Liidli Kue), Fort Liard (Echaot'l Koe) and Fort Wrigley (Pehdzeh Ki); the Sahtu Dene at Fort Norman (Tulita), and Fort Good Hope (K'asho Got'ine); and, the Gwich'in Dene at Arctic Red River (Tsiigehtchic), and Fort McPherson (Teet'lit Zheh). Finally, at the end of August 1921, they traveled across Great Slave Lake to enter into a treaty with the Tłı̨chǫ Dene at Fort Rae (Behchokǫ̀). The last of the numbered treaties in Canada, Treaty 11 covered more than 950,000 km^2 of present-day Northwest Territories and brought approximately 3,300 Dene under Canadian law

Figure 1: Map of Treaty 11 courtesy of the Prince of Whales Northern Heritage Centre.

Fort Rae (Behchokǫ̀) was, and continues to be, the largest settlement of Dene people in the NWT. In 1921, its population was approximately 800. Chief Mǫwhì, who Chief Ek'awi Dzimi had chosen as his successor when he stepped down as the leader of the Dechi Laot'i (Edge of the Woods People) in 1897, was appointed by the Tłı̨chǫ leadership to represent them collectively in treaty negotiations. Initially, Mǫwhì refused to sign the Treaty, but Conroy persuaded Mǫwhì that it would help the Tłı̨chǫ people, and it would protect them in the future when more *kweèt'ı̨ı̨* (white people) came to the region. The Tłı̨chǫ chiefs banded together and refused to sign the treaty unless their rights were guaranteed. They demanded assurances that hunting, trapping, and fishing were the exclusive rights of the Tłı̨chǫ on their lands and although they would allow white people on their lands, they could not come to exploit the resources central to Tłı̨chǫ way of life and Tłı̨chǫ economic sustainability. Chief Mǫwhì drew a boundary on the map outlining approximately 243,502 km^2[25] of land. This boundary was the Tłı̨chǫ territory and Mǫwhì refused to sign the Treaty unless the rights of the Tłı̨chǫ people and the ability to practice their way of life would be forever protected on their traditional territory. Assurances were made by Conroy and the rest of the Treaty party that the Tłı̨chǫ would never be restricted in their way of life within their territory. They also offered gifts of fishnets, ammunition, tools, flour, tea, bacon, and matches, along with promises of medical care for the sick. With the land boundary map in hand, Mǫwhì gave the go ahead for the Tłı̨chǫ people to enter into the treaty with Canada. There was never any mention of a land surrender or a change in the way the Tłı̨chǫ governed themselves.

Like other numbered treaties, the text of Treaty 11 provided money, supplies, reserves [26] and other guarantees in exchange for the land. However, other clauses in the Treaty, particularly related to agriculture and education were more imprecise than their southern counterparts.

[25] The area (in square kilometers) of this original land boundary, which is referred to as Mǫwhì Gogha Dè Nı̨ı̨tłèè in the Tłı̨chǫ Treaty, is not recorded in the Tłı̨chǫ Treaty or other legal documents. This figure was provided by the Tłı̨chǫ Government Department of Culture and Lands Protection.

[26] Although reserves were a treaty promise, in *Drum Songs* Kerry Able notes that "The government had offered to establish reserves but the Dene had rejected the proposal. Furthermore, they do not appear to have realized that the text of the treaties stated unequivocally that 'the said Indians do hereby cede, release, surrender and yield up…all their rights, titles and privileges whatsoever to the lands' described in each treaty (187)." The fact that reserve lands were not taken up (except in the community of Hay River in the early 1970s) became an important factor leading to the negotiation of 'modern' treaties such as that of the Tłı̨chǫ.

Federal officials at the time speculated that the treaty would never need to be implemented as the Dene were dying of starvation and disease. Official documents of 1921 demonstrate that the Canadian government of the time viewed Treaty 11 as a formality with no clear policy outlining how they would fulfill their obligation to the Dene people.[27]

Although entering into Treaty 11 brought remarkable development to the north and economic prosperity for Canada, life for the Dene changed very little. An oil strike at Norman Wells on August 25, 1920, was quickly dubbed the "Biggest Oil Field in the World." Able to produce an estimated 1,000 barrels an hour, it was a lucrative site for Imperial Oil that continues to deliver to this day. [28] There were also numerous gold strikes in the Nahanni River-Mackenzie Mountain ranges and at Great Slave Lake with silver and uranium found at Great Bear Lake. The oil, gold, silver and uranium deposits were evidence that the North held immerse potential for underground treasures.[29] At the time, there was no reliable method for the would-be oil men and prospectors to reach the north. A company, Alberta and Arctic Transportation Company, was quickly formed to fill this void and a transportation boom hit the Mackenzie River. [30] In spite of this prosperity mostly appropriated by the wealthy, hunting and trapping continued to be the main economic activity for the Dene supplemented only by the annual summer visit from the Indian agent who distributed money and rations. Illness and disease were still widespread as the doctor only visited once a year. With the prospect of wealth in minerals and oil, the territory was flooded by prospectors who turned to trapping in the winter months because of the lucrative fur prices. In 1921-22, there were 140 licenced white trappers; however, this number rose sharply to 500 by 1926-27 and stayed at that level until World War II.[31]

The treaty promises that only the Dene would be allowed to hunt, trap and fish on Dene lands were not respected and nothing was done to protect the Dene from the encroachment and

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[27] Ibid, 273.

[28] Ibid, 195.

[29] Ryan Silke. *The Operational History of Mines in the Northwest Territories Canada.* Yellowknife, NT: NWT Geoscience Office. 2009, 5.

[30] Fumoleau, *As Long as This Land Shall Last,* 198.

[31] Peter J. Usher. *Fur Trade Posts of the Northwest Territories, 1870-1970*. Ottawa: Northern Science Research Group, Dept. of Indian Affairs and Northern Development, 1971, 26.

competition from white trappers. Furthermore, white trappers would move into an area with the goal of extracting the greatest return in the least amount of time, taking every animal they could find. The Dene approached trapping in a different way. In years of plenty, they took what they needed to trade for a few essential goods, while in years where animal numbers were low, they did not trap.

Deceptive traders took advantage of the Dene's lack of experience with cash transactions, swindling them out of valuable furs, leaving them nothing to buy essential supplies. Again, sympathetic settlers advocated for game preserves for the Dene and protections from unlicensed free traders, but the Federal Government and newly established Territorial Administration were not compelled to fulfill the treaty promises. Furthermore, the Territorial Administration took over the enforcement of the NWT Game Act and Regulations. This law established closed seasons on moose, caribou, mink, muskrat, ptarmigan, wild geese, wild ducks and other animals traditionally used by the Dene. However, the government's inexperience showed and so there was little to no enforcement among non-Dene trappers. [32] On the other hand, Dene hunters and trappers, found themselves in conflict with the new administration and were charged with hunting and trapping out of season despite the fact they were only harvesting for subsistence and that the treaty had promised they would not be restricted from their way of life.

A turning point came in 1928 when the Spanish Flu epidemic of 1918/1919 reached the NWT and decimated the Dene population. Despite recommendations for polices that would ease the conflict and improve the health of the Dene, the Federal and Territorial Government failed to respond – they were more interested in the economic prospects of the North. For instance, the Territorial Council was focused on transportation and communications to support the growth and expansion of prospecting and mining. The Federal Government also supported this development.

In 1936 the Department of Indian Affairs was demoted to Branch status and the Department of Mines and Resources was created with its deputy minister named the Commissioner of the NWT. [33] A uranium mine opened at port Radium in 1932 and gold was discovered at Yellowknife in 1933. In 1935, the Department of Mines conducted a geological

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[32] Ibid, 151.

[33] Ibid, 353.

survey of ten thousand square miles north of Great Slave Lake. With the increase in mining and prospecting, the oil at Norman Wells now had a local market and in 1938 produced 22,855 barrels.[34] By 1939, mineral production in the NWT surpassed fur production in value yet not one single Dene was employed in mining or prospecting. With fur populations depleted, fur prices plummeting and tuberculosis and influenza rampant in Dene communities, the Dene were pushed to the brink of extinction. Yet, no intervention by the Federal or Territorial Governments were taken to alleviate their suffering.

The 1940's and 50's brought further changes to the North. Cash was working its way into the northern economy such that during and following the second world war, significant developments took place to encourage resource development. After the attack on Pearl Harbor in December of 1941, the United States entered the war effort and set out to defend North America from invasion. To ensure a sustainable military position that was not vulnerable to attack, a safe and reliable source of oil was necessary. The supply at Norman Wells was exactly what was required, and steps were quickly taken to expand operations.

A pipeline was built from Norman Wells to Whitehorse where it joined a smaller pipeline that delivered oil to the Army Air Corp base at Fairbanks. The Canol (for "Canadian Oil") project began in 1942 and was touted as "Oil for Victory."[35] Following the war, the interest in the north and desire to develop its resources continued and Prime Minister John Diefenbaker began the *Roads to Resources Program*. The program was intended to develop transportation infrastructure to facilitate accessing minerals and encourage exploration in northern Canada. Under the program, a 300-mile road was built from the town of Enterprise, south of Great Slave Lake near the NWT/Alberta border to Yellowknife.

Realizing that the NWT was rich with resources and acknowledging that Canada had little knowledge and understanding of the North, a series of research initiatives related to geology, fish, wildlife, and human population studies were undertaken during this postwar period. A new NWT Forest and Game Management Service was established in 1948 and responsibility for game policy in the NWT was transferred to the NWT Council. All appointments to the political body for the NWT at the time were made by Ottawa resulting in no

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[34] Ibid, 354.

[35] Murray Lundberg, *The Canol Project: Oil for Victory,* http://www.explorenorth.com/library/military/canol_project.html [accessed March 3, 2021].

real accountability to northerners, in particular the Dene. Furthermore, staff hired had little sympathy for Dene views on conservation and traditional economic practices. Instead, they followed a strict scientific approach that supported Canada's desire to develop the northern resource economy.

At the time, the NWT Council also believed there was a severe decline in wildlife and game populations and Dene overhunting was identified as the cause. In response, strict hunting and trapping regulations were enforced with the Dene. Confusion over treaty rights related to hunting further complicated the issue. Some game wardens did not respect the Dene's right to hunt for food, others allowed this but restricted commercial hunting. Application of game laws did not fit with the historical Dene practice of reciprocity between hunters and other members of the community. The Dene typically relied on a few individuals with superior hunting skills to provide moose or caribou for the larger group. In return, the recipients would provide the hunter with goods or services. The introduction of the cash economy and new tools and implements such as snowmobiles and boats, which were expensive to operate and maintain, resulted in trading cash for meat. Game wardens fail to appreciate this was simply a modern iteration of historical practices and viewed it as hunters engaging in the commercial activity of selling meat. The application of the game laws was not only a breach of the treaty promises but it defied common sense.

The two pillars of Marx's theory of primitive accumulation: proletarianization and dispossession, help to explain Canada's underlying motivations when they entered into the treaty with the Dene. Marx argues that capitalism requires that individuals be cut off from all sources of income other than their labour power resulting in proletarianization.[36] The separation of an individual from their means of production forces them to work for those who control their means of production. The labour of the proletariat supports the continual accumulation of capital, but not for themselves, for those who control the means of production.

> The process, therefore, that clears the way for the capitalist system can be none other than the process which takes away from the labourer the possession of his means of production; a process that transforms, on the one hand, the social means of subsistence and of production into capital, and the other, the immediate producers into wage labourers. The so-

[36] Marx, Karl, Ben. Fowkes, and David. Fernbach. *Capital : a critique of political economy* New York: Vintage Books, 1977, 510.

> called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production. It appears as primitive, because it forms the prehistoric stage of capital and of the mode of production corresponding with it.[37]

Although proletarianization had negative consequence for the Dene and their way of life, Coulthard argues that it is dispossession that has been the "dominant background structure shaping the character of the historical relationship between Indigenous peoples and the Canadian state." [38] While the Dene were suffering, Canada did nothing as they saw the North as worthless. Yet, once they realized the potential in the North, they moved quickly to secure ownership to the "vast domain of country, rich in natural resources and favourable for development." [39] Canada used the treaty as a tool to recklessly expropriate lands with little consideration for the social, political, and economic consequences for the Dene. The Dene were resistant and despite dire circumstances, continued their way of life on the land. When it became apparent that they were not going to disappear, the GNWT became involved and imposed laws and policies to sweep the Dene off the land to make room for the capitalist activities of resource extraction. As Coulthard points out in *Red Skin White Masks,* this struggle over not only who owns the land but how it is used is at the centre of the conflict between the Dene and Canada. In describing the nature of Indigenous resistance to colonialism and capitalism Coulthard argues

> "[it] is best understood as a struggle primarily inspired by and oriented around *the question of land* – a struggle not only *for* land in the material sense, but also deeply *informed* by what the land *as a system of reciprocal relations and obligations* can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms." [40]

Canada's desire to use the land for resource extraction competed with Dene land use and related values and threatened to destroy its capacity to support their subsistence economy.

Marx's and Coulthard's observations are on point with the Tłı̨chǫ experience. Prior to the signing of Treaty 11, the Tłı̨chǫ had sustained themselves from a bush mode of production

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[37] Marx, Capital Vol 1, 501.

[38] Coulthard, *Red Skin White Masks,* 13.

[39] Fumoleau, *As Long as This Land Shall Last*, 201.

[40] Glen Couthard, *Red Skin White Masks, 13.*

and the unique way of life associated with this distinct mode of production. Kulchyski and Coulthard have both explored this mode of production and extensively use the term *bush* with theoretical inflections. The bush mode of production and way of life is one that "stressed individual autonomy, collective responsibility, non-hierarchical authority, communal land tenure, and mutual aid." [41] The Tłı̨chǫ sustained themselves through subsistence hunting. They had unrestricted access to the means of production, the land, and ownership of the products of their labour. There was no extraction of economic surpluses, instead there was a "system of generalized reciprocity", and the society was "effectively classless." [42]

By dispossessing the Tłı̨chǫ of their traditional territory – which was also their means of production which provided for their subsistence, and imposing laws that prevented them from engaging in subsistence activities, they were forced to sell their labour or collect social assistance to survive. The Tłı̨chǫ strived to maintain their traditional way of life which was based on strong values of self-sufficiency, self-reliance, and ultimate personal autonomy. Their high regard for personal freedom made them ill-suited for the hierarchies of the workplace. The Dene experience is much like the British experience at the time of the Industrial Revolution as observed by E.P Thomas in *The Making of the Working Class* (1964). Thomas argues that the industrial revolution took a "more humanely comprehensible way of life"[43] from British workers and thrust them into "a competitive, scrambling, selfish system; a system by which the moral and social aspirations of the noblest human beings are nullified by incessant toil and physical deprivations" [44]

The Dene tried desperately to hold onto their subsistence ways of life but pressures from non-Indigenous hunters and trappers and lands taken away for resource development, coupled with falling fur prices and the increase in the cost of trade goods, eroded the bush way of life. Though statistics strictly related to the Dene are not available, there are figures available for the

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[41] Ibid*, 65.*

[42] Peter Kulchyski, *Like the Sound of a Drum,* 41.

[43] E.P. Thompson, *The Making of the English Working Class*. [Harmondsworth: Penguin, 1980], 830.

[44] Ibid, 806.

NWT. In 1941, 60% of those employed in the NWT engaged in Fishing/Hunting/Trapping. By 1961, this number had fallen to 21%. [45]

The struggle not only for land but over how the land would be used would continue throughout the remainder of the 20th century. The conflict sparked remarkable Dene activism and a radical analysis of colonial development that would eventually lead to the modern treaty process.

The Birth of Land Claims in the North & Early Articulations of Dene Self-Determination

By the 1960's, the Dene were supporting themselves through a mix of hunting, fishing, and trapping supplemented by social assistance payments and occasional wage labour. The political system in the NWT was evolving but for the most part it was in response to non-Indigenous settlers who were demanding expansion of resource development, retention of resource revenues in the North and greater degrees of self-government. In 1965, the Federal Government formed the Carrothers' Commission to hear the grievances. The commission traveled to 51 communities to hear public testimony. Although "Indigenous peoples participated in the hearings, their testimony was largely unintelligible to the commissioners" as they spoke predominantly through translators and "focused on governance issues that were immediate to their own lives, such as the actions of community managers." [46] The Commission put forward recommendations in 1966 that were intended as a compromise between local demands for self-government and the federal government's interest in maintaining control over resource development. Ultimately the recommendations, carried out the following year, resulted in the creation of an elected leadership, as opposed to the previously appointed body, that now sat in Yellowknife rather than Ottawa. It also relocated the administrative center from Fort Smith to Yellowknife. In *Like the Sound of the Drum,* Kulchyski recounts a lecture on NWT history delivered by Dennis Patterson, a government leader of the GNWT from 1987 to 1991 and a member of the Territorial Assembly for Iqaluit for many years before the creation of Nunavut.[47] Kulchyski recalls:

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[45] Kerry Abel, *Drum Songs,* 229.

[46] Jerald Jeffery Devlin Sabin, *Contested Colonialism: The Rise of Settler Politics in Yukon and the Northwest Territories.* [PhD dissertation, University of Toronto, 2016], 160.

[47] Kulchyski, *Like the Sound of a Drum*, 58.

> In one of his public lectures, he reviewed the history of the GNWT, pausing on 1967 as one of the watersheds in northern political history. The story of 'the move' he told has it that the commissioner, Stuart Hodgson, along with administrators and council, got on a single plane in Ottawa, flew to Churchill where they refuelled, and then flew the rest of the way up to Yellowknife.[48]

Patterson is referring to the relocation of 75 people, including staff and their families to form the new administrative Government of the Northwest Territories in Yellowknife.[49] Kulchyski goes on to explain that:

> The state flies in, from high above, it circles and lands. The legitimacy of Western-style, liberal, democratic states rests on a specific abstraction (here abstraction stands for a form of intellectual flight: the flight from the qualitative, from the body): political commitment is reduced from the multi-various forms and responsibilities it takes in small communities, reduced and pared down and stripped until all that is left is a single gesture, repeated ritually in periodic intervals, the mark, the indicator, the vote. The existence of the vote them becomes the standard by which political systems are assessed: they are democratic if periodic voting for political representatives takes place, if not, they are not.[50]

A new form and style of governance was thrust upon the Dene without their input and the issue of treaty obligations to the Dene was never addressed.

In 1969, Pierre Elliot Trudeau's government issued the "Statement of the Government of Canada on Indian Policy, 1969," known widely as the 1969 White Paper. The 1969 White Paper was a policy paper which proposed ending the special legal relationship between Aboriginal peoples and the Canadian state as well as the dismantling of the Indian Act. Though the Indian Act brought with it oppressive policies for Indigenous peoples to bear, it also included what we refer to today as aboriginal rights and thus its undoing was met with strong opposition by Indigenous leaders. [51] The reaction to the White Paper was immediate and was a central catalyst

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[48] Ibid, 58.

[49] M.O. Dickerson, *Whose North? : Political Change, Political Development, and Self-Government in the Northwest Territories [*Vancouver, B.C: UBC Press, 1992], 80

[50] Kulchyski, *Like the Sound of a Drum*, 58.

[51] Peter Kulchyski, *The Red Indians* [Winnipeg, MB: Arbeiter Ring Publishing, 2007], 152.

around which the contemporary Indigenous self-determination movement coalesced launching a determined defense of Indigenous peoples' unique cultural heritage and identity.

At the same time, the Dene were facing a proposed pipeline that would transport natural gas from the Beaufort Sea, one of Canada's northern shorelines, through the NWT to northern Alberta, where it would tie into existing gas pipelines. The pipeline would be very long and carry enormous volumes of gas through ice-rich, permanently frozen soil called permafrost. Proponents of the pipeline in both the south and Yellowknife, believed the environmental impacts would be minimal and the social impacts were necessary for the development and economic sustainability of the North.[52] At the time, the area was almost completely inaccessible by road or rail so the impact would not only be the right-of-way of the pipeline but the infrastructure of roads, airstrips and other work sites that would need to be built to support pipeline construction. The Dene feared this type of development would not only potentially destroy the environment but would open communities to new influences that could have a devastating impact on their cultural heritage and identity.

The Dene quickly responded to what they perceived as an assault on their lands, culture, and identity. They formed the Indian Brotherhood of the NWT in 1969. The mandate of the Brotherhood was simple: to uphold the rights and interests of the Indian People of the NWT; to develop, discuss and promote policies, to conduct, foster and support programs and policies for the economic, social, educational, and cultural benefit and to voice the opinions of the people of the NWT. One of the first acts of the Indian Brotherhood was to register a caveat against the lands to try to stop the construction of the pipeline. Led by Chief Francois Paulette of the Fort Smith Chipewyan, he and 16 other NWT chiefs attempted to gain legal interest in one million square kilometers of land – almost all of modern-day NWT. The caveat was an expression of Aboriginal rights. The registrar of land titles rejected the caveat because it would have frozen all land transfers and development in the NWT and the question of the legal validity was then referred to the Supreme Court of the NWT for a ruling. Commonly referred to as the Paulette case, it resulted in Chief Justice Morrow travelling to all communities in the claimed area to hear oral evidence directly from Dene Elders who were present during the signing of Treaty 11 and

[52] Thomas R Berger, *Northern Frontier Norther Homeland: The Report of the Mackenzie Valley Pipeline Inquiry* [Vancouver/Toronto: Douglas & McIntyre, 1977], 31.

who remembered the treaty-making negotiations. In the fall of 1973, after traveling to 26 Dene communities and collecting testimony in tents, log cabins and sometimes outdoors, Chief Justice Morrow found that the Dene "are the prima facie owners of the lands covered by the caveat" and that they have what is known as Aboriginal rights.[53] He also found that "notwithstanding the language of the two Treaties, there is sufficient doubt on the facts that Aboriginal title was extinguished and that such a claim for title should be permitted to be put forward by the caveators." [54] Although the caveat was eventually defeated, it brought the question of land claims and self-government for the Dene to the forefront and forced Canada to address this issue in order to make room for development.

The Crown sponsored a commission of inquiry, to investigate the potential environmental and social impact of the proposed pipeline. At the time, Trudeau's Liberals had a minority government that relied on the New Democratic Party (NDP) to shore up their power. At the insistence of the NDP, Thomas Berger, who had been a leader of the NDP party in British Columbia for many years, was foisted upon Trudeau to head the inquiry. Berger was an outspoken environmentalist, and native rights advocate, who was also the lead lawyer on the landmark Calder case. The highly publicized and documented inquiry that took place, predominantly in Dene communities, let the rest of Canada know that although the Mackenzie Valley might be the best route for the project, there were people living there. Those people feared that the construction of an energy corridor and the infrastructure and all the people that would come with it, might effectively wipe out the Dene way of life. Berger recommended a ten-year moratorium on the construction of the pipeline to allow land claims and self-government agreements to be settled.

At a Dene Nation Assembly in Fort Smith in 1975, the Dene passed the Dene Declaration and announced that they were a separate nation seeking "independence and self-determination within Canada."[55] The following year, the Dene made a proposal to the Government and people of Canada. The proposal was the Dene understanding of Treaty 8 and Treaty 11 including

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[53] Re Paulette et al. and Registrar of Titles (No. 2), 1973 CanLII 1298 (NWT SC), http://canlii.ca/t/gwgj9 [accessed June 5, 2020], 40.

[54] Ibid, 40.

[55] NWT Indian Brotherhood "Dene Declaration" in Watkins, Mel. *Dene Nation, the Colony Within* Toronto [University of Toronto Press, 1977], 4.

control over citizenship, and exclusive political jurisdiction over Denendeh and areas of primary importance to their survival as Dene people. Canada's response required the extinguishment of Aboriginal rights, so the Dene ultimately voted it down; however, this marked the beginning of the negotiation of a modern treaty for the Dene. Though the Dene have been involved in resistance since this time, the period between 1969-1975 was particularly consequential for the Tłįchǫ Treaty.

The Comprehensive Claims Policy - Commodification of land

While it has always been the aim of the Canadian government to assume ownership and control of Dene lands and resources, as seen in the historical treaty process, the Paulette case, and the related Morrow decision discussed in the previous section, threw into question the legitimacy of Canada's title to Dene lands and therefore access to its resources. This created a barrier to development, so Canada quickly moved to enter into land claim negotiations with the Dene. Since it had been determined that the Dene did not surrender their lands under Treaty 11 and no reserves had been created, they were able to pursue their land claims under the Comprehensive Claims Policy as opposed to the specific claims process that is used to address treaty irregularities and is commonly found in southern Canada.

Under the Comprehensive Claims Policy, the modern-day treaty process turns land into a commodity. Settlement agreements negotiated through this process are intended to represent the final settlement of any outstanding land-claims and are intended to bring *certainty,* meaning "clarity of the right to ownership and use of land and resources."[56] Canada uses the concept of certainty to facilitate capital accumulation as it resolves any outstanding question as to the legitimate *owner* of the lands and resources.

The first Comprehensive Claims Policy was passed in 1974 and required the extinguishment of Aboriginal rights and title. This was changed in 1986 when Canada approved the Comprehensive Land Claims Policy which offered alternatives to the extinguishment. In exchange for the cession and surrender of Aboriginal title throughout the traditional territory, Indigenous claimants are granted "defined rights in specified or reserved areas and other defined rights applicable to the entire settlement area; or the cession and surrender of Aboriginal title in

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[56] Canada. Indian Northern Affairs Canada, *Comprehensive Land Claims Policy* [Ottawa: Indian and Northern Affairs Canada, 1986], 9.

non-reserved areas, while allowing any Aboriginal title that exists to continue in specified or reserved areas; granting to beneficiaries defined rights applicable to the entire settlement area."[57] In other words, in exchange for large tracts of traditional territory, Indigenous peoples are granted a relatively small portion of land with very specifically defined and limited powers. Although sold as an alternative to blanket extinguishment, this new approach still results in partial extinguishment that eliminates some, but not *all* Aboriginal lands right in question. Land, which has a very high use value for Indigenous peoples, takes on an exchange value in the modern-day treaty process as Indigenous peoples exchange their so called un-recognized title and rights over their traditional territories for a clearly defined and extremely limited or *exhausted*[58] set of rights and title to land over a small fraction of their traditional territory. The land now not only has a use value, but it has an exchange value as well. It is no longer about sustaining a Dene way of life but feeding the insatiable desire of Canada to accumulate wealth through resource extraction - it is about sustaining a way of life that is dependent upon the accumulation of capital.

The Dene had continued the negotiations they had started in 1975 and a new Agreement in Principle (AIP) was reached in 1988. The Dene rejected the ideas put forward in Canada's comprehensive claims policy which suggested they must surrender or exchange their political rights and title in exchange for a land settlement, so negotiations were difficult and precarious. Although the new AIP offered the Dene collective "ownership of over 181,000 square kilometres of land, with subsurface rights for approximately 10,000 kilometres of it, and a payment of $500 million over 15 years as compensation for lost land use in the past," it required the Dene give up any claims to the remaining lands in the NWT and the Aboriginal rights associated with those lands.[59] In April of 1990, the Dene Nation held a special general assembly in Fort Rae and initialed an AIP that included an extinguishment clause and excluded a self-government component. Three months later, in the wake of the then recent Sparrow and Sioui decisions at the Supreme Court of Canada, which seemed to raise the value of both Aboriginal rights and Aboriginal title, another special general assembly was held in Dettah. A motion was put

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[57] Ibid, 12.

[58] See Kulchyski, "Trails to Tears: Concerning Modern Treaties in Northern Canada" for a description of the exhaustion model of land claims and self government agreements.

[59] Kerry Abel, *Drum Songs.* Montreal: McGill Queens Press, 1993, 256.

forward to "have aboriginal and treaty rights affirmed, not extinguished, in the comprehensive claim agreement."[60] Four of the five Dene/Metis parties voted in favor of the motion. Effectively, this was a rejection of the AIP so Canada cut off funding for negotiations to the Dene Nation and announced it would negotiate separate regional agreements.[61] The following year, the Gwich'in regional claim was settled followed by the Sahtu-Dene claim in 1993.

The Discovery of Diamonds & the Negotiation of the Tłı̨chǫ Treaty

In 1985, Chuck Fipke and Stewart Blusson discovered a diamond indicator pipe in the Lac De Gras Area north of Great Slave Lake. A second pipe was discovered in 1991 at Point Lake. Both discoveries were on the traditional territory of the Tłı̨chǫ Dene. This was the motivation the Government of Canada and the GNWT needed to resolve treaty negotiations with the Tłı̨chǫ. The amount and quality of diamonds discovered would make Canada a world player in the global economy, so Canada moved quickly to secure ownership of the lands and meet any outstanding treaty obligations to the Tłı̨chǫ through the settlement of a land claim and self-government agreement.

In the fall of 1992, the Tłı̨chǫ submitted their regional claim, with negotiations beginning with Canada in 1994. By 1999 an Agreement in Principle (AIP) had been reached with the Tłı̨chǫ and in January 2000 the Tłı̨chǫ accepted the AIP. Pursuant to the land identification process outlined in the AIP, in July 2000, Canada withdrew from disposing approximately 39,400 square kilometers of land. This entire land boundary was contained within the boundary Mǫwhì indicated was the traditional territory of the Tłı̨chǫ in 1921, but accounts for only approximately 16% of Tłı̨chǫ traditional territory. Interim land withdrawals are a widely used tool to facilitate the successful negotiation of Aboriginal land claims. They are intended to protect lands from further development while negotiations are ongoing by preventing Canada from disposing of land under the Territorial Lands Act. The AIP and lands withdrawal order excluded any existing rights and interests in the settlement area from inclusion in the block of Tłı̨chǫ lands and allowed for the Government of Canada to issue "any renewals, replacements,

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[60] Marina Devine, "The Dene Nation: Coming Full Circle," in *Arctic Circle* [March/April 1992], 15.

[61] Abel, *Drum Songs*, 257.

transfers or extensions of terms of such rights or interests." [62] This means the Tłı̨chǫ would be unable to choose the existing mineral permit areas.

The modern treaty process, with final certainty, dispossesses the Tłı̨chǫ Nation of a large portion of their traditional territory and control of the lands and resources in this area.[63] By dispossessing the Tłı̨chǫ of title to their traditional territory, Canada had effectively removed any barrier to development. Diamond mine development proceeded with the first mine opening in 1998, the second in 2003 and a third in 2008. All three mines are less then 200km from what became Tłı̨chǫ lands when the Tłı̨chǫ Treaty became effective in 2005. They are also all within the land boundary that Mǫwhì drew on a map when he entered into Treaty 11 in 1921. This boundary is referred to in the Tłı̨chǫ Treaty as Mǫwhì Gogha Dè Nı̨ı̨tłèè. Canada has since become the world's third-largest diamond producing nation. [64]

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[62] Dogrib Treaty 11 Council, Canada and Northwest Territories, *Dogrib Agreement in Principle* [Ottawa: Government of Canada, 2003], 92.

[63] It is important to note that the Tłı̨chǫ share in the management of Wek'èezhìı, a land area almost entirely within Mǫwhì Gogha Dè Nı̨ı̨tłèè through co-management boards created through by the Tłı̨chǫ Treaty. The Wek'èezhìı Renewable Resource Board is responsible for the management of wildlife throughout Wek'èezhìı and the Wek'èezhìı Land and Water Board is responsible for land and water management within Wek'èezhìı. Both boards have representatives appointed by all three treaty parties: the Government of Canada, the Government of the Northwest Territories and the Tłı̨chǫ Government.

[64] Canadian Business, *Diamond Mines in Canada at Risk*, http://www.canadianbusiness.com/business-news/industries/mining/diamond-mines-in-canada-at-risk/ [accessed February 12, 2015].

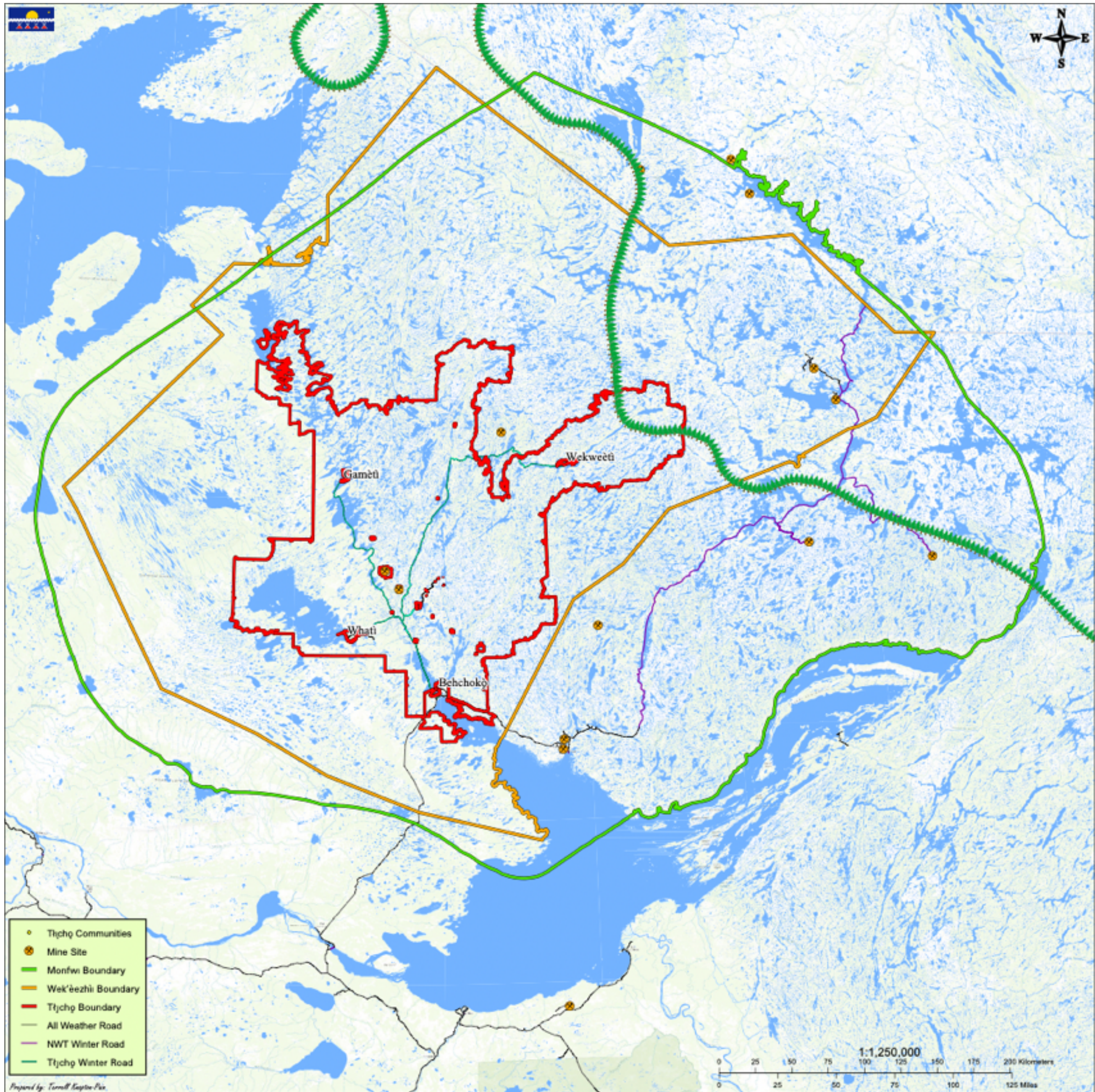

Figure 2: Map of Tłı̨chǫ Traditional Territory with location of diamond mines

Totalization

The hegemony of capitalist, non-Indigenous economic and political interests are apparent in the totalizing nature of modern-day treaties. The concept of totalization has its grounding in Hegel and Marx, but Sartre's definition is useful in this context. He argued that totalization exists "through the multiplicities…which makes each part an expression of the whole and which relates

the whole to itself through the mediation of its parts" [65] In other words, totalization seeks to make everything a reflection of the underlying, dominant, hegemonic logic. Sartre goes on to state "the totalising activity tightens all the bonds, making each differentiated element both its immediate expression and its mediation in relation to the other elements." [66]

Theodore Adorno, who was largely concerned with the functional and conceptual requalification of Hegel's dialectics explains how totalization works in *Minima Moralia*:

> That all men are alike is exactly what society would like to hear. It considers actual or imagined differences as stigmas indicating that not enough has yet been done; that something has still been left outside its machinery, not quite determined by its totality. The technique of the concentration camp is to make the prisoners like their guards, the murdered, murderers. The racial difference is raised to an absolute so that it can be abolished absolutely, if only in the sense that nothing that is different survives. As emancipated society, on the other hand, would not be a unitary state, but the realization of universality in the reconciliation of difference. Politics that are still seriously concerned with such a society ought not, therefore, propound the abstract equality of men even as an idea.[67]

This is a critical insight for those involved in Indigenous self-government. If there is no relief from the totalizing forces of capitalism, and subversion of the forms of the bush mode of production, then Indigenous peoples, as a unique culture and way of life, risk being erased by the dominant, hegemonic logic of capitalism. Capitalism is a real and present threat to Indigenous ways of life and although Indigenous peoples resist, if there is never relief, it may do irreparable harms to Indigenous languages, cultures and way of life. Adorno goes on to argue that a "mechanism of 'pathic projection' determines that those in power perceive as human only their own reflected image, instead of reflecting back the human as precisely what is different." [68] Totalization as described by Adorno, can be seen in the economic structures and program and service delivery under the modern-day treaty.

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[65] Jean-Paul Sartre, *Critique of Dialectical Reason*, trans. *Alan Sheridan-Smith* [London: NLB, 1976[, *46.*

[66] Ibid*,* 46.

[67] Theodore Adorno, *Minima Moralia,* trans. E.F.N Jephcott [New York: Verso, 1991], 103.

[68] Ibid, 105

Adorno offers one of the best descriptions of what a capitalist, totalized society looks like. He offers a warning that our social life will be deeply impoverished the more we go down this road. This is why the Dene offer significant hope for humanity if they are able to maintain their way of life in the face of the totalizing forces of capital accumulation. By keeping the Dene values system alive, we are able to see the prized features of this way of life, that is community, sharing, and individual autonomy. The stories contained within this body of work offer a vivid contrast to what we see in daily life in most of Canada

Kulchyski and Coulthard also extensively use the theory of totalization in their work and their insights into the intersection of capital accumulation and totalization are helpful to my discussion of the implementation of the Tłı̨chǫ Treaty. As both Kulchyski and Coulthard propose, at the heart of Indigenous struggles is the mode of production: resistance of the capitalist mode of production and protection of a bush mode of production. Coulthard notes that 'the historical process of primitive accumulation thus refers to the violent transformation of non-capitalist forms of life into capitalist ones." [69] He rightly identifies that the totalizing forces of capitalism threaten to destroy other modes of production not conducive to the accumulation of capital. As Kulchyski points out, "the accumulation of capital is the driving force behind totalization and in itself a totalizing power." [70] Yet, as I will discuss, the bush mode of production exists, and continues to exist as Indigenous peoples invest considerable time and energy into its preservation. The promise of the continuation of a way of life predicated on the values of reciprocity and community, fuel Indigenous peoples continued resistance of the totalizing capitalist economy. The nature of this conflict will be explored at length in the following chapters. Unfortunately, the State acts as an agent of totalization thus intensifying and diversifying the way in which it intersects with Indigenous lives and livelihoods.

Self-government Agreements & Co-management – State-imposed dominant logic

In *Like the Sound of a Drum,* Kulchyski argues that there are three totalizing forces: the expansion of the commodity form; the accumulation of capital, and the state established ordering

[69] Coulthard, 8.

[70] Kulchyski, Hunting Theories: Totalization and Indigenous Resistance in Canada. In: *Historical Materialism 24.3*, [2016] 41.

of time and space. [71] He explains that liberal-democratic states impose a dominant western hegemonic logic ordering time and space. This occurs through the "state act[ing] as a crucial locus of totalization, underwriting the serialization of social life, presupposing and thereby imposing the dominant logics of instrumental rationality and possessive individualism that work together in constructing the established order."[72]

In Kulchyski's analysis, he demonstrates that the state holds the power and then uses it to impose structures that support the dominant logic. Using welfare as an example, he explains that the state using their power creates a metric to monitor and categorize their citizens and then administer welfare based on these judgements. This program imposes measurements and deliverables that are informed by and support the state's underlying, hegemonic logic.

In the example of the modern-day treaty process, the commodification of land and the accumulation of capital do not go far enough to ensure the entrenchment of non-indigenous hegemonic logic. Structures, measures, and guidelines need to be put in place to ensure support of these totalizing activities. Self-government agreements impose a framework for land management, require land management plans that are designed to make room for development and create corporate structures based on western management practices. All these state-imposed structural features are designed to support capitalist development. Co-management regimes are created to guarantee Indigenous participation in decision-making bodies that manage land-as-a-commodity. Self-government agreements force Indigenous governments to adopt public government institutions, create dispute resolution processes which facilitate capitalist activities and require the harmonization of land and water management. Furthermore, co-management bodies operate under timelines and approval frameworks which are designed to support resource development. The pre-determined result is approval. The process creates timelines and milestones to ensure development can proceed without delay and the approval frameworks which give the illusion of Indigenous participation and control over the outcome.

The discussion of totalization reveals that even when the state has the rhetoric of reconciliation, the underlying processes contribute to the capitalist agenda. The first visible form of totalization is capital accumulation, all that follows reflects this underlying logic, which is

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[71] Kulchyski, Like the Sound of a Drum, 265.

[72] Ibid, 265.

totalizing. This is precisely why changes to policy to advance reconciliation, or more Indigenous representation in existing public forums or even alternative governance arrangements will not stop the attempted assimilation of Indigenous ways of life into the dominant order. It is not one policy, or one political party, it is a system that reflects the underlying dominant logic of totalization. Until there is a shift in the underlying dominant order, one that replaces totalization, there will be no relief for Indigenous peoples as they fight to protect their unique way of life. Understanding the relentless, unyielding nature of totalization is critical to understanding the current Indigenous – state relationship.

The current recognition-based models utilized to re-define the Indigenous-state relationship have been criticized because they fail to transform the Indigenous-state relationship. The policies which govern these relations continue to be rooted in Euro-Canadian hegemonic logic. Indigenous peoples have fought for freedom from this dominating logic, but current policies do little to change the foundation of the relationship between Indigenous peoples and the state and continue to serve the interest of the state at the expense of Indigenous peoples. This, I will argue in the following pages, is clearly demonstrated in the modern-day treaty process. Despite Canada's assertion that they are trying to build a more respectful relationship with Indigenous peoples based on reconciliation, the modern-day treaty process is little more than a change in practice with no real departure from the underlying assumptions that informed the negotiations of the original treaties. As characterized by its totalizing nature, modern-day treaties entrench the hegemony of non-Indigenous economic and political interests in Indigenous governance.

In *Red Skin White Masks*[73] Glen Coulthard offers a critique of "recognition politics", in which modern treaties are at the forefront. He argues that Canada's approach to *recognize* Indigenous assertions of nationhood while reconciling it with state sovereignty results in "[reproduction of] the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples' demands for recognition have historically sought to transcend." [74] The problem with recognition models is they give power to the colonizer to define what Indigenous autonomy looks like – including governance structures, land rights and jurisdictional authority.

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[73] Ibid.

[74] Ibid, 3.

Kulchyski offers some insight into why this happens. In *Like the Sound of a Drum*, he argues that "the state's objective…is to find a mechanism to incorporate Aboriginal peoples into the dominant order" and the political form in which the powers of self-government are deployed reflect the values of the dominant western logic and furthermore "embodies, enacts and perpetuates those cultural values." [75] In short, the state as a totalizing power recognizes Indigenous rights, lands and sovereignty in ways that support the dominant capitalist order and the values necessary to support capital accumulation. In what follows, I hope to support and expand on the arguments presented by Kulchyski and Coulthard. Through a discussion of the implementation of the Tłı̨chǫ Treaty, I will demonstrate that there continues to be a seemingly inadvertent perpetuation of power and entrenchment of Government control over the Tłı̨chǫ.

The practice or tools of oppression and colonialism involve, at the core, bureaucratic processes and overly legalistic negotiations. These nuanced acts look innocuous enough on the surface but the perpetuation of these patterns of dominance that are largely invisible to those in power, undermine Tłı̨chǫ autonomy. The acts include subtle but significant forms of normalized bias articulated through policy and process that reinforce the powers of privilege and highly legalized discussions only intended to limit government obligations to the Tłı̨chǫ. The significance is often diminished and those who identify it as perpetuation of colonial, paternalistic and assimilative practices and policies of the past are dismissed as radical and unrealistic. This denial of the potency and consequences of the government policies is a symptom of deeper structural issues related to systematic racism and racialized injustice. Furthermore, the cumulative weight of this continuous challenge of Tłı̨chǫ autonomy can have profoundly negative effects on their efforts to protect and promote their language, culture, and way of life.

[75] Kulchyski, Like the Sound of a Drum, 16.

From 'high above' to the inevitable crash

August 2001

It was the end of a long summer; I had mostly finished my undergraduate degree at the University of Saskatchewan and had recently become involved in social justice work. I was looking for adventure and an escape. I began looking to the North for job opportunities and quickly found one in Wekweètì, NWT. A quick Internet search told me that Wekweètì, accessible only by air three times a week, was approximately 300 km north of Yellowknife, which was approximately 1700 km north of my current home, Saskatoon. I was thrilled by the prospect and applied for the position of Assistant to the Band Manager with the Dechi Laot'i First Nation. The existing Band Manager was pursuing other work and wanted to train someone to take over her position. I was offered the job and in late August I arrived in Wekweètì.

I was bright-eyed, idealistic and naive, accepting the position because I thought I could come to 'help' the Dogrib [76] people access the programs and services offered by the Government of Canada. Since I had studied Native Studies in university, I thought I was empathetic to the experiences of Indigenous peoples, and I thought I was in a very unique position to assist the Dogrib people at Snare Lake. With my support, I was confident they were going to realize their potential and finally experience the prosperity available, there and waiting for them. Little did I know at the time that it was actually going to be the reverse.

When I stepped off the six-seater Caravan aircraft, the only thing louder than the buzzing mosquitos (which by the way, can only be described as assaulting) were Tłįchǫ voices joyfully chatting in their native tongue as they pulled mail, groceries and suitcases off the plane. I was the only one who appeared in need of help. They busied themselves, laughing and chatting with complete ease, absent of any of the awkwardness typically observed at an airport. It was a familiarity that resembled an extended family gathering.

I looked around, unsure what I was supposed to do or who I should seek out for some directions of what I should do. I started questioning my decision to move to a community of 130 people located 200 km north of Yellowknife and only accessible by air three times a week: could I really help these people when I didn't know how to get to town? As I stood there, someone handed me a box of groceries and politely asked, "Can you put that in back of the pick-up truck?

[76] 'Dogrib' was the English name used to refer to the Tłįchǫ. It wasn't until after the land claim was settled in 2005 that 'Tłįchǫ' became the commonly used term.

I was relieved to have a purpose and something to do so I didn't just continue to stand there so awkwardly.

"Is that your cat?" a female voice asked pointing at my feline in her kennel with a very skeptical look on her face. "Put the cat and your bag in the back of the pick-up truck. Clarence will bring it to town for you and you will ride to town in the taxi with me."

The woman who had graciously given me some direction was Nora Simpson. Nora was the taxi driver, custodian, and unofficial community greeter. She looked up at me and gave me a big jovial smile that put me at ease — as much as I was able to be at ease. I finally looked around to take in my surroundings. Vehicles were parked on the tarmac right beside the parked plane I had just flown in on!

There was a white ten passenger GMC van, a grey 1980's Ford pick-up truck and a green International truck with a yellow tank. It all seemed odd and out of place. There was an airport building but it didn't look like anyone was using it. There was no luggage carousel, no luggage carts and no taxi stand. I decided the best course of action was to follow Nora's directions.

I gazed out the van window as I rode the three-kilometer trip to town, mesmerized by the landscape. The black spruce trees were sparse and stunted but they had a unique beauty with their twisted branches, skinny trunks and dark brown bark. Scattered among the spruce trees, the aspen and birch trees were already starting to show their red, orange and gold fall colours. There were also huge outcrops of granite, low bush cranberry and blueberry shrubs and a soft greenish-white moss growing on the rocks that I later learned was lichen. Coming from Saskatchewan, it was like nothing I had ever seen before.

"This is the hotel. This is where you get off," Nora said, bringing me back to reality. Looking ridiculous in my heeled boots, dress slacks and designer black leather purse, I stepped out of the van and onto the dusty gravel road, nervously walking toward the long brown building. The wooden sign above the entryway had two caribou carved into it and announced that I had arrived at Snare Lake Lodge. I walked through the front door and was greeted by Emily, the hotel's front desk clerk, housekeeper, head chef, waitress and concierge. Emily had moved to Wekweètì from the Philippines a few years earlier to marry Johnny Arrowmaker, the community works foreman — another unofficial community greeter.

Figure 3: Photograph of Wekweètì taken in fall

"Put your bag in room two. I'll have lunch ready for you before you go to the office. Tonight, Johnny is having a cookout; it's next door, just come to the tipi after dinner, there will be lots of food — do you still need me to cook your dinner? Don't worry, I'll cook you dinner. I hear you have a cat; the Dogrib don't like cats. Keep the cat in your room. Don't let it outside. The cat should be here soon. What are you doing? Go look at your room, but I have lunch ready for you too, hurry!" Emily handed me the key with an oversized transparent keychain tag.

In a daze, I shuffled down the hall to my room: the second on the right just past the laundry room and the hotel's only bathroom. When I got to my room there were four beds, no phone (all the guests used the one at the front desk) and no TV. However, the windows overlooked Snare Lake. Without the bugs to distract me, I took in its beauty for the first time. In the distance was a white sand beach and beyond that was the airport where I had landed less than an hour earlier. The lake was a deep blue colour and looked cold and mysterious. I sat on my bed for a few minutes, reflecting on everything that had happened in the past hour. All I could think was, "If I'm supposed to help these people, who is going to help me?"

"Your lunch is ready, come have your lunch then you go to the office. And tonight, I'll see you at the cookout!" I heard Emily say.

More than my lunch was waiting, my new life was waiting — and I had no idea what to expect.

Figure 4: Photograph of myself taken at Johnny Arrowmaker's cookout.

Chapter Two –Tłı̨chǫ Communities & the Tłı̨chǫ Treaty

The Dene are Indigenous people who have always lived in Denendeh. Today, this area is mostly covered by the Northwest Territories. The Dene have their own culture, laws and languages and "their own way of survival," all which were given to them by the Creator; contact with non-Indigenous peoples in the late 18th century, their existence has been altered by colonization.[77] The Dene are made up of several groups, Akaitcho (Chipewyan), Dehcho (South Slavey), T'atsaot'ine (Yellowkives), Sahtu Dene, the Gwich'in, and the Tłı̨chǫ (Dogrib). Still today, the Dene are very connected to their traditional ways. Elder George Blondin explains:

> The old Dene laws are still useful today. They should still be the first things we teach our young people. Even though they were given to us in a period much different from now, they are timeless. They are simply laws and if we follow them, we can still live a good life.[78]

Tłı̨chǫ History & the Tłı̨chǫ Cosmology

The Tłı̨chǫ are part of the Dene cultural group in the Northwest Territories of Canada whose traditional territory extends from the Mackenzie River east to the border of Nunavut. Its northern border is marked by the Great Bear Lake and its southern by Great Slave Lake. This amounts to over 260,000 km^2 of land. The Tłı̨chǫ are great travelers with numerous trails covering their traditional territory. Their history, including their treaties and agreements, their social, political and economic organization and their systems of governance, have been recorded on the land and through stories.[79] Many stories are associated with geographic locations making their traditional territory a tapestry of stories that constitute Tłı̨chǫ history.[80] The trails across their territory link important places, with each having a name that reflects the stories or teaching associated with that place. These narratives record their history and survival and in this way, the land is a mnemonic device for recording Tłı̨chǫ knowledge, transforming physical geography

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[77] George Blondin, *Yamoria: the Lawmaker, Stories of the Dene* [Edmonton, AB: New West Publishers ltd. 1997], 20.

[78] Ibid, 70

[79] John B. Zoe, "Lessons From the Land" presented at the *Transitional Governance Project Think Tank.* [Carleton University, October 5, 2017], 30:45.

[80] Thomas Andrews, "On Yamozhah's Trail: Dogrib Sacred Sites and the Anthropology of Travel" in *Sacred Lands: Aboriginal World Views, Claims, and Conflicts* (No. 43), edited by: Oakes, J. E. [Canadian Circumpolar Institute Press, 1998], 309

into social geography. The art of storytelling and the experience of traveling and living on the land are both valuable components of Tłı̨chǫ pedagogy and the principle means in which vital knowledge is passed on, ensuring the survival of their history. This history informs their understanding of how they came to be and is a record of who they are, including their relationships with others and their development as a people. The Tłı̨chǫ Treaty is an extension of this history, and the goal of implementation is to reconcile their ways with the dominant social forces so the Tłı̨chǫ might continue to be informed by their history.[81]

Tłı̨chǫ history, as they have recorded it in their cosmology, [82] is separated into a series of eras. Each of these eras contains a significant relationship marked by conflict, a negotiation of differences and a resolution of difference.[83] Each era has identifiable values, principles and rules that are carried forward and engaged and re-engaged in each subsequent era. Each new agreement is an extension of old agreements signaling the continuity of cultural practice and values.[84]

The hybrid account of Tłı̨chǫ history presented here is an attempt to convey Tłı̨chǫ history from a Tłı̨chǫ perspective. I have drawn from multiple sources including the Tłı̨chǫ Cosmology as described in a lecture by Zoe (2006) and documented by Gibson (2008), anthropological studies of the Dene documented by Helm (2000 & 1994), oral history as authored by Blondin (1997), and a research project on Traditional Tłı̨chǫ Governance conducted by Legat (2000).

Pre-contact – Floating Time & the Law of Coexistence

Prior to contact and permanent settlement in communities, the Tłı̨cho lived in harmony with the seasons. In their yearly cycle, they traveled by foot and birch bark canoe over an intricate set of trails and waterways that crisscrossed their territory. In the fall, they traveled to

[81] Zoe, *Lessons from the Land,* 31:30.

[82] The cosmology is the result of the Tłı̨chǫ researching and documenting their history while negotiating the Tłı̨chǫ land claim and self-government agreement. The Tłı̨chǫ Government website explains that the purpose of the cosmology is to "map" the shared experiences of the Tłı̨chǫ people, initiate discussion about what it means, and to apply this knowledge to modern organizations.

[83] V.V. Gibson, *Negotiated spaces: Work, Home and Relationships in the Dene Diamond Economy* [Doctoral dissertation, University of British Columbia, 2008], 53.

[84] Ibid, 54, and John B. Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audienc*e [Rae-Edzo, NT. 9 March 2006].

the barren lands to harvest caribou. For the long northern winters, they moved below the treeline for shelter. They were intimately tied to the land and all its inhabitants, which provided for their survival.

In the first era of Tłı̨chǫ history, called "floating time", animals and people were like one; they could change form and shared names, language, stories, and dances.[85] This time period is beyond temporal reckoning. The stories from this period contain teachings of how to live well and reflect the culture and strong values of the Tłı̨chǫ.[86] For instance, Yamǫǫ̀zhah[87] was an important figure from this era. Yamǫǫ̀zhah was sent by the Creator to resolve the conflict that had erupted between the animals and the people. He traveled throughout Denendeh negotiating the relationship between humans and animals and bringing understanding and peace between the animals and people as he taught them about the reciprocal relationships with one another. The law that was carried forward from this conflict was that of co-existence.[88] Yamǫǫ̀zhah also gave the Dene many other laws about peacemaking, social relationships, language, obedience to laws and the importance of knowing and respecting history.[89]

The route that Yamǫǫ̀zha traveled is called ʔı̨daàtı̨lı (Į̨daà Trail) and he is credited with creating many features on the landscape. In his travels, he "[imparted] power in the landscape and the places he [visited] are transformed into sacred sites."[90] Along ʔı̨daàtı̨lı, which cuts across Tłı̨chǫ territory, are 22 documented sacred sites and an additional 189 documented gravesites.[91] At each of these sites is a teaching that informs Tłı̨chǫ identity and life.[92] One such place is

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[85] Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audience*.

[86] Blondin, *Yamoria: the Law Maker,* 42

[87] Depending on the Region Yamozhah may be referred to as Yamoria. Yamozhah is the name typically used by the Tłı̨chǫ people.

[88] Blondin, *Yamoria: the Lawmaker,*18; A. Legat, *Walking the Land, Feeding the Fire: Becoming and Being Knowledgeable amount the Tlicho Dene* [PhD Thesis, Department of Anthropology, Aberdeen: University of Aberdeen, 2010.] 8; and Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audience*.

[89] Gibson, *Negotiated Spaces*, 64.

[90] T.D. Andrews & J.B..Zoe, "Trails: Archaeology and the Tłı̨chǫ Landscape" In *Trails of Our Ancestors: Building a Nation,* Edited by: John B Zoe. [Behchoko: Tłı̨chǫ Government, 2007] 30.

[91] Ibid, 30.

[92] Ibid, 30.

Ts'okwe where Yamǫǫ̀zha is said to have fallen asleep after spending the day slaying giant wolverines that were threatening the lives of the Dene. While sleeping he dreamed, and so it is said that Ts'okwe is a place where young hunters go to dream and get assistance from Yamǫǫ̀zha so they might become great hunters. The location has other stories associated with it, one which was shared with anthropologist Tom Andrews while he was conducting field research. Andrew's trip was guided by two Tłįchǫ Elders, Nick Black and Harry Simpson. The story was told to Andrews repeatedly by Elder Black, and Andrews paraphrased the story from the translation he recorded:

> A young man was a poor provider for his large family. His wife begged her father-in-law to help his son become a better hunter so the young man's father, a powerful medicine man, took him to Ts'okwe so that he might dream and hopefully obtain some ʔįk'ǫǫ for hunting. His father, who would sleep beside him, had the ability to see into other people's dreams and told his son that during his dream some people would give him a cup full of knowledge that his people had acquired through hard experience over many generations; he was told that the cup contained the 'tears of your people.' If he was fortunate enough to be presented with the cup, he warned his son to drink only a little. He was also warned that an animal-helper would reveal itself to him. The animal would help him throughout his life and as a result he was not permitted to kill or eat this animal. He was also told that he would be given a medicine song that, like the dream, he was not permitted to reveal until given a sign. Finally, his father warned him not to tell of his dream experience until the proper time. There would be a sign when the time was appropriate. During the young man's dream the cup was offered as foretold and contrary to his father's warning the young man drank the entire contents, throwing the cup to the ground when he was done. In the morning he began to tell of his dream, but his father stopped him. When he got home, he thought he had strong medicine so he began to work it – chanting, drumming and singing. The next morning his wife found him dead.[93]

The Dene believe that ʔįk'ǫǫ or medicine-power is a supernatural gift that is present in all animate objects, although it is much stronger in animals than humans as demonstrated by the fact that animals can survive without tools, clothing or other material implements. [94] The outward manifestation of ʔįk'ǫǫ, can be observed in the skills and knowledge of the individual and the strength of their ʔįk'ǫǫ is credited for their success making ʔįk'ǫǫ an important component of a

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[93] T.D. Andrews, *There will be many stories: Museum Anthropology, Collaboration and the Tłįchǫ* [Doctoral Thesis, University of Dundee, 2011], 84.

[94] Ibid, 139.

good life. Andrews recounts that whenever Black told the story, he and the other elder on the trip, Harry Simpson, would "laugh at the foolish behavior and inappropriate actions of the young man, underscoring the importance of respecting the power of ʔįk'ǫǫ." [95]

Another significant place on the ʔįdaàtįli is K'wedoò (blood rock), where Yamǫǫ̀zha first came to the Tłįchǫ. It is believed that Yamǫǫ̀zha and his brother Gahmǫǫ̀zha were born in a caribou's hoof but as boys, the size of spiders, they were found under a log at K'wedoò. Andrew's recorded Jean Wetrade's telling of the story:

> The boys were cold and hungry and their tiny voices, sounding like squeaks to the old man's ears, attracted him to overturn the log they were sheltering under. He adopted them and raised them as his sons and they were trained in the lifeways of the Tłįchǫ, as all youth are. However, as teenagers, Gahmǫǫ̀zha convinced Yamǫǫ̀zha to play a trick on the old man, and when he was sleeping, they cut open the top of his head and threw heated rocks into his brain cavity. The old man turned to stone and today his skull is visible as a large hill rising some 100 metres from the surrounding landscape.[96]

The location of K'wedoò is along a trail that is travelled annually. When visitors pass through the area, they will climb the hill considered to be the dome of the old man's skull, to the place where there is a deep crack in the rock that has filled with water. At this spot, visitors kneel and after saying a prayer to honor the old man, drop a small pebble into the crack to listen for the sound of it falling down into the old man's water filled skull. If the sound of the stone can be heard, it foretells good fortune. Silence is a bad sign, predicting illness or even death. The Tłįchǫ believe they have great agency over the trajectory of their lives; therefore, the prediction does not hold finality, only motivation to continue on their good path or correct their behaviour before visiting the place the following year.

Incipient contact - 1715-1780 & the Law of "Peace & Respect"

Traditional Tłįchǫ Governance did not look like the centralized, formal governments or hierarchical state structures that Canadians are familiar with. In Tłįchǫ society, the roles of leadership, kw'ahtideè or k'àowo, were not about ultimate authority and demonstrated a great respect for personal autonomy. The k'àowo was described as an advisor, coordinator, or director. By virtue of prestige gained from superior ability and awe-inspiring power, he might act as the

[95] Ibid, 84.

[96] Ibid, 87.

primary advisor, but his authority only went as far as putting his stamp of approval on decisions or viewpoints arrived at by the group. His authority as a leader lay in his influence rather than his legal authority.

During this period, the Tłı̨chǫ did not have direct contact with Europeans but were already trading with the Cree, Chipewyan and Yellowknives whose traditional territory was just south of the Tłı̨cho. The neighboring tribes, unlike the Tłı̨chǫ, had guns and repeatedly attacked the Tłı̨chǫ forcing them to retreat from traditional camps to an area north of Whatì called Ezǫdzìtì. Although the Tłı̨chǫ had found safety at Ezǫdzìtı, the area could not completely sustain them for extended periods of time. Therefore, the Tłı̨chǫ were forced to send hunting parties to the barren lands to harvest caribou. Hunting parties were careful not to run into one of the neighboring groups and their leader Akaitcho. On the return of one hunting party lead by Edzo, he decided that the conflict had to end. Most of Edzo's followers thought it was crazy to confront Akaitcho, however, Edzo believed that confronting him and ending the conflict was best for the Tłı̨chǫ as a whole. Edzo informed his followers that those who wanted to return to their camp north of Whatì could do so. Edzo and a few men headed back towards Akaitcho's camp determined to end the conflict. Zoe recounts the events that followed:

> When he got to the camp of the enemy, Edzo talked with his sister, who was married to K'atehwhii. Together they made a plan for Edzo to enter the camp. The next day, Edzo and his brothers entered the camp. They used their power to control things such as the enemies' minds and the metal in the camp. It is said that when Edzo spoke of peace, his words were so strong that the trees started to shake, and they cracked. Finally, Akaitcho agreed with Edzo, and peace was made. The agreement was celebrated with a dance of three days. It is to this day that Tłı̨chǫ people live under the nàowo of Edzo which is to live peacefully with neighbors. [97]

The place where the dancers danced after the treaty was reached is an important site for the Tłı̨chǫ. It is said that the dancers left a great circle in the fragile landscape that may still be seen today. The resolution of this conflict gave the Tłı̨chǫ the law of peace and respect.

To this day, there continue to be many lands that are used and occupied by both the Chipewyan, Yellowknives and the Tłı̨chǫ. The historic peace treaty continues to be recognized

[97] Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audience*.

by all parties. As a result, when the Tłı̨chǫ negotiated their modern treaty, they deferred to the terms and conditions of this treaty to determine their overlap agreement with both the Yellowknives and Chipewyan Dene.

Proto contact & the Law of the Collective

The relationships developed through trading with settlers marks the next period in Tłı̨chǫ history and represented a shift from a subsistence economy to one characterized by the acquisition of externally produced goods. According to Tłı̨chǫ oral history, the first non-Indigenous men arrived on the south shores of Lac La Martre approximately 250 years ago.[98] A few Tłı̨chǫ men, who were wintering on the north shore and living off fish, since there were no caribou that winter, went to visit the men. Through signing, the fur traders communicated to the men that they would trade goods for furs. They sent the men back to their camp with an ice chisel. The ice chisel was considered an incredible implement at the time, as they typically had to use a horn to chisel through the thick ice to access the fish that were providing their only sustenance.

Everyone began trapping marten so they too could have their own ice chisel. By the 1870's, the Hudson's Bay Company lost its monopoly on the northern fur trade and so free traders emerged. Tłı̨chǫ leaders knew that to ensure optimal relations between themselves and the traders required organizing their trade relations to ensure they were not vulnerable to exploitation. The Tłı̨chǫ began conducting all trade through a donek'awi.[99] Individuals had a choice of which donek'awi they would go with. Once they forged these alliances, they would hand over all their furs to this individual for trade with the Hudson's Bay Company.[100] Zoe explains how this occurred:

> So, then you get into this fur trade era and that was the collective period. Collective means that we do it together, we do it as one. And we not only do it as one, but we have a leader that does the same thing. The fur trade brought people together yearly at the forts to trade furs and meet with the ek'awi (the Hudson's Bay Trader). The ek'awi build their stone chimneys, still seen in the communities, where people would go into meet them. As we

[98] June Helm, *The People of Denenedeh: Ethnohistory of the Indians of Canada's Northwest Territories* [Montreal & Kingston: McGill-Queen's University Press, 2000,] 247.

[99] *donek'awi* is defined as the peoples trader, this was a very high man in Tłı̨chǫ society at the time of the fur trade.

[100] Helm, *The People of Denenedeh,* 186.

> approached a fort, we would shoot bullets up into the air to announce our arrival. On arrival a dance would always happen, and tea would be drunk. This is the start of the tea dance. Through trade, we got good fishnets, bullets and knives. [101]

Tłı̨chǫ Traditional Territories & Tłı̨chǫ Communities

The traditional territory of the Tłı̨chǫ extends from Great Slave Lake (Tucho) in the south to Great Bear Lake (Sahtú) in the north and from the Mackenzie River (Dehcho) east to the border of Nunavut. This is not a rigid boundary line, but rather defined by natural features like watersheds, with a degree of perviousness.

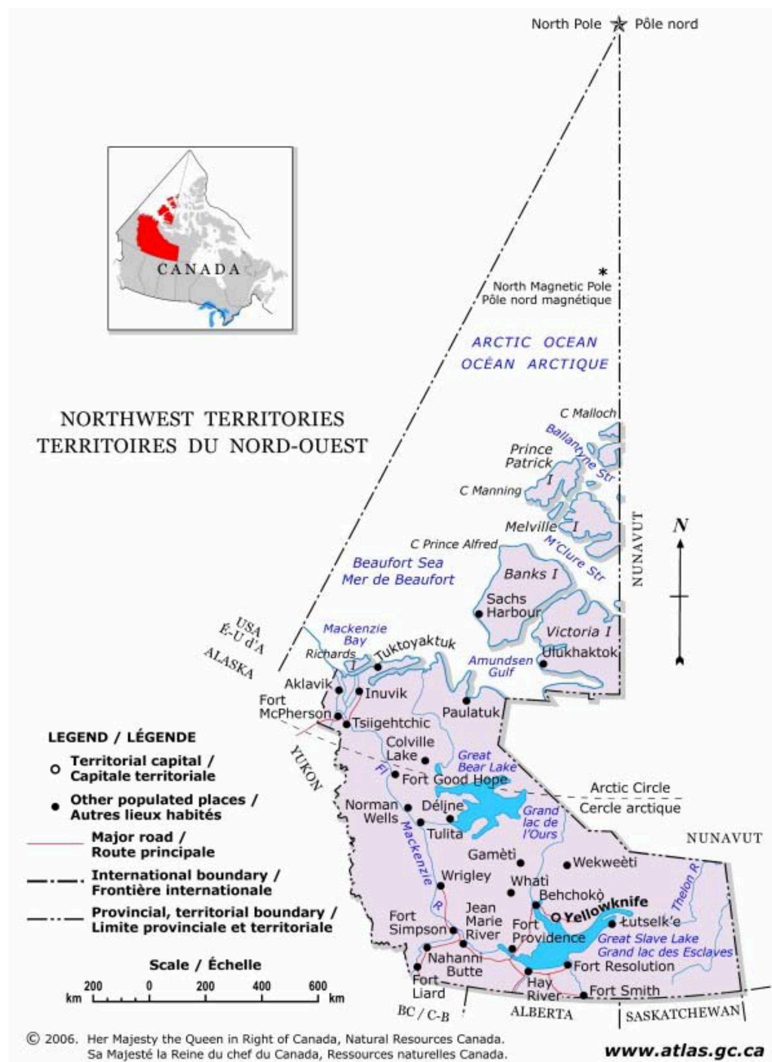

Figure 5: Map of the Northwest Territories

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[101] Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audience*.

Tłı̨chǫ existence is deeply intertwined with ekwǫ̀ (caribou), and they credit ekwǫ̀ with defining their language, culture and way of life.[102] In my interview with Chief Adeline Football, she explained it as follows:

> "The reason why it's so important is because that was the first food source that we had as Tłı̨chǫ people. Our ancestors had totally relied on the caribou because they use it for their tools, their clothing, their food source. For all year round, they had preserved it for the whole year because some years are really tough and some aren't so they knew how to save food, and they would… it also has to do with sharing you know and it got people to work together and to share with one another and to respect and to help one another to go out hunting and it also created social life, where they would all travel together and it had that bond for the people."[103]

Since the time of Yamǫǫ̀zha, the Tłı̨chǫ have lived in harmony and co-existence with ekwǫ̀ and there are many rules relating to respecting and appreciating ekwǫ̀. Ekwǫ̀ have even dictated where Tłı̨chǫ communities were situated. Each of the four Tłı̨chǫ communities on their traditional territory: Behchokǫ̀, Gamètì, Wekweètì and Whatì, are located along trails and portages that lead toward ekwǫ̀ grounds. Today, the communities are connected to the NWT road system. Behchokǫ̀ is located along highway 3 between Fort Providence and Yellowknife. Whatì, Gamètì and Wekweètì are connected to Hwy 3 from January through March when winter roads are built across lakes and tundra allowing relatively easy access to Yellowknife and the south. Despite this connection to the outside world, the communities remain very traditional in that many community members still sustain themselves and their families, at least partially, from land-based activities and by hunting, fishing, and trapping.

Behchokǫ̀

Behchokǫ̀, made up of two distinct townsites of Fort Rae and Edzo, is the largest of the four Tłı̨chǫ communities. Behchokǫ̀ is approximately 115 km northwest of Yellowknife and is located at the very northern tip of the north arm where Great Slave Lake connects with Marion Lake. The original Fort Rae (Ninhsin Kon) was established in 1852 by the Hudson's Bay

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[102] Zoe, John B. "Ekwǫ̀ and Tłı̨ Chǫ Nàowo / Caribou and Tłı̨ Chǫ Language, Culture and Way of Life: An Evolving Relationship and Shared History" In *Rangifer* 32, no. 2 (March 8, 2012): pg. 69.

[103] Football, interview. July 30, 2021.

Company at Mountain Island on the North Arm of Great Slave Lake. Ewaingho, the father of Chief Mǫwhì built the first cabin at the site of present-day Rae and convinced free traders to establish a post at the site.[104] By 1906, the old site of Fort Rae was abandoned, and the Hudson's Bay Company moved their trading post to the new site.

The new location provided a direct link to the Tłı̨chǫ people which were spread throughout the Tłı̨chǫ territory and with the establishment of a church and hospital, the community started to grow. In the late 1950's, as a result of health problems arising from the pollution of Marion Lake, the territorial government began looking for a new community site that they considered more suitable for settlement. A site 15 miles to the southwest was identified in the 1960's and the territorial government attempted to relocate the people from Fort Rae to the new community site of Edzo. A school and health centre were built but the people, led by Chief Jimmy Bruneau refused to leave Fort Rae. The government even tried to coerce the people to relocate by imposing a freeze on the building of subsidized housing in Rae.[105] Today, with a total population of 1,874, the Fort Rae townsite continues to grow while Edzo's population has been unchanged for the past several years. [106]

Whatì

Whatì, with a population of almost 500, is situated on the shores of the magnificent Lac La Martre.[107] The third largest lake in the NWT, Lac La Martre's crystal clear blue waters boast some of the best fishing in the territory. Fishing is a near year-round activity with the exception of the months of January, February and March when "the fish leave the lake" being the only time fish are not found in abundance. The lack of fish is a result of the thick ice conditions requiring

[104] Helm, *The People of Denenedeh,*27.

[105] Ibid, 29.

[106] Statistics Canada. 2017. *Behchokò, CG [Census subdivision], Northwest Territories and Northwest Territories [Territory]*(table). *Census Profile*. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E (accessed August 8, 2020).

[107] Statistics Canada. 2017. *Whatì, CG [Census subdivision], Northwest Territories and Northwest Territories [Territory]*(table). *Census Profile*. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E (accessed August 8, 2020).

the fish to go to deeper water for more oxygen.[108] Mǫwhì's brother-in law is credited with building the first cabin at Whatì.

The Tłı̨chǫ name for the Lac La Martre is Tsǫ̀ti, which, translated means excrement lake. This is a result of a bloody battle between the Chipweyan and the Tłı̨chǫ. It is said that so many died in the battle that their remains could be seen across the lake.

Construction of an all-season road to Whatì began in August 2019. With a projected cost of $411.8 million, the 97-kilometer gravel road, funded through a public-private partnership, is expected to be completed in 2022. The road begins about 40 kilometers southwest of Behchokǫ̀ along highway 3 and continues in a northwesterly direction to the community. The project was made possible because of the infrastructure needed to access a gold-cobalt-bismuth copper deposit roughly 50 kilometers northeast of Whatì.

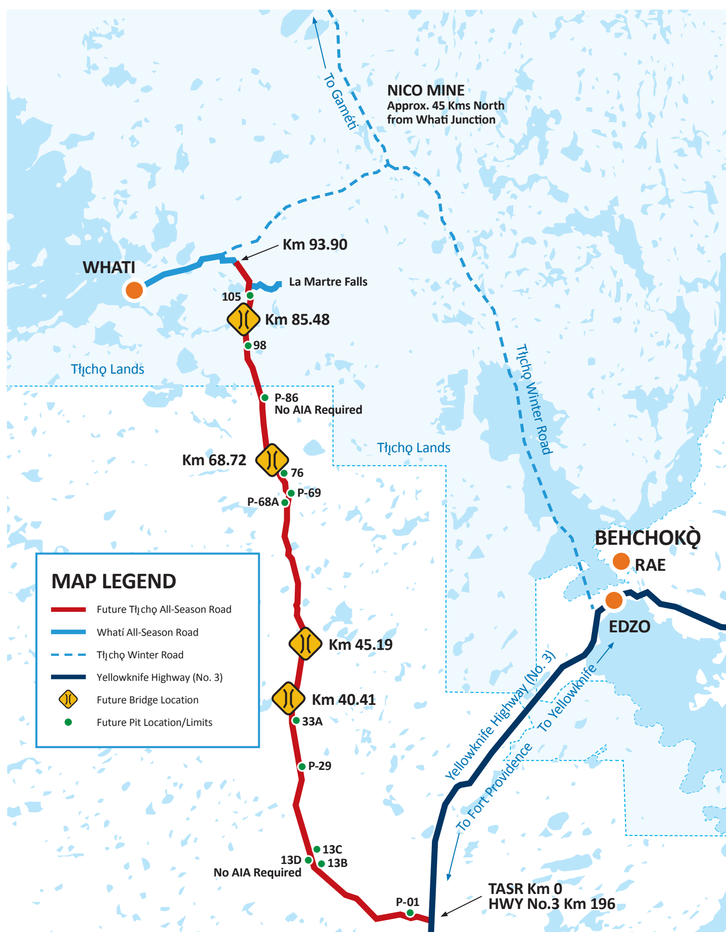

Figure 6: Map of Tłı̨chǫ All-Season Road to Whatì

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[108] Helm, *The People of Denenedeh,* 56.

Gamètì

Gamètì, with a population of 278, is located on an island on Rae Lakes.[109] Along with excellent fishing and good access to caribou, the area surrounding Gamètì is also known for being rich with fur bearing animals. The people of Gamètì were originally known as the Et'at'in because "being the happiest of fellows…. there is more life in them."[110]

Gamètì was settled in the early 1960's by a group who had grown unhappy with the over-crowding and the difficulty in obtaining housing in Fort Rae. Three separate groups set out to find a suitable location to sustain their families year-round. Once the three groups rejoined each other, they found that none had found an appropriate locale. Disappointed, they began heading south toward Fort Rae when a storm came up. They set up camp, waiting for the storm to pass. While sitting around the fire, one of the men noticed something in the tree reflecting off the firelight. It was the shaft of an arrow. The group discussed this finding and noted the abundance of moose, fish, and ducks in the area. The location was also in close proximity to caribou migration routes so they concluded the spot must have been an historic hunting site. With this information, they decided this location would be where they would settle and build their community. The following summer, one group moved their families by boat from Fort Rae to the new location, about halfway between Great Bear Lake and Great Slave Lake.[111] The late Johnny Arrowmaker's father was the first to build a cabin at the settlement.

Wekweeti

The smallest of the four Tłı̨chǫ communities, Wekweètì, was originally an outpost hunting camp and did not become a permanent settlement until the 1970's. In the early 1960's, there were many changes happening in Fort Rae. A new highway, creating easier access to Yellowknife, Hay River and the south was completed in 1961. There were also many health concerns including contaminated water and the new stresses associated with a shift in way of life from a subsistence economy towards a greater dependence on wage work and the market

[109] Statistics Canada, Gamètì 2017.

[110] Helm, *The People of Denenedeh,* 314.

[111] Moore, Kieran. "Burnt Snow: My Years Living & Working with the Dene of the Northwest Territories. Blaine, WA: Hancock House, 2020. 15.

economy. These changes and new influences were unsettling to those who desired a life more closely associated with the caribou and the land. Following the success of the group who settled Gamètì, a few members of the Dogrib Rae band permanently relocated to the outpost hunting camp on the shores of Snare Lake. [112] Johnny Simpson was the first to build a cabin at the site and others soon followed. At the time, Chief Alexi Arrowmaker was in negotiations with Canada over the hydro dam on the Snare River at Snare Rapids. The hydro dam was needed to supply power to the Giant Gold Mine and the town of Yellowknife. John B Zoe recounted how "Alexi negotiated chartered flights to relocate people to Snare Lake as part of the access agreement to build the hydro dam and Snare Rapids. It was the first Impact Benefits Agreement negotiated by the Tłįchǫ." Relocation happened by both boat and chartered aircraft. In many ways community members are still defined by how their family came to the area.

Known as the Dechi Laot'i (Edge of the Woods) people, the community of Wekweètì has a population of 129 and is located on the sandy shores of Snare Lake. The lake, which is 70 kilometers long, extends north to access the barren lands. Considered the most isolated of the Tłįchǫ communities, Wekweètì is located along the Bathurst Caribou herd's typical migration route. During both fall and winter, thousands of caribou can be seen from the community as they cross the lake. The community is also considered one of the most beautiful with its park-like taiga forests and groundcover of moss, lichens and berries surrounding the community.

Life for the Tłįchǫ began to change rapidly after the signing of Treaty 11. By the 1960's, many Tłįchǫ left their traditional nomadic lifestyle for community life. They found themselves having to "escalate their involvement in the cash economy […] due to an increase in the cost of trade goods and the crash of the fur trade"[113] By the late 1960's, Tłįchǫ moved from a consensus to an electoral political system with paid labour and welfare becoming the predominant economy.[114] This separation from the land had huge implications for Tłįchǫ culture and identity;

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[112] Statistics Canada. 2017. *Wekweètì, CG [Census subdivision], Northwest Territories and Northwest Territories [Territory]*(table). *Census Profile*. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E (accessed August 8, 2020).

[113] Counthard, 2003, 79.

[114] Helm, *The People of Denenedeh*, 189.

however, the Tłı̨chǫ have been resilient and have found ways to nurture their language, culture and way of life. The legal culmination of this resistance is the Tłı̨chǫ Treaty.

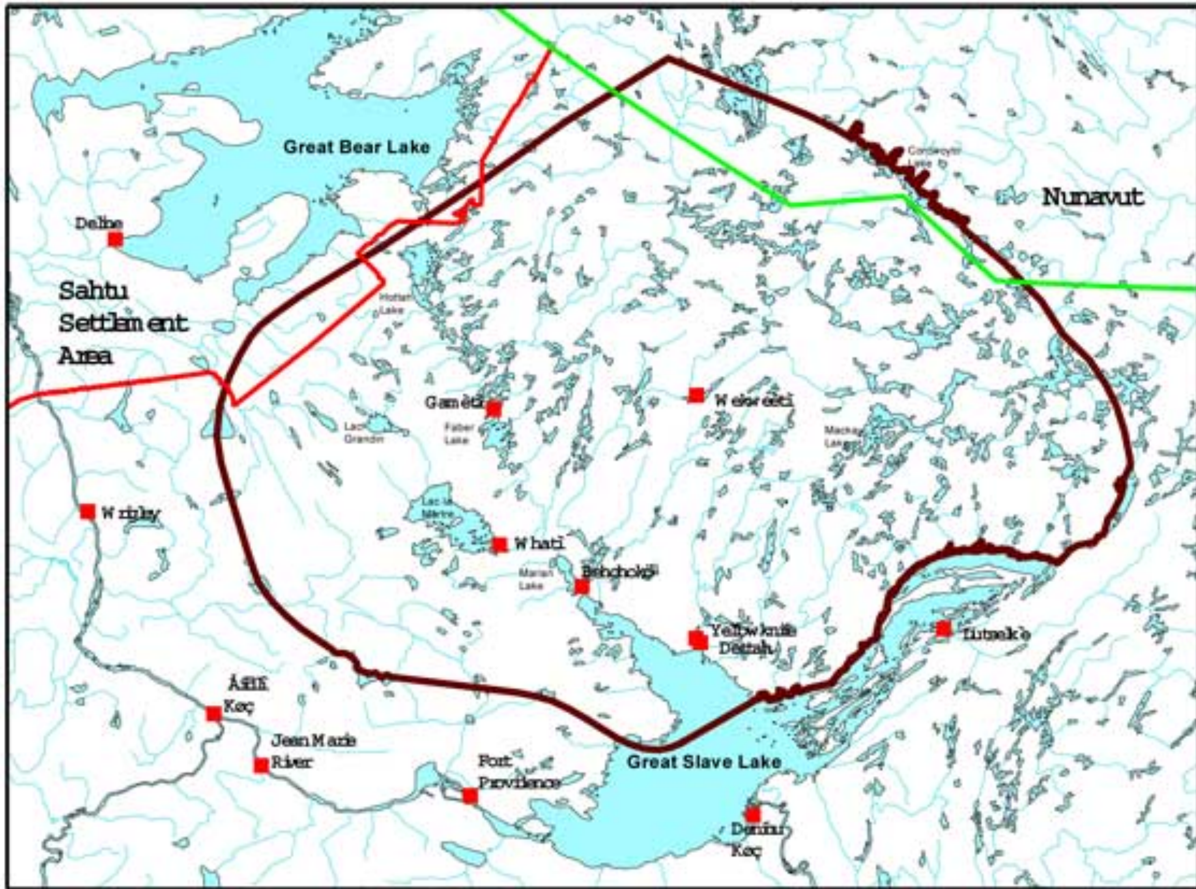

Figure 7: Map of Mǫwhì Gogha Dè Nı̨ı̨tłèè with location of Wekweètì, Whatì , Gamètì and Behchoko

The Tłı̨chǫ Treaty

The Tłı̨chǫ Treaty is a modern-day treaty negotiated between the Government of Canada, the Government of the Northwest Territories and the Dogrib Treaty 11 Council representing the Tłı̨chǫ people. The Treaty “[defined] and [provided] certainty in respect of the rights of the Tłı̨chǫ relating to lands, resources, and self-government.” [115] The historic treaty that became effective in 2005, was the first combined comprehensive land-claim and self-government

[115] Dogrib Treaty 11 Council, Canada, and Northwest Territories. *Land Claims and Self-Government Agreement among the Tłı̨chǫ and the Government of the Northwest Territories and the Government of Canada*. Final Version]. ed. Ottawa: Govt. of Canada, 2003, 1.

treaty in the NWT. There are a number of provisions in the treaty that outline the rights and benefits of the Tłı̨chǫ First Nation. It is important to note that although the provisions of the agreement enjoy constitutional protection, the Canadian Charter of Rights and Freedoms still applies to the Tłı̨chǫ so all expressions of Tłı̨chǫ self-governance must align with the charter.

Lands

The Tłı̨chǫ Treaty recognizes four geographic areas. The largest is Mǫwhì Gogha Dè Nı̨ı̨tłèè which is the traditional territory of the Tłı̨chǫ, identified by Chief Mǫwhì at the signing of Treaty 11. In this area, the Tłı̨chǫ can exercise the majority of rights set out in the Tłı̨chǫ Treaty. The second area is called Wek'èezhìı. This is the resource management area of the Tłı̨chǫ which is bordered by the settlement areas and traditional lands of neighboring Indigenous groups. The third area, entirely within Mǫwhì Gogha Dè Nı̨ı̨tłèè, is Tłı̨chǫ lands.

This is a single block of approximately 39,000 square kilometers of land to which the Tłı̨chǫ Government, on behalf of the Tłı̨chǫ First Nation, have title in the form of fee simple title called "Tłı̨chǫ title". Tłı̨chǫ title includes both surface and subsurface resources but does not include title to water in, or under Tłı̨chǫ lands. All four Tłı̨chǫ communities are within the Tłı̨chǫ lands boundary. The fourth area, called Ezǫdzìtì.[116] The Tłı̨chǫ do not own this land and do not exercise any additional harvesting or management rights; however, it has been protected in the interest of preserving its historical and cultural importance to the Tłı̨chǫ people.

Financial Compensation and Resource Revenue Sharing

The Tłı̨chǫ Treaty included a cash payment of approximately $152 million over 14 years to the Tłı̨chǫ Government. However, for the first six years of the treaty, no payments were made to the Tłı̨chǫ Government as they were required to repay their land claim negotiation loans which came to a total amount of $27,925,800. This included negotiation loans (principal plus accrued interest) for the Tłı̨chǫ Treaty that was provided to the Dogrib Treaty 11 Council ($14,939,927.52). It also included costs related to the earlier negotiations for the Dene Metis Claim for the Tłı̨chǫ portion (20.858%) of loans made to the Dene Nation ($5,677,081.34) and the Metis Association ($2,984,268.00). Interest was calculated on these principal amounts from

[116] The Refuge Area – After a clash with the Chipewyan the Tłı̨chǫ stayed here to recover.

September 4, 2002, the date the negotiators initialed the Tłįchǫ Treaty to August 5, 2005, the date the treaty became effective. [117]

The federal government also pays the Tłįchǫ Government a share of mineral royalties from developments in the Mackenzie Valley. The Mackenzie Valley includes all the NWT with the exception of the Wood Buffalo National Park and the Inuvialuit Settlement Region. The Tłįchǫ Government receive 10.429% of the first $2 million and 2.086% of any additional mineral royalties received by the government in a year. At present, the NWT retains 50% of its royalties from mining, oil, and gas to a cap equal to 5% of the GNWT's Gross Expenditure Base[118] in each fiscal year, which amounts to between $70 million to $80 million. For the 2019 fiscal year, the Tłįchǫ received $1,179,122 in resource royalty revenue and in 2020, that number was down to $951,433.[119]

Eligibility and Enrolment

The Tłįchǫ Treaty defines a "Tłįchǫ person" as a person:

a) of Aboriginal ancestry who resided in and used and occupied any part of Mǫwhì Gogha Dè Nįįtłèè on or before August 22, 1921, and who received Treaty 11 benefits, or a descendant of such person; or,

b) who is a band member, or a descendant of such person; or,

c) who was adopted as a child, under the laws of any jurisdiction or under any Tłįchǫ custom, by a Tłįchǫ person within the meaning of (a) or (b) or by a Tłįchǫ citizen or is a descendant of any such adoptee.

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[117] The time between initialing the agreement and effective date was a flurry of activity at the Federal and territorial level. First came the GNWT passing the Tłįchǫ Act, followed by Canada writing Bill C-14 – The Tłįchǫ Bill. The Bill first went to the House of Commons for a 1st and 2nd reading, committee review and final reading and adoption. Then the Senate's 1st and 2nd reading, senate committee review and final reading and adoption. Finally, the Tłįchǫ Bill received Royal Assent, an effective date was chosen, and the Tłįchǫ Agreement became law. Is it significant to note that Tłįchǫ bore all the cost of accumulating interest charges between the time the agreement was initialed and passed into law, but it was Canada and GNWT who had all the power to pass the agreement it into law. Luckily there was a Liberal government at the time and the process only took three years.

[118] GNWT, Industry, Tourism & Investment "Royalties FAQ", www.iti.gov.nt.ca/en/royalties-faq [accessed October 20, 2020].

[119] Tłįchǫ Government Audited Financial Statements For April 1, 2019 – March 31, 2020, https://www.tlicho.ca/sites/default/files/documents/government/2019-2020_AuditedFinancialStatementsLaw.pdf [accessed March 3, 2021], 9.

An Eligibility Committee was established in accordance with the Tłı̨chǫ Treaty to enrol Tłı̨chǫ persons and develop a register of Tłı̨chǫ citizens. A Tłı̨chǫ citizen is a Tłı̨chǫ person as defined above or an individual who is accepted pursuant to the community acceptance process outlined in the Tłı̨chǫ Constitution, who is also Canadian citizens or a permeant resident of Canada and who is not enrolled under another land claim agreement. The Eligibility Committee was composed of six people: four appointed by the Tłı̨chǫ Government and two by the Deputy Minister of Indian Affairs and Northern Development.

On a designated effective date, the Eligibility Committee was dissolved, and a Registrar was designated by the Tłı̨chǫ Government to maintain a register of Tłı̨chǫ citizens. The rights and benefits provided under the treaty for the Tłı̨chǫ First Nation are vested in Tłı̨chǫ citizens collectively and may be exercised by individual Tłı̨chǫ citizens.

Economic Measures

Chapter 26 of the Tłı̨chǫ Treaty deals with economic measures. It creates a commitment on the part of Canada and the GNWT to promote the economic interests of the Tłı̨chǫ, including supporting the traditional economy, the development of businesses and the creation of new jobs and training programs. It requires that the GNWT and Canada consult with the Tłı̨chǫ Government on proposed economic development programs and that they meet with the Tłı̨chǫ Government at least once every three years to review the effectiveness of the programs.

Chapter 26 also creates the Tłı̨chǫ Government Strategic Economic Development Investment Fund. This fund of $5 million, supported by the Government of Canada, is to be used for the purposes of economic development, training, and education of Tłı̨chǫ citizens and any costs for administering the fund. A terms of reference, created by the Tłı̨chǫ Government, guides how the money is to be spent.

Finally, the chapter addresses the issue of government employment and contracts. It confirms the commitment that throughout the Mowhì Gogha Dè Nı̨ı̨tłèè Tłı̨chǫ citizens and businesses will benefit from preferential contracting with the GNWT and Canada. For economic activities on Tłı̨chǫ lands, when the government decides not to go to public tender, it establishes that Tłı̨chǫ citizens and businesses will be given first priority to negotiate contacts. Finally, for activities that occur on Tłı̨chǫ community lands, it requires the government to consult with the community government to determine which company or person is best positioned to achieve the financial, affirmative action, training, and economic objectives of the activity.

Self-government

Chapter 7 of the treaty sets out the inherent rights of self-government for the Tłı̨chǫ. It calls for the creation of the Tłı̨chǫ Constitution which sets out the structure of the Tłı̨chǫ Government, the rights, and freedoms of Tłı̨chǫ citizens, the political and financial accountability of the Tłı̨chǫ Government and allows for people to challenge the laws and actions of the Tłı̨chǫ Government. Consistent with the Tłı̨chǫ principle of equal representation, it specifies that the government body, which exercises the law-making powers and primary executive functions will include the Grand Chief, the Chief of each community government and at least one representative from each Tłı̨chǫ community elected by the residents of that community. It also establishes that if there is a conflict between the Tłı̨chǫ Constitution and the Tłı̨chǫ Treaty, the treaty sets the rule.

The law-making authority of the Tłı̨chǫ Government is also recognized in Chapter 7. It establishes the Tłı̨chǫ Government as the regional government with law making authority for Tłı̨chǫ citizens in Tłı̨chǫ communities and on Tłı̨chǫ lands. Law making authority includes aspects of education, adoption, child and family services, training, social assistance and housing, taxation, dispute resolution and Tłı̨chǫ language and culture. It establishes a number of areas where the Tłı̨chǫ Government does not have law making authority including regulating professionals and certifying trades, making intoxicants, restricting access to Tłı̨chǫ lands other than what the treaty says (unless restrictions are agreed to by the GNWT and Canada), land use permits for Tłı̨chǫ lands; broadcasting, telecommunications and intellectual property, criminal law and laws relating to fines and imprisonment. It establishes a requirement for the Tłı̨chǫ Government to consult with Canada and the GNWT before it creates any laws that may affect their laws and, specifically identifies that the GNWT must be consulted on laws related to social assistance, education, guardianship, child and family services, adoption, or wills.

The chapter also directs that an Intergovernmental Services Agreement (ISA), which outlines how Canada and the GNWT will pay for and manage health, education, family, and social service program will be developed and effective for a period of 10 years. It directs that the agreement will outline how these programs and services will be delivered in a way that respects Tłı̨chǫ language, culture and way of life. After 10 years when the initial ISA expires, it established that the agreement will be reviewed to determine if it should be renewed, changed, or replaced.

Chapter 8 of the treaty deals with Community Governments. It outlines that the community governments will be established by territorial legislation, the range of services they are responsible for providing and their law-making authority. The Community Governments represent all residents, Tłı̨chǫ and non Tłı̨chǫ in the communities and are led by a chief and council elected by the residents.

Wildlife and Environmental Management

The Tłı̨chǫ Treaty provides for the establishment of two bodies to manage wildlife and the environment as institutions of public government. The Wek'èezhìı Renewable Resources Board (WRRB) is responsible for the management of wildlife, forests, plans and protected areas throughout Wek'èezhìı and is committed to protecting wildlife and wildlife habitat. The Tłı̨chǫ Government appoints half of the members (not including the Chair) of the WRRB. Canada and the GNWT appoint the other half of the members. The chair is nominated by the members of the WRRB and appointed jointly by the parties. The WRRB has the power to set total allowable harvest levels, to decide who has harvesting priority and make recommendations on commercial activities relating to wildlife. The Wek'èezhìı Land and Water Board (WLWB) is responsible for issuing land use permits and is involved in issuing water licences for major development in Wek'èezhìı including on Tłı̨chǫ lands. Like the WRRB, its members are appointed by both the GNWT and Canada and the Tłı̨chǫ Government and a chair is chosen from the appointees. The treaty states that when the WLWB is exercising its power, they will always consider Tłı̨chǫ interests, including the need to protect the environment and the Tłı̨chǫ way of life. The Tłı̨chǫ Treaty also provides for Tłı̨chǫ Government representation on the Mackenzie Valley Environmental Impact Review Board (MVEIRB). MVEIRB ensures that environmental impacts and concerns of Indigenous peoples and other members of the public are considered carefully during the assessment of proposed developments in the Mackenzie Valley.

Dispute Resolution

The Tłı̨chǫ Treaty states that disputes should be resolved by discussion, by mediation or by arbitration and only if and when these avenues fail, can a dispute be taken to court. Chapter 6 provides for the appointment of a Dispute Resolution Administrator (DRA) and a Deputy Dispute Resolution Administrator (DRA). The DRA, jointly appointed by the Tłı̨chǫ

Government, Canada and the GNWT, is responsible for overseeing mediation and arbitration. They will appoint and maintain a roster of local people who understand the treaty to act as mediators and arbitrators. They are also responsible for establishing rules for mediation and arbitration and maintaining a public record of arbitration decisions. The DRA's role is to act as the administrator during any period while the DRA is unable to act.

Certainty

The treaty promises to give certainty – that is that all governments, companies, and people will know exactly what their rights and obligations are. It creates a commitment that the Tłı̨chǫ agree to the rights described in the treaty and that the Tłı̨chǫ agree to not exercise their Aboriginal rights differently than the way in which they are described in the treaty. Finality is achieved in relation to land rights; however, with regards to non-land rights, the treaty provides some clarity and predictability allowing the Tłı̨chǫ Government, Canada and the GNWT to define any new self-government rights that may arise in the future. It establishes protection of the treaty under the Constitution of Canada and states that no aboriginal or treaty rights have been extinguished, rather, the new treaty can be said to 'exhaustively' set out all Tłı̨chǫ rights.

Implementing

The treaty provides for an implementation plan which will identify all the activities needed to put the treaty into action including who is responsible and who will pay the costs. It also creates an Implementation committee of three members – one appointed by each of the parties to the treaty: The Tłı̨chǫ Government, GNWT and Canada. The mandate of the committee is to monitor, manage, make recommendations and report on the implementation of the treaty.

The Parties' Interpretation of the Treaty

The Tłı̨chǫ state that the purpose of the Tłı̨chǫ Treaty is to protect and promote Tłı̨chǫ language, culture, and way of life.[120] The treaty gives the Tłı̨chǫ the power to control their governance and their lands with governance being a key component of the treaty. According to

[120] Zoe, *Audiotapes of lectures on the Tłı̨chǫ Cosmology to Tłı̨chǫ audience*.

the treaty, the Tłı̨chǫ have the inherent right to decide on "matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions."[121] The philosophy "*strong like two people*" was a guiding principle throughout negotiations.[122] The Elders explained that the Tłı̨chǫ have always been self-governing and that they wanted to "live by that system."[123] Elder Nick Black, presenting to the federal negotiation team, explained this:

> Before the coming of the Mòla[124], our ancestors were self-governing in their time on the land and we continue to live by that system, and we do not want to do away with it, nor did we say we will proceed without it. Long into the future, as long as the people are on this land, we intend to continue using this system of self-government. This was established by our ancestors, and they exercised their governance on the land when they want the land in their time." [125]

The Elders, who were rooted in their language, culture, and way of life, affirmed that they were coming from a place of cultural strength and insisted that anything *new* that was to be introduced must be rooted in this principle that would be recognized as the foundation.[126]

John B Zoe's lecture on the Tłı̨chǫ Cosmology explains the one of the motivating factors for negotiating the Tłı̨chǫ Treaty.

> In the early years of getting involved with elders and in doing land claims [it] was [about] trying to find a story of what we are doing in the claim – in the claim we are doing an extension of who we are – we are trying to take ownership of something that will develop but in doing the work in the early years – the stories they were telling are about agreements from earlier times. This isn't the only agreement that we have – there were prior agreements.[127]

[121] Canada, 1995, 3.

[122] The Philosophy of Strong Like Two people is discussed at length in Chapter 4. In short it means that Tłı̨chǫ people will gain all the knowledge and expertise of the contemporary western world, but they will also remain grounded and strong in their language, culture and way of life.

[123] Black, 1994, 1.

[124] Mòla is defined in the Tłı̨chǫ Dictionary as "French people, white people."

[125] Ibid, 1.

[126] Zoe, 2008, 2-3.

[127] Zoe 2016: 1:51.

He goes on to explain one of the earlier agreements that inform the Tłı̨chǫ Treaty.

> One of the early ones I was telling you about was the stories of animals and people and how things came to be. There came a time when they eventually had to come together. The first time that they came together was the conflict between the animals and the people. We have stories of how those conflicts were resolved – some of them you will see on Facebook and YouTube about the wolverine and the people – there was conflict after they separated and the story of Yamǫǫ̀zha – is to come to some rules between the two (animals and people) on how to live together – really on how to co-exist.[128]

John explains the consequences of not complying with the agreement.

> This original story has to do with life before contact. It is an area that you live in so it becomes your territory, and the idea is if you follow those rules and laws the animals will always be with you and sometimes when you are not following the rules of co-existence the animals will go far away – similar to what is happening today. [129]

As he continues, he explains how the Tłı̨chǫ intend for the modern-day treaty to reflect prior agreements.

> Those ideas are things you need to bring into your agreements. When we talk about Aboriginal rights and titles in today's terms – this is what we are talking about before contact – if you take Dene Nation in its infancy – when they came to talk the same language [as Canada], and they came to stand up for the same thing - to protect the rights and titles – the first thing they picked to represent them – some would say it was a raven, some would say it was an eagle but never the less it was an animal that was chosen as a logo in the old days –[it was chosen] so they [the Dene and the animals] can speak the same language and stand on common ground.[130]

In summation, the negotiations for the Tłı̨chǫ Treaty were intended by the Tłı̨chǫ to be an extension of who they were and all their prior agreements. This includes the original agreements that the Tłı̨chǫ have with the animals. In entering into negotiations with Canada and the GNWT for the modern-day treaty, the Tłı̨chǫ were also speaking for and bringing forward the prior agreement they had made with the animals to live in co-existence.

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[128] Ibid, 3:00.

[129] Ibid, 5:58.

[130] Ibid, 7:12.

Canada's Inherent Rights policy explains the objective of the self-government negotiation process as follows:

> The underlying objectives of the Inherent Right policy are to build a new partnership with Aboriginal peoples and to strengthen Aboriginal communities by supporting stable and sustainable Aboriginal governments and greater self-reliance.[131] Self-government agreements set out arrangements for Aboriginal groups to govern their internal affairs and assume greater responsibility and control over the decision-making that affects their communities. Self-government agreements address: the structure and accountability of Aboriginal governments, their lawmaking powers, financial arrangements, and their responsibilities for providing programs and services to their members. Self-government enables Aboriginal governments to work in partnership with other governments and the private sector to promote economic development and improve social conditions.[132]

The Comprehensive Claims policy outlines the following as its primary objective.

> Its primary thrust was to obtain certainty respecting ownership, use and management of lands and resources by negotiating an exchange of claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement. Section 35 of the *Constitution Act, 1982*, recognizes and affirms Aboriginal and treaty rights that now exist or that may be acquired by way of land claims' agreements.[133]

The Comprehensive Policy underwent revisions in 1986, the following clarifies how these changes affected Canada's negotiation position.

> The 1986 Policy allowed for the retention of Aboriginal rights on land that Aboriginal people will hold following the conclusion of a claim settlement, to the extent that such rights are consistent with the settlement agreement. Since 1995, Canada has developed new approaches to achieving certainty with regard to lands and resources as an alternative to the traditional approach based on exchange and surrender of Aboriginal land rights.[134]

The briefing notes goes on to explain how rights are exercised under the Tłįchǫ Treaty.

> The Comprehensive Land Claims Policy has continued to evolve in this area. In particular, Canada has worked with First Nations to address First Nations'

[131] Of interest to note: could Canada need 'greater self-reliance" by not depending on land-based handouts from Indigenous peoples.?

[132] Canada 2013.

[133] Ibid 2013.

[134] Ibid 2013.

> interests in the recognition and continuation of existing Aboriginal treaty rights through modern land claim agreements. New approaches that address these issues have been developed. For example, the Tłı̨chǫ Agreement, which came into effect in 2005, draws a distinction between land rights and non-land rights. Finality is achieved for land rights while clarity and predictability is achieved for non-land rights. The Tłı̨chǫ Agreement applies a non-assertion technique, whereby the Tłı̨chǫ's existing Aboriginal rights continue to exist, however, they agree not to exercise or assert any rights other than those set out in the Tłı̨chǫ Agreement.[135]

As seen from these excerpts, the Tłı̨chǫ and Canada view the negotiation of modern-day treaties in a very different light. Whereas the Tłı̨chǫ view the treaty as one piece of a continuous story, Canada's approach seems to be one of limiting their liability by completely and with finality explaining and defining their relationship with the Tłı̨chǫ. The Canadian approach focuses on the development of a society whereas the Tłı̨chǫ perspective talks about the continuation of one. Canada is only speaking for Canada; whereas the Tłı̨chǫ are standing with and speaking for all the parties to previous agreements they have, including the animals. These varying perspectives likely contribute to some the challenges seen in implementation.

Zoe explained in an interview that the Tłı̨chǫ understood the limitations of Canada's approach when they negotiated the treaty.

> Canada can only operate with what it knows and what Canada knows is corporate structure and corporate bodies. Through implementation, as we come to a conflict, if we can't resolve it, we will go to the courts to decide how our relationship should look. It is through this court process and the negotiation and re-negotiation of our relationship that it will evolve and change. There is no such thing as certainty, not in relationships, but over time and through a process of conflict resolution Canada will come to see how this agreement is part of a bigger network of agreements.[136]

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[135] Ibid 2013.

[136] Zoe 2017.

An Education Without Books

October 2001

I had been in the community for six weeks and worked harder than I had ever before — I had so much to learn. The previous Band Manager had been offered a job with the Dogrib Treaty 11 Council as part of the self-government negotiation team and so she left earlier than originally planned. It left me with the option to either figure things out or go home defeated. I was determined to stick out the year that I had committed to, so I worked.

I was at the office every day by 7:00 a.m. and went home around 7 or 8:00 p.m., sometimes a late as 9:00 p.m. I didn't stop on the weekends, either: Saturdays and Sundays, I was typically at the Band Office trying to figure out the many processes associated with running a First Nation. For example, BCRs (Band Council Resolutions). These are the legal instruments by which the Band Council records their decisions which must be submitted to the Department of Indian and Northern Development (DIAND).

There were also audited statements. These are the financial records of the band, reviewed by a certified accountant to be declared as true and accurate. These also had to be submitted to the DIAND. In addition, there were endless contribution agreements with the various departments of the Governments of Canada and the GNWT. Every contribution agreement required a report, sometimes quarterly reports, to account for the appropriate expenditure of funds. Reports had to be filed in a timely fashion and in the approved format. To miss any of this important paperwork would result in the stopped inflow of monies. Despite all the reading, researching and writing I was doing, I didn't really understand the community despite the fact that I could account for every nickel and every activity associated with every nickel.

There were also all the additional Band Manager responsibilities that I never could have comprehended prior to my arrival. I was responsible for oversight of municipal services including water testing and delivery, waste management, airport management and stray dog management – thankfully Johnny Arrowmaker and his staff had things running smoothly. There were also numerous community programs such as literacy programs, healthy baby programs, career development programs, and economic development programs — lucky for me, the Band Manager Trainee, Patti Magrum, had all of that handled. Then, there was organizational duties: financial management, human resource management and the governance meetings and decisions

of the Chief and Council — this one was a team effort. Rosa Simpson had the financial and administrative tasks taken care of, Patti had responsibility for the Chief and Council issues and the community as a whole had a way of dealing with human resource management problems.

One Saturday morning, I decided to take the morning off and settle into my new home. I did not yet have the satellite TV set up but I did have a radio, so I put on one of the two community radio stations CKLB: The Voice of Denendeh. To this day, the community only has two stations, CKLB and CBC.

I started unpacking but it wasn't long before I hear a knock at my door. This was strange. First, although I didn't know it yet, the people of Wekweètì do not knock. If you want to see someone, you walk into their house. There is no need to knock — doors are not locked, and everyone is always welcome to come in for tea and a visit. Second, although I had been in the community for six weeks, I really didn't know anyone — I knew the names of the people in the Band Office, the garage, and Hozila Nade'ke (the General Store) but I didn't know anyone.

I opened the door and there stood Juanita Judas, a staff member at the Band Office. Juanita is the third oldest daughter of Chief Joseph Judas and his wife Madeline Judas. Juanita has a no-nonsense personality; she says it like she sees it. However, she is also one of the most joyful people I've ever met and is almost always laughing and smiling. She could call you out with great seriousness and conviction, but it was usually followed up with a joke as she would throw her head back in laughter and giggles. In time, Juanita would go on to become one of my closest friends, a travel partner (both snowmobile trips and trips to Yellowknife) and my son's aunt.

"Hoooo-ly! Not working today?" She laughed, "It's about time you took a day off! Wanna go hunting?" She asked.

"Hunting? Yes!" I was excited to do something besides work, but the invitation was unexpected, and I had no idea what to do.

"Great. Dzo'zha is going to go caribou hunting today, we could go with him. You could come, it will be fun. You will like it. Do you need any help getting ready?" she asked.

Fall is the time of year the caribou began their annual migration from the barren lands to their winter habitat in the subarctic forest. They were currently at the edge of the treeline at the end of Snare Lake.

"I should be okay. What should I bring?" I asked.

"You don't need to bring anything, just yourself — make sure to dress warm. Come down to the dock when you are ready," Juanita replied. I proceeded to get ready and when I saw them heading toward the dock, I went down to meet them. By the look on Juanita and Dzo'zha faces, I could tell something was wrong.

"Umm, you're probably going to need some warmer clothes," Juanita remarked. Looking down at my Roots hoodie, blue jeans and Vans, I realized I was dressed for a fall BBQ in the city, not a day of hunting in the bush. I knew I didn't have the right clothes, so disappointed, I turned to head back to my house and my unpacking.

"Don't worry. Come with me; we will get you dressed properly," Juanita said.

Since it was late fall, Juanita advised that I dress for both cool and wet weather. Rain is common in late fall and the temperatures don't get any higher than 5 or 6 degrees Celsius, even at the warmest peak of the day.

Juanita took me to her parent's house. As we walked in, I could detect a distinct smell that I would learn as the smell of fresh caribou meat. Madeline was seated on the floor and laid out in front of her on unfolded cardboard boxes was the caribou meat she was turning into dry meat — long thin strips of meat that are hung on racks to dry. Her daughters Cece and Adeline were there helping her, and they all chatted in Tłįchǫ as they worked. To their left was a wood stove and above it, the spruce poles that would be used to hang the meat. There was lots of laughter and smiles, and I was reassured that they could loan me everything I needed for a day on the land. I was outfitted with a fleece hoodie, nylon jacket, a pair of sweatpants, nylon pants and two pairs of socks inside a pair of hiking boots. Juanita also packed a couple blankets and a tarp in case anyone got cold. Now, I was ready to go!

We were back at the dock within half an hour. Dzo'zha (Joseph) Whane's boat was a 16-foot aluminum Lund boat with a Johnson 30 horsepower kicker. Dzo'zha was loading the boat with his rifle; a canvas sack that held a tea pot; a small canvas pouch with sugar, a few plates and cups, utensils, lard, tea, salt, a couple candy bars, canned pop, cigarettes and pilot biscuits; and a second small canvas bag (called a tahmii) that held Dzo'zha's butcher knives and ropes.

"Should I bring something else for us to eat? How long will we be gone for? How far are we going?" I spoke my internal thoughts aloud and Juanita reassured me that Dzo'zha had everything we would need.

Holding my arms straight out so Juanita and Dzo'zha could steady me, I tentatively put one foot in the boat, quickly knelling down near the center seat so I wouldn't lose my balance. I had only been in a boat once or twice in my life, but nothing like this. Meanwhile, Dzo'zha and Juanita hopped in and out of the boat to load the supplies and gas like they were walking on solid ground.

Dzo'zha got into the boat and took his place at the back of the boat beside the kicker. (Juanita pushed the kicker end of the boat away from the dock, grabbed the rope that had tied the boat to the dock and leaped from the dock to the boat, landing gracefully before taking her seat at the front of the boat. Meanwhile, I gripped the wooden plank that served as the boat's middle seat and prayed the boat wouldn't capsize and throw me into the cold arctic lake water to drown. Not that it was a legitimate concern as we were only in six feet of water a few feet from the dock — and there wasn't even enough of a breeze to rock the boat — but this was all new to me.

Juanita, who sat facing me, must have sensed my nervousness and reassured me saying: "It's a beautiful day for hunting and I've heard there are lots of caribou at the end of the lake. It is going to be a great day." She smiled at me and settled in for the ride.

Figure 8: Photograph of Dzo'zha (Joseph) Whane in his boat

Dzo'zha, like most Tłı̨chǫ, intimately knows and understands Tłı̨chǫ territory. He expertly navigated the boat through the tricky waters with precision, ease, and grace and without the aid of depth finders and detailed maps. The depth of Snare Lake changes rapidly and in many spots, there is barely enough room to guide a boat between rocks that are invisible but just beneath the surface. Hitting one of the rocks would risk damaging the kicker, resulting in very expensive repairs. (I hit a rock a few of years later when I got my own boat and felt the pain of such fixes!)

We traveled for about an hour and a half. I started to relax and was able to take in the scenery around me, captivated by the landscape. Snare Lake is very long but also very narrow and we never lost site of the shoreline on either side of us. The terrain changed as we got towards to the end of the lake and the tree line. The trees got shorter and fewer and there was more bedrock visible, although it was covered with lichen — one of the main food sources of the barren land caribou. Aside from a few cabins, the landscape appeared to be completely untouched of human use, although I knew many people had been traveling for several weeks to the end of the lake to harvest caribou.

About 50 yards from the shoreline, Dzo'zha steered the boat to the right and turned back toward the direction we had just come. "Are we done hunting already?" I thought. He cut the motor and the boat gently rocked back and forth, the waves lapping the side of the boat.

"Look over there Jen," Juanita said. "Do you see them? They are swimming across the lake?" "Where? What is swimming across the lake? I don't see anything?" I replied. Juanita giggled. "Just keep looking over that way," she pointed a little to the right of the boat. "You will see the caribou; they will swim right past the boat."

Figure 9: Photograph of caribou swimming across Snare Lake

Dzo'zha had spotted a small group of caribou swimming across the lake, and then drove past them and cut the engine. The caribou would now swim directly in front of us so he could choose the caribou that would be the best to harvest. Unlike in other seasons, both bull and cow caribou are good to harvest in the fall. However, Dzo'zha was still careful and thoughtful in his selection: whichever caribou had the most fat would have a tasty and much desired delicacy. Dzo'zha waited for the caribou to get closer to the shoreline. He wanted to shoot the caribou in the water, but he did not want to drag the caribou a long distance to the shoreline to butcher it.

The caribou came very close to the boat, swimming directly in front of us, seeming to not notice us. Dzo'zha selected the caribou he wanted to harvest. He had already carefully loaded his rifle and waited for a clear shot in the neck of his chosen animal. A shot to the neck would ensure a quick death for the caribou. Dzo'zha rose in the boat and fired his rifle. The crack of the rifle startled me and the caribou alike; the caribou started swimming a little faster towards the shoreline but then slowed again, like they were no longer concerned. Dzo'zha noticed the caribou he had chosen was fatally injured but didn't die immediately and was swimming towards the shore. He carefully put his rifle away, started the boat's outboard motor with the pull start and steered it towards shore.

The caribou reached the shoreline before we did and scattered into the bush. Pulling the boat ashore, Dzo'zha secured it to a tree and grabbed his rifle, the beaded bullet bag and tahmii with his butcher knives and ropes. The wounded caribou was bleeding heavily, so we followed the trail of blood through the bush.

The exposed bedrock of the Canadian Shield provided a secure footing for our hike, but I quickly fell behind the others. Juanita slowed her pace and settled in beside me and said, "Don't worry. Dzo'zha will find the caribou quickly. By the time we catch up, he will probably have the caribou."

Figure 10 - Photograph of Juanta Judas in the bush

After minute or two, the crack of Dzo'zha's riffle sounded again. "He will butcher the caribou in the bush and then haul the meat back to the shore. We will cook ribs over a fire before we head back," Juanita explained.

A couple minutes later, we came upon Dzo'zha and the caribou. Dzo'zha had already started butchering the animal, using his sharp knife to carefully cut the hide of the animal down its center. As he was in the process of removing the hide from the animal, it reminded me of someone trying to peel off a wet suit after diving.

"Watch where you walk, Jen. Don't pass over the blood of the caribou or any of the caribou parts and don't step over Dzo'zha's legs or his rifle," Juanita cautioned.

I took a seat on a boulder so as to not mistakenly walk where Juanita warned me not to. I learned later that women are forbidden to cross over a man's leg and all hunting tools (gun, bullets, knives etc.) must be out of the path where women walk as it is considered bad luck. If this happens, it may result in injury to the hunter or even death. The same bad luck applies to caribou. If a woman passes over caribou blood or the butchered caribou, it is seen as disrespectful and the caribou, which are so essential to survival may leave the area.

I sat quietly watching Dzo'zha work. I had never seen an animal being butchered. Dzo'zha did it with such precision and efficiency that within fifteen minutes, he had completely butchered the nearly 400 lb animal. Dzo'zha carefully placed all the meat on the hide he had just removed: fat, front and hind quarters, backstrap, ribs, breastbone, neck bone, the spine and kidneys. Then, carefully folding the hide over the meat, he secured it in a bundle using the ropes he had brought with him.

He then tied the corners and attached a kwìt'a (tumpline) to the caribou hide bundle. In one quick and graceful move, he lifted the sack of meat from the ground, swung it over his shoulder and secured the strap over the top of his head, allowing him to easily carry the meat out of the bush to a spot closer to the shore where we would make a fire. Picking up the caribou's head by the antlers, he started his trek back to the boat.

"Now you know why Tłı̨chǫ men are so short," Juanita joked, throwing her head back with her signature laugh. "Come on, watch your step. Now is the best part: caribou ribs cooked over fire!"

We headed back to the shore where we had left the boat. Other hunters had already arrived, alerted to the successful harvest by Dzo'zha's rifle. They had a small fire stoked and when they saw Dzo'zha, they rushed to him to assist with the meat bundle.

Several large rocks were arranged in a circle to serve as the fire pit. Fallen branches and other dry brush was used to make the fire. Green spruce boughs had been cut from trees and laid around the fire pit for seating and supplies.

Figure 11 – Photograph of Dzo'zha (Joseph) Whane by the fire

"Jen, take this tea pot and get some water from the lake," Juanita instructed. The water of Snare Lake is so clean and uncontaminated, it can be consumed straight from the lake without adding treatments or purifiers. When I returned, I sat down on the spruce boughs that surrounded the fire.

"This is Jen. She is the Nı̨htłè k'ede k'àowo," Juanita introduced me to the hunters who had joined our party. Nı̨htłè k'ede k'àowo is the Tłı̨chǫ name for Band Manager and literally translated as "boss of paperwork."

The group warmly welcomed me to their community and then continued with their discussions about the day's hunt, the health of the caribou, the amount of fat on each animal and the presentations made at the recent Tłı̨chǫ Assembly — a meeting held each year in the Tłı̨chǫ communities which provided an update on the self-government negotiations.

I sat back quietly and took it all in; the strong smell of spruce mixed with the smoke and the caribou meat cooking over the fire. The happy chatter of the hunters laughing, sharing stories and discussing politics in their language, mixed with a few English translations for my benefit. There was a chill in the air as it was now late afternoon.

As I sat there, I reflected on the past six weeks. I had spent countless hours in the office trying to learn the job and understand the community where I had come to work. Yet, in one afternoon while on a caribou hunt, I learned so much more about the people: their humor, their

humility and their sense of community. I had also learned about the land: its uniqueness, the connection the Tłįchǫ had to the land and how it sustained them and their culture. As well, I had a brief but informative introduction into Tłįchǫ politics along with the hopes and aspirations the Tłįchǫ people had for self-government.

Over the next several years, my appreciation for the Tłįchǫ and their culture grew as I had the opportunity to have many more experiences like this one — opportunities far away from the offices and board rooms where most of the band's business and self-government negotiations were undertaken. Although the paperwork aspect was important, no amount of time working on self-government negotiations, or even in classrooms learning about Indigenous cultures and rights would have given me this depth of an education that led to a such a strong appreciation and (hopefully) a greater understanding of the Tłįchǫ people and their goals and aspirations.

There is no substitute for time spent on Tłįchǫ lands, in Tłįchǫ communities and with Tłįchǫ people — it is a vital education that truly cannot be experienced in any other way.

Chapter Three – Economic Measures in the Tłįchǫ Agreement

> “You are coming to destroy a people that have a history of 30,000 years, for what 20 years of gas? Are you really that insane?”
> Frank T’Seleie – Mackenzie Valley Pipeline testimony.

Introduction

The above quote was a statement given by Frank T’seleie at the Mackenzie Valley Pipeline hearings in Fort Good Hope on August 5, 1975. At the time, T’seleie, who in his 20’s, and was the youngest chief in Denendeh, vehemently opposed the proposed gas pipeline that was to be built from the Beaufort Sea to bring arctic gas to southern Canada and the United States markets. The chief’s comments blindsided Robert Blair, the president of Foothills Pipeline, one of the contenders to build the pipeline. But his sentiments were shared by most Dene. They felt that the pipeline, and all the infrastructure that would be required to support the energy corridor, would have an incredibly negative impact on the people, the animals, and the land. They feared the impact would be so great that it could wipe out the Dene way of life and, as a result, the Dene would be eradicated as a distinct people. The Dene opposition to development was heard and the pipeline was defeated. Justice Thomas Berger, who led the inquiry into the proposed pipeline, recommended a 10-year moratorium to deal with critical issues such as settling Aboriginal land claims and setting aside key conservation areas.

Fast forward 20 years and a new commodity came on the scene in the North…diamonds. This time, it was in the Tłįchǫ nation’s back yard. Like the Dene who were faced with oil and gas development, the Tłįchǫ fought to protect their distinct way of life in the face of non-renewable resource development. Unlike the 1970s when oil and gas development was being proposed, the Tłįchǫ were in the process of settling not only their land claim, but they were negotiating a self-government agreement as well. Chapter 26 of the Tłįchǫ Treaty deals with economic measures and outlines the commitments of the GNWT and Canada to support a uniquely Tłįchǫ economy. These measures, if interpreted through a Tłįchǫ lens and implemented accordingly, are intended to mitigate the impact that development has on their way of life. The impacts they feared and continue to fear are the same as those that were highlighted during the Mackenzie Valley Pipeline hearings two decades earlier. From a Tłįchǫ perspective,

chapter 26 is about protecting a way of life, while also ensuring that they benefit from any contemporary economic activity in Mǫwhì Gogah Dè Nı̨ı̨tłèè. It is intended to give the Tłı̨chǫ control over the development of their economy, so it is reflective of their goals and in line with their culture. Despite what seems to be clear objectives outlined in the modern treaty, the GNWT and Canada control the process and try to impose capitalist values on the implementation of the treaty commitments and the evaluation of implementation efforts.

This lack of understanding and appreciation for Tłı̨chǫ perspectives, along with an unwillingness to let the Tłı̨chǫ lead the process has impeded implementation. Unfortunately, this is not a situation where taking the time to get it right is a good option. If Tłı̨chǫ values continue to be undercut by the governments' agendas, there is a very real possibility that the ability to develop a Tłı̨chǫ vision for their economy will be undermined to such an extent that it will be almost impossible to achieve. Tłı̨chǫ communities are concerned these government actions attack the very foundation of a Tłı̨chǫ way of life and have the potential to destroy the values of reciprocity, sharing and communal ownership that are the strength of the Tłı̨chǫ economy. This materialist perspective supports the Dene claim that the imposition of unrestricted capitalist style development has such a devastating impact on the Dene economy that it has the potential to ultimately destroy the cultural and social elements of the Dene way of life.

Details of the Economic Measures Chapter

The economic measures chapter opens with a bold statement about all economic development programs. It states:

> 26.1.1 Government economic development programs in Mǫwhì Gogah Dè Nı̨ı̨tłèè (NWT) shall take into account the following objectives:
> (a) that *the traditional economy of the Tłı̨chǫ First Nation should be maintained and strengthened*; and,
> (b) that the Tłı̨chǫ First Nation should be *economically self-sufficient*.[137]

To achieve these objectives, the chapter commits Canada and the GNWT to take such measures as it considers reasonable, in light of its fiscal responsibility and own economic objectives including:

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[137] Dogrib Treaty 11 Council, Canada, and Northwest Territories. *Land Claims and Self-Government Agreement among the Tłı̨chǫ and the Government of the Northwest Territories and the Government of Canada*. Final Version]. ed. Ottawa: Govt. of Canada, 2003, 221.

> a. Support of the traditional economy of the Tłįchǫ First Nation and of individual harvesters and promotion of the marketing of renewable resource products and native manufactured goods;
> b. Assistance in the development of commercially viable businesses and enterprises of the Tłįchǫ Citizens, and when necessary, identification of possible sources of financial assistance;
> c. Provision of business and economic training and educational assistance to Tłįchǫ citizens so that they may be able to participate more effectively in the northern economy; and,
> d. Encouragement of the employment of Tłįchǫ Citizens, including employment in major projects and development in the public services and in public agencies. Accordingly, government shall prepare plans for the training and employment of Tłįchǫ Citizens, including the development of measures to recognize the special need of Tłįchǫ Citizens for pre-employment training in basic skills. Government shall review job qualifications and recruitment procedures to remove inappropriate requirements in respect of cultural factors, experience or education. [138]

Section 26.1.3 of the chapter commits the GNWT and Canada to consult with the Tłįchǫ Government any time it proposes economic development programs related to these objectives. It also requires, in section 26.1.4, that they meet with the Tłįchǫ Government not less than once every three years to review the effectiveness of programs related to these objectives and measures.

On the surface, the aims and objectives of Chapter 26 appear to be reflective of the purpose of the Tłįchǫ Agreement, that is to protect and promote Tłįchǫ language, culture, and way of life. However, in implementing these commitments, the GNWT and Canada fail to understand the Tłįchǫ definition of traditional economy and economic self-sufficiency. Instead, government officials impose their definitions of these terms on the Tłįchǫ and compel them to conform to prescribed behaviors that fit within these definitions. They bring currently favored words such as Indigenous knowledge and practice into their lexicon and use these terms to legitimize their actions and compel Tłįchǫ people to conform to their standards. At the root, however, the programs continue to be informed by an imperial hegemonic mentality and only serves to minimize the governments' obligation to Tłįchǫ people.

This chapter attempts to define Tłįchǫ traditional economy from a historical perspective. Drawing on interviews with Tłįchǫ leaders, it offers their definition of economic self-sufficiency. In the following pages I will review the government's efforts to evaluate their effectiveness in

[138] Ibid, 221.

implementing this chapter, revealing that Canada and the GNWT are still only able to comprehend and apply their own definitions and standards. In turn, they attempt to impose these values on Tłı̨chǫ people. At the root of the problem is Canada and GNWT's lack of understanding of the Tłı̨chǫ traditional economy and economic self-sufficiency. To the GNWT and Canada, the traditional economy is a collection of activities that reflect a distant past and dying way of life. However, to the Tłı̨chǫ, it is so much more…it is an embodiment of who they are as a people. Likewise, economic self-sufficiency is not about Tłı̨chǫ people having jobs in the capitalist economy; it is deeply tied to their traditional economy and the development of a Tłı̨chǫ economy. Ignoring the Tłı̨chǫ definition of these important terms, reducing their value and worth to a restricted collection of activities and reading the primary objectives as two separate activities instead of one, as it is written, attacks the very foundation and identity of Tłı̨chǫ people.

A Note on Terminology – Mode of Production – Means & Relations of production

To better trace and understand the Tłı̨chǫ economy, I will lean on Marx and his assessment of modes of production. Marx used the term *mode of production* to refer to the specific organization of economic production in a given society. The most basic meaning of mode of production is "way of life." [139] This includes the *means of production* and the *relations of production*. The means of production includes the material productive forces and labour and organization of the labour force. There is also an object of production or "made materials" and products or the "result of production." [140] Marx argues that to ensure our survival, we enter relationships with others. [141] This relationship is determined by access to the materials required for survival. The structure of these relationships comprises a foundational element of the economy of a society. The relationship between those who control the material means of production and those whose labour is used to create products is called the *relations of production.* [142] Marx argued that the mode of production influences "social, political and

[139] J. O'Connor, "Productive and Unproductive Labor" in *Politics & Society*, [*5*(3), 297-336, 1975] 297.

[140] O'Connor, "Productive and Unproductive Labor" 297.

[141] K. Marx, *A Contribution to the Critique of Political Economy*, [Progress Publishers, Moscow, with some notes by R. Rojas, 1977] preface, paragraph 6.

[142] Marx, *A Contribution to the Critique of Political Economy,* preface, paragraph 6.

intellectual life" to the extent that it is the "social existence that determines the consciousness" of man. [143]

The Tłı̨chǫ Traditional Economy

Nàowo is the Tłı̨chǫ word for way of life. In Tłı̨chǫ communities, you will often hear people talk about *gonàowoò,* translated to English this means 'our way of life.' Tłı̨chǫ nàowo would be understood by western thinkers as the Tłı̨chǫ traditional economy or more specifically the social and economic organization, though you would rarely hear Tłı̨chǫ people speak about it in this way. There is a limited amount of literature specifically related to Tłı̨chǫ social and economic organization and for this reason, it is helpful to look to other resources related to other Northern Dene communities. Some Dene communities have started the important work of documenting what is meant by nàowo or traditional economy but by far, the greatest amount of research available has been undertaken and documented by anthropologists – all of whom are non-Dene.

Some of this work does not accurately represent Dene traditional values, while other researchers are well respected and supported by Dene communities. Most often, these researchers have developed deep, long-lasting connections to the communities they worked with and have the permission of the Dene to publish their findings. Despite the work that has been done, there is still much for the outside world to learn and understand about Dene way of life, the Dene traditional economy and Tłı̨chǫ nàowo. To this end, the work is continuing across the north.

The following work is an effort to capture some of the conceptual and historical context for understanding the Tłı̨chǫ traditional economy at this moment in time. This should not be taken as a definition of Tłı̨chǫ nàowo. This work is yet to come and should be completed with, or even better by, Tłı̨chǫ citizens and communities.

There are four distinct eras in the Tłı̨chǫ economy, the pre-contact era that was marked by an affluent bush mode of production (herein referred to as the bush economy), the contact era, which was marked by a trade economy, the government era in which a cash economy was

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[143] Ibid, paragraph 6.

introduced and the industrial development era in which features of a capitalist economy were initiated.

Pre-Contact – The Affluent Bush Economy

The Tłįchǫ's pre-contact economy is characterized by a single mode of production – a bush subsistence economy. In this mode of production, the Tłįchǫ provided for themselves by harvesting everything they need to survive from the land. They did this within a framework of cooperative labour, collective responsibility, mutual sharing, and communal land tenure. Marshall Sahlins, in his widely read essay "The Original Affluent Society" argues that hunting peoples have been greatly underestimated and were actually, as the title suggests, the first affluent society. [144]

Thriving in pre-contact times, Tłįchǫ society depended entirely on the seasonal harvesting of renewable resources found on the land such as "a wide variety of fish, small game animals, big game such as moose and woodland caribou, and a number of kinds of edible berries" and "trees which were important in constructing shelters, in transportation and as fuel." [145] Blondin describes it as a time when the Tłįchǫ had no manufactured things but still had a comfortable life:

> We hunted and fished and made for ourselves all the things we needed. It was only the good, hardworking hunters who did really well. They always had food and their wives had new hides with thick, warm hair on them to make clothing and blankets. Some tribes spent their lives moving, following the migration patterns of the caribou, living in tipis made of thick hide from the moose and caribou. [146]

How much that can be produced and therefore consumed depended entirely on the productivity of the land and local knowledge. With fluctuation in the availability of resources

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[144] Marshall Sahlins, *Stone Age Economics,* [Chicago: Aldine, 1972].

[145] Michael Asch, "The Dene Economy" in *Dene Nation: The Colony Within,* edited by: Mel Watkins [Toronto: University of Toronto Press, 1977], 47.

[146] George Blondin, *Yamoria: the Lawmaker, Stories of the Dene* [Edmonton, AB: NeWest Publishers ltd. 1997] 20.

year to year, the distribution of surplus resources to other groups, who didn't have the minimum needed for survival, "created balance in any one year between local groups." [147]

Marx explains that in pre-capitalist modes of production, "the individual and hence also the producing individual, appear as dependent, as belonging to a greater whole." [148] This can be seen in the Tłı̨chǫ socio-territorial groups described by anthropologists. They have identified three forms of group organization: regional bands, local bands, and task groups.

Regional bands were associated with a geographic location that had the resources that "yield sufficient materials for the necessities of life." [149] From regional bands, individuals also organized in local bands and task groups. [150] The local bands were formed around kinship commonly consisting of a man and his wife, some of their siblings, their spouses, and the children of each conjugal pair. [151] Local groups generally had about twenty to thirty people that traveled together, camped together and cooperated in the taking and sharing of game. [152] [153] Task groups would come together for a short time to achieve a specific objective such as for trapping, a moose or caribou hunt, or a fishing camp. [154] In the winter, these bands stayed along the shores of larger lakes where dietary staples of small game and fish were plentiful.

Labour was divided by age and gender with "men primarily responsible for hunting big game and setting fish nets and the Elders, women and children for collection of small game, berries and fish" as well as other domestic chores. [155] Since the Tłı̨chǫ did not have technology such as guns, which would later be introduced by fur traders, they relied on the co-operative labour of the task group for most harvesting activities.

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[147] Asch, "The Dene Economy" 48.

[148] Karl Marx, *Grundrisse*. [https://www.marxists.org/archive/marx/works/1857/grundrisse/. Accessed October 9, 2021. 1973] 20.

[149] June Helm, "The Nature of Dogrib Socioterritorial Groups" in *Man the Hunter.* Ed. R.B. Lee & I Devore, [Chicago: Aldine Press, 1968] 119.

[150] Ibid, 118.

[151] Ibid, 120.

[152] Asch, "The Dene Economy" 47.

[153] Helm, *The people of Denendeh,* 169.

[154] Helm, "The Nature of Dogrib Socioterritorial Groups" 120.

[155] Ibid, 145

Marx explains the role of individuals in this mode of production:

> Individuals relate not as workers but as proprietors – and members of the community, who at the same time work. The aim of this work is not the creation of value […] – rather, its aim is sustenance of the individual proprietor and of his family, as well as the total community. [156]

Dene laws diffused any class disparities that could have arisen due to the varying abilities of the hunter or task group. Yamǫǫ̀zhah, [157] an important figure from this time period, gave the people laws that would help them to survive and live a good life. [158] Two of the Dene laws are: *share what you have* and *help each other*. Blondin describes these laws:

> **Share What You Have** – This is the umbrella law; under it sit all the other laws. It was of absolute importance that people share what they had long ago, just for survival. Share all the big game you kill. Share fish if you catch more than you need for yourself and there are others who don't have any.
> **Help Each Other** – Help elders cut their wood and other heavy work. Help sick people who are in need; get them firewood if they need it. Visit them and give then food. When you lose someone in death, share your sorrows with the relatives who are also affected by the loss. Help out widows as much as possible and take care of orphaned children. [159]

As directed by the Dene laws, anthropologists record the expectations for sharing between local group members. Asch explains how this occurred:

> It would appear that within local groups, bush resources were distributed on the basis of reciprocity or mutual sharing. Generally speaking, all participated equally in the good fortune of the hunters and all suffered equally when their luck turned bad. Although the distribution system was basically informal, there was apparently some formality concerning the way in which certain animals were shared in that specific parts were reserved for the hunter and persons closely related to his or her immediate family. In this way, individual ability could be recognized, but not at the expense of the collective good. Thus, it was the whole

[156] Marx, *Grundrisse, 245.*

[157] Depending on the Region Yamozhah maybe referred to as Yamoria. Yamozhah is the name typically used by the Tłı̨chǫ people.

[158] George Blondin *Yamoria: the Lawmaker, Stories of the Dene* [Edmonton, AB: NeWest Publishers ltd. 1997] 70.

[159] Ibid, 71.

> membership of the local group and not each family or each individual that defined the self-sufficient unit. [160]

This sharing of resources also extended beyond the local group to include all groups in the region. [161]

Since communal distribution of large game was necessary to survival, an individual who did not share his game in *poor* times would be shunned and would have difficulty finding another hunting partner. [162] Conversely, a good hunter would have a large following. [163] A k'awo [164] is a 'boss' for a hunting crew. The k'awo decides where to camp and travel and "once caribou are encountered, determines the directions in which small parties of two or three hunters' fan out." [165] Jimmy Fish, as quoted in Helm's work, describes how a k'awo would direct a hunting party:

> When a bunch goes on a caribou hunt, they work just like they are [their] own brothers. If one man is short [of supplies] they help one another until they get back. They don't charge nothing. And if some poor man is too loaded [on the portages] the k'awo is going to tell them, 'He's pitiful. He's a poor man to work, so you might as well give him a hand.' A successful hunter may be directed by the k'awo to hunt with a man who has killed little. [166]

Wedzitxa was a prime hunter of the Tłı̨chǫ who had supernatural powers over caribou. [167] Wedzitxa often hunted alone to supply the whole band, dividing meat so that everyone got an

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[160] Asch, "The Dene Economy" 48.

[161] Ibid*,* 48.

[162] Joan Ryan, *Doing Things the Right Way: Dene Traditional Justice in Lac La Martre, NWT*. [Calgary, CA: University of Calgary Press, 1995] 34.

[163] Helm, *The People of Denendeh,* 181.

[164] As the written Tłı̨chǫ language became more sophisticated more precise spellings emerged. The spelling of k'awo, as written in Helm's work, has been updated and is commonly spelt k'àowo today.

[165] Helm, *The People of Denendeh,* 64.

[166] Ibid, 65.

[167] Ibid, 184.

equal share. [168] Any prime leader, including the mythical wedzitxa, maybe titled wek'axots'edeh, meaning "a great man whom we all follow." [169]

Leadership of a regional band emerged from a large group of followers, freely choosing to follow one k'awo. The Tłįchǫ hold their personal freedom and autonomy in high regard. A dominant aspect of Dene society is "distaste for subjugation to the authority of another or, phrased in positive terms, the motivation towards personal autonomy." [170] As a result, social groups had a complex structure of rights, obligations, responsibilities, and expectations that demanded flexibility and situationally based mutuality. Followers would choose an individual to follow based on a set of prized attributes – outstanding hunting success, force of character and open-handed responsibility and the social ethic of generosity. [171]

There was nothing formal tying the families to a band. Any family may break from the group as economic or personal circumstances dictate. Thus, leaders had no control over their followers, the resources, or the lands. Although land *ownership* was not a concept present in pre-contact Tłįchǫ society, regional groups had a claim over and *occupied* specific geographic areas. Therefore, the Tłįchǫ in regional groups, collectively controlled the land. Furthermore, their means of production and labour power was also controlled communally by the Tłįchǫ as a whole.

As discussed earlier, Sahlins suggests that hunting, fishing, and gathering societies, such as the Tłįchǫ, were the original affluent societies. [172] He defines affluence as a "society in which all the people's material wants are easily satisfied." [173] Sahlins does not deny that these societies occasionally struggled, but his key observation was the that the hunter-gatherer societies material wants are "finite and few" but adequate and often with an abundance of resources available. [174]

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[168] Ibid, 184.

[169] Ibid, 185.

[170] Ibid, 183.

[171] Ibid, 186.

[172] Sahlins, *Stone Age Economics.*

[173] Ibid, 5.

[174] Ibid, 6.

Furthermore, due to the prevalence of travel and movement, the accumulation of goods would be a burden. [175] This contrasts with the modern capitalist society where the wants are almost infinite but there are insufficient resources. [176] In Tłįchǫ society, the scarcity of resources by one group was further mitigated through sharing by other groups who were experiencing times of plenty. Sahlins further argues that only a relatively small amount of time in these so-called *primitive* societies is devoted to subsistence activities allowing for greater leisure and family time than what is experienced in so called *advanced* societies. [177]

Shedding a Eurocentric lens in defining affluence, the lives of the Tłįchǫ in the bush subsistence economy is seen as affluent, as they were able to achieve a sufficient degree of material comfort and security and had an abundance of leisure time. As we will see as we trace their economic history, Tłįchǫ lives became far more precarious the further they moved away from this economic organization. It is likely that the strong attachment the Tłįchǫ have to their affluent bush economy is not merely nostalgia but is actually based on acknowledgement of the superiority of this mode of production to provide for the social well-being of everyone in the group – not just a select few.

The Fur Trade Era – The Trading Economy.

The fur trade era saw a shift in the economy of the Tłįchǫ from one of complete reliance on bush subsistence to one characterized by the acquisition of externally produced goods by means of trade. According to Tłįchǫ oral history, the first non-Indigenous men arrived on the south shores of Lac La Martre approximately 250 years ago. [178] A few Tłįchǫ men, who were wintering on the north shore and living off fish, since there were no caribou that winter, went to visit the men. Through use of hand signing, the fur traders communicated to the men that they wanted to trade goods for furs. The traders sent the men back to their camp with an ice chisel. The ice chisel was considered an incredible implement at the time, because the hunters typically

[175] Ibid, 13.

[176] Ibid, 5.

[177] Ibid, 17.

[178] Helm, *The People of Denendeh*, 247.

had to use an animal horn to chisel through the thick ice to access the fish that were providing their only sustenance. Very quickly, everyone began trapping marten so they too could have their own ice chisel and thus the trading economy was born. A review of European records document that Laurent Leroux opened a trading post at Lac La Martre in 1789-1790. [179] The Hudson's Bay Company established a trading post and fort at Fort Rae in 1852, thrusting the Tłı̨chǫ into an economy where they were encouraged to produce surplus goods in exchange for other commodities. [180]

Initially, the fur trade did not replace the existing economy, it simply complemented the Tłı̨chǫ's affluent bush economy with the same practices continuing to be implemented, though with new tools and materials. In one study on the Slavey Dene, it was found that, even at the peak of the fur trade, the Slavey sustained themselves primarily through the consumption of locally produced and finished resources as they had done in the pre-contact era, with an estimated 90 – 100% of their food needs being met through local resources. [181] They supplemented this with externally provided goods such as flour, sugar, tea and lard and luxury consumables such as tobacco, chocolate and alcohol, most clothing, motors for their boats and rifles and steel traps that they used to harvest bush resources. [182]

Asch explains the impact of early trading economy on the affluent bush economy:

> From this evidence it appears that the economy of the native people of the region changed little during this period from its aboriginal strategy. The economy of the region was still 'total' in that people of the region, including both natives and Bay personnel, depended for their survival almost exclusively on local resources. For the native people production, despite the new utensils and implements, was still primarily a collective activity, and distribution of goods within and between local groups was still based on the principle of sharing. The only significant change in Native economic life during this time were the adoption of certain trade items that made life a little easier and a shift in seasonal round to include both occasional trips to the trading posts for supplies at various times of

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[179] Ibid, 246.

[180] Peter J. Usher, "The North: Metropolitan Frontier, Native Homeland?" In L. D McCann, Editor, Heartland and Hinterland: A Geography of Canada, 411–56 [Toronto: Prentice-Hall Canada, 1982].

[181] Michael Asch, "The Economics of Dene Self-Determination." In Gavin A Smith and David H Turner, Editors, *Challenging Anthropology: A Critical Introduction to Social and Cultural Anthropology,* 339-52, [Toronto: McGraw-Hill Ryerson, 1979], 341.

[182] Ibid, 341.

> the year, and especially later in the period, the occasional use of the trading posts rather than the major lakes as placements for encampment during the summer. [183]

The primary social unit of production and consumption remained as it had in the pre-fur era. As a fur gatherer, the Tłįchǫ became commodity producers and perhaps most importantly “they did not have to yield up his ownership of the land.” [184]

The social organization was minimally impacted as well. A new leader emerged: a *donek'awi,* which means the people's trader. The Tłįchǫ leaders knew that to ensure optimal relations between themselves and the traders required organizing their trade relations to ensure they were not vulnerable to exploitation. The Tłįchǫ then began conducting all trade through a *donek’awi.* [185] [186] Individuals had a choice of which *donek’awi* they would work with. Once they forged these alliances, they would hand over all their furs to this individual for trade with the Hudson’s Bay Company. [187] The *donek'awi* would receive gifts from the Hudson's Bay Company that he in turn would distribute to all the people.

The *donek'awi* had helpers called *ek'awi* who assisted him. Each *ek'awi* and their following were categorized by Helm, as a regional band that included the following:

- tag hot'i – Follow the shore people
- Tsötì hot'i - Feces Lake People/Martin Lake People
- Wekweètì hot'i (Snare Lake people) or dechîlaa hot'i (Edge of the Woods people)
- Et' at' i: Next to another people – near Faber Lake; and

[183] Asch, “The Dene Economy” 50.

[184] Watkins in Berger, *Northern Frontier Northern Homeland,* 167.

[185] *donek’awi* is defined as the people’s trader, this was a very high man in Tłįchǫ society at the time of the fur trade. (Ibid, 185)

[186] Helm, *The People of Denendeh*, 185.

[187] Ibid, 186.

- Satihot'i - Bear Lake People who lived along the south shore of Great Bear Lake - made up mostly of Tłįchǫ but also Sahtu Dene. [188]

The *eka'wi* would collect the furs from all the men in their camp and then trade with the Hudson's Bay Company under the direction of *donek'awi*. All supplies and money that the *donek'awi* would receive from the Hudson's Bay Company would be equally distributed to every man, regardless of marital status.

This highly sophisticated system of redistribution and sharing extended through the entire Tłįchǫ Nation, not just among the co-residential groups. Vital Thomas, a Tłįchǫ elder who worked closely with Helm reflects on the role of the *donek'awi.*

> *Donek'awi* and his helpers [*Ek'awi*] had to feed the whole band, so pretty near all of the Indians followed him to whatever place was a good hunting place, a good trapping place. Maybe there would be a hundred people following him and everybody got the same amount. He didn't charge anything. It did not matter if a man was poor, lazy or lame. *Ek'awi* had to help everyone. All of the furs would go to *Ek'awi* who, when they got to the fort sold all the furs and then distributed the money equally. [189]

The *donek'awi* was an important part of the economic structure as he was responsible for ensuring that everyone's material needs, which were still quite limited were met, regardless of their productive capacity.

The *wek'axots'edeh* role as provider from the previous era, merges with that of the *donek'awi*, the "people's trader." [190] They controlled access to the most vital resources of the people's environment – not only the large game upon which life depended, but now "access to the commercial fur trader upon whose goods life came equally to depend." [191] Thomas explained that *ek'awi* would even help men who worked for themselves to deal directly with the HBC

> If such a man was in the bush and short of something, he would ask ek'awi and ek'awi would help him. If ek'awi knew that man was honest

[188] June Helm, "The Nature of Dogrib Socioterritorial Groups" 118.

[189] Helm, *The People of Denendeh*, 186.

[190] Ibid, 184.

[191] Ibid, 185.

> he would give him anything he wanted. And then that person had to pay it back later to the ek'awi. [192]

Essentially, the Tłı̨chǫ adapted the typical social organization to the trading economy so they could continue to collectively hold their means of production and control distribution. Their economy shifted from one of complete independence, where production was for community consumption to one where they began to rely on trade goods, and where production was for exchange. In addition to bush resources, however, the dynamics of production and distribution remained largely as it had in the previous era.

This is demonstrated by the economic organization around the *donek'awi.* The primary economic unit did not change as the labour for production remained that of a collective, cooperative activity centered around the local group and task groups. The means of production, now both the land and furs, remained collectively owned. This allowed for the distribution of goods to continue to be dictated by the principle of mutual sharing. [193] Despite the adaptations made by the Tłı̨chǫ to preserve some of the fundamental values of the affluent bush economy, over time the fur trade had an adverse effect on Indigenous economies in two fundamental ways. It increased resource shortages and negatively impacted Indigenous people's ability to deal with these resource shortages. [194]

The fur trade encouraged economic specialization in three ways: commercial trapping, commercial hunting, and middlemen. [195] Over time, Indigenous trappers shifted away from trapping furs for their own personal use to choosing furs that were the most valuable to the fur trading companies. Similarly, commercial hunters expanded their harvesting activities to supply trading posts with country foods for the survival of the traders and their families. Here too, it was the *donek'awi* who also acted as a middleman. The *donek'awi* was often required to travel great distances to make trades with the companies thus leaving less time for hunting and food gathering. One way to compensate for this was to secure food supplies from others, including

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[192] Ibid*,* 186.

[193] Ibid, 52.

[194] Arthur Ray, "Periodic Shortages, Native Welfare, and the Hudson's Bay Company 1670–1930." In Sheppard Krech III, Editor *The Subarctic Fur Trade: Native Social and Economic Adaptations,* 1-20, [Vancouver: University of British Columbia Press,1984], 3.

[195] Ibid, 3.

Europeans. Over time it has been speculated that "the commercialization of native economies and the concomitant specialization of resource orientation began to favor a shift in traditional attitudes toward sharing among unrelated groups." [196]

Survival was no longer reliant on applying Indigenous technology to the local environment to obtain food, shelter, and clothing. Through a process of technological replacement (the addition of guns, knives etc.), the addition of European foods (flour, tea and sugar) and as other luxury items (kettles, utensils, cloth and wool) became essentials, the definition of basic needs became more complex and the requirement to engage in trade more necessary.

European economic activity was centered around a fort and settlement. The rigidity and permeance of this structure did not conform with the fluid, Indigenous ecological practices that allowed groups to relocate and follow resource surpluses. Due to the inflexibility of the European model, Indigenous commercial hunters and trappers now needed to stay in close proximity to the fixed European settlements and trading posts. As this restriction of movement began depleting the natural resources in certain areas, a rigid and spatially restrictive land-tenure system began to emerge. This also impacted the values of sharing as the "traditional tenure system was not well suited to a situation in which scarcity had become a chronic and widespread problem instead of an occasional and localized one." [197] Credit was extended to Indigenous hunters and trappers when natural resource shortages would not provide for all their needs, once again reducing Indigenous self-sufficiency and making them more vulnerable to shortages in basic staples.

By the 1930s, the price of furs had dropped considerably, and the cost of trade goods was increasing. The value of the furs could no longer cover the cost of the desired trade goods. Ray theorizes the impact this had on Indigenous economic organization:

> While traditional sharing practices continued to operate within Indian bands deprivation could only be alleviated by increasingly resorting to the Hudson's Bay Company posts for gratuities and credit. At the same

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[196] Ibid, 4.

[197] Ibid, 6.

> time, the ability and perhaps willingness of Indians to repay their debts seemed to have diminished. [198]

This was not a sustainable business model, and the company began looking to the government to assume the "financial burden of carrying the Indians through lean years" and freeing the company to continue in the lucrative fur business. [199] This set the stage for the introduction of a cash economy.

The Government Era – Cash Economy – Government Assistance and Local Wages

Where the end of the fur trade era marked a subtle retreat from the principles of collective ownership, cooperative activity and mutual sharing, the introduction of a cash economy further eroded the values that informed the affluent bush economy of the Tłı̨chǫ. Over time, the Tłı̨chǫ become more reliant on European foods and technology for their survival and became accustomed to having other luxury goods. The introduction of government assistance lessened the control the fur trading companies had over the Tłı̨chǫ population but the policies that accompanied this assistance bound the Tłı̨chǫ to more permanent settlement in communities and created a further dependance on the cash economy for survival.

The government of the time then assumed greater responsibility for the health, education and welfare needs of Indigenous peoples, something they had neglected to do up to this point. Family allowance and old age pension were introduced in the 1940s. By the 1950s, attendance at residential school became tied to family allowance. To have the essential cash to obtain necessary goods, and in an effort to remain close their children, the Tłı̨chǫ shifted their primary residence from the bush to town, disrupting, but not severing, their connection to the land.

Settlement in town brought with it encounters with the municipal councils established by the territorial government. This marked a loss of Dene control as the municipal councils "bypassed the authority of the bands" and were made up of "mainly non-Natives, people like the priest and contractors" though the Dene were afforded some opportunities for wage labour with these government organizations. [200]

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[198] Ibid, 11.

[199] Ibid, 16.

[200] Peter Kulchyski, *Like the Sound of a Drum,* 156.

Cash received through local work and transfer payments allowed hunters and trappers to improve their equipment making accessing the land easier, but it changed the reliance on the land and its resources. People hunted, trapped, and snared because they *wanted* wild meat rather than store bought groceries or they *enjoyed* the work of trapping, not because they needed to trap to bring furs in for trade. However, if they were not successful, if they did not catch a fish, or shoot a caribou or snare a muskrat, it didn't have any bearing on their survival. They were now able to survive without the land providing for them. This change in the relationship with the land impacted the necessity of knowing how to live off the land and the knowledge that supported that way of life. What emerged was a mixture of economic activity with overlapping modes of production, consumption, and exchange.

Life in town also brought with it fewer freedoms. The Tłı̨chǫ lost some ability to freely decide their social organization. Voting with your feet by simply leaving one group to join another was much more difficult with permanent settlement in a community. Sharing of resources was also impacted. It was no longer one leader who collected and the redistributed the proceeds. Government assistance and jobs brought with it new requirements for adults to go to work and children to attend school. Children's attendance at school also resulted in a deskilling of bush knowledge which created a greater generational separation from the affluent bush economy. The proceeds of the cash economy continued to be shared but as the earner saw fit – and not all shared equally. As a result, disparities began emerging with distinctions between the wealthy and poor. By the 1960s, paid labour and government assistance became the dominant economy. The Thcho political organization also moved from a consensus decision making system to an electoral political system.

The Mining Era – The Capitalist Economy

In this era, we see the emerging struggle over the means of production in Tłı̨chǫ society resulting in what Marx called *primitive accumulation* and the expansion of the capitalist mode of production. The signing of Treaty 11, which purported to extinguish all land rights, marked the first push to develop non-renewable resource in the NWT. A more concentrated effort came after World War II when John Diefenbaker's "Northern Vision" for major industrial development in the north resulted in a huge investment of capital. Exploration that led to gold discoveries throughout the heart of the Tłı̨chǫ region brought several developments starting in the mid 1940s and continuing through to the 1990s.

This required a major shift from earlier periods where the Tłı̨chǫ had owned the lands collectively. Claims were staked and corporations now controlled and effectively owned pieces of the Tłı̨chǫ territory. One of the defining characteristics of the capitalist mode of production is private ownership of the means of production – a shift from subsistence economies where the means of production are collectively owned. Divorcing people from their means of production creates a workforce with only their labor to sell and is defined by Marx as primitive accumulation. Following Marx's argument, we can see that primitive accumulation therefore is "not the result of the capitalistic mode of production, but its starting point." [201]

Kulchyski and Harvey, in analyzing the dynamics of primitive accumulation, have separately argued that primitive accumulation is an ongoing process. Harvey adapts the concept of primitive accumulation and puts forward the idea of accumulation by dispossession. In Harvey's analysis, it is "the state's policies and politics…that have played a critical role in defining both the intensity and the paths of new forms of capital accumulation." [202] In the internally colonial context of the Canadian state and Tłı̨chǫ, the imposed colonial structures of domination have been deployed in the historical setting of Treaty 11 where extinguishment of Aboriginal title supported the expansion of non-renewable resource extraction or 'development'.

Non-renewable resource development brought new pressures on the lands and animals that had been the staple of the affluent bush economy. Combined with more permanent settlement, it was now even more difficult for the Tłı̨chǫ to sustain life from the land. Policies were also implemented that weakened and depreciated the economic base that had always defined a Tłı̨chǫ economy. Instead of being recognized for their contribution to the Tłı̨chǫ economy, those who "tried to earn a living by depending on that base [were] often…regarded as unemployed," were considered to be poor and were "faced with the loss of a productive way of life."

This is consistent with Marx's concept of primitive accumulation that requires that the labourers "[cease] to be attached to the soil" thereby achieving "the complete separation of the labourers from all property in the means by which they can realize their labour." [203] Adding the

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[201] Karl Marx, *Capital Vol 1[https://www.marxists.org/archive/marx/works/download/pdf/Capital-Volume-I.pdf 2021]507.*

[202] David Harvey, "The 'New' Imperialism: Accumulation by Dispossession' in *The New Imperialism* [Oxford University Press, 2003], 74.

[203] Marx, *Capital Vo l*, 507.

mining wage labour to the mix created a further imbalance in Tłįchǫ communities with mine workers earning more cash than those working in the community or collecting government assistance. These individuals were considered the wealthy ones while those working on the land were the poor. The devaluing of hunting, fishing and trapping, which were once thought to be the most desirable characteristics, further undermined the Tłįchǫ way of life. [204] In writing about the possible oil and gas developments in the Mackenzie Valley, Berger cautioned what this could mean for Dene people:

> The establishment of an economy based on oil and gas could deprive the people who live on the frontier their rights to their lands, and it could offer them employment for reasons that have nothing to do with their real needs. Because the oil and gas industry does not depend upon them, the native people cannot depend upon it. And if they can no longer rely upon the land for their living, they will cease to have any essential relation to any form of economic activity. [205]

The new capitalist mode of production stressed individual ownership, private accumulation of goods and individual responsibility. These conditions were detrimental to the affluent bush economy and the principles of redistribution and valuing community that had always characterized the Tłįchǫ economy. The Tłįchǫ were swiftly becoming marginalized people in their own territory. This created a condition best articulated by Marx when he stated, "these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence." [206] By alienating Tłįchǫ from their means of production and forcing them into wage labour, they were also robbed of the essence of what it was to be Tłįchǫ. In addition, the process of accumulation by dispossession found a contemporary expression through the implementation of the Tłįchǫ Treaty which undermines the subsistence value of Tłįchǫ lands in favor of non-renewable resource development.

It is important to note however, although capitalism had devastating impacts on the bush economy because people were removed from the land, the bush economy has persisted as the

[204] Ibid, 164.

[205] Berger, *Northern Frontier, Northern Homeland,* 170.

[206] Marx, *Capital*, 501.

Tłı̨chǫ adapted to the changing economy. Although capitalism demands Tłı̨chǫ lands for resource extraction and the totalizing forces organize Tłı̨chǫ life to support the accumulation of capital, the Tłı̨chǫ continue to engage in a land-based economy and even apply the bush economy relations of production and distribution to wage labor and local economic development initiatives.

Proposal for a Mixed Economy

Testimony provided during the Berger Inquiry demonstrates how the values that underpin the capitalist mode of production contradict with the traditional economic values of sharing and redistribution. In a moving speech on July 9, 1975, Phillip Blake expresses the Dene values of sharing that are so contrary to the capitalist economy:

> It is said that two-thirds of the people of the world go to bed hungry each night. We Indian people are sometimes accused of not being willing to share our resources. But what of this absurd scheme that Arctic Gas has dreamt up? What does it offer to those who are starving? Does it promise to use our resources and our land to help those who are poor? It suggests exactly the opposite. It suggests that we give up our land and our resources to the richest nation in the world; not the poorest. We are threatened with genocide only so that the rich and the powerful can become more rich and more powerful. I suggest that in any man's view, that is immoral. If our Indian nation is being destroyed so that poor people of the world might get a chance to share this world's riches, then as Indian people, I am sure that we would seriously consider giving up our resources. But do you really expect us to give up our life and our lands so that those few people who are the richest and the most powerful in the world today can maintain and defend their own immoral position of privilege. That is not our way. [207]

There are so many honorable themes that can be taken from this one passage; however, staying with the subject of economics, it clearly demonstrates that the Dene were willing to sacrifice if the result was to distribute resources or money equally in order to alleviate poverty. Dene values of sharing to ensure economic equality were very clear in much of the testimony provided during the Berger Inquiry. They are also clear in the Agreement in Principle that was proposed between the Dene Nation and Her Majesty the Queen in right of Canada when the Dene proposed self-government for Denendeh. In the document the Dene say:

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[207] Phillip Blake, "Statements to the Mackenzie Valley Pipeline Inquiry" in Dene Nation: *The Colony Within,* Edited by Mel Watkins [Toronto: University of Toronto Press, 1977], 8.

> Clearly, we must develop our own economy rather than depending on externally initiated development. Such an economy would not only encourage continued renewable resource activities, such as hunting, fishing, and trapping but would include community scale activities designed to meet our needs in a more self-reliant fashion. True Dene development will entail political control, an adequate resource base and continuity with our past. It will be based on our own experience and values. In accordance with our emphasis on sharing, Dene development will not permit a few to gain at the expense of the whole community.[208]

The proposal by the Dene was to develop an economy based on the exploitation of *renewable* resources, that would be established within a framework that emphasizes small-scale, community centered activities and that would be founded on the values of reciprocity and mutual sharing. Although today, this vision has not been completely realized, there continues to be five distinct sectors in the northern economy: subsistence, trading of renewable resources, local wage employment, public sector employment and mining wage employment. There also continues to be traditional productive activity such as hunting, fishing, and gathering supplemented by wage labour and government assistance. At the same time, families and communities still practice mutual sharing by redistributing both subsistence goods and cash.

Summary

As seen in this summary of the Tłı̨chǫ traditional economy, the Tłı̨chǫ have never regarded the time before contact when they were isolated and independent from outsiders, as their traditional life. In each of the eras since the fur trade, the Tłı̨chǫ had adapted the new technologies, equipment and some of the social practices and made it part of their own economy. It was only when their way of life became overwhelmed by the relationship with production inherent in the capitalist mode of production, a system that favors private ownership of lands and resources, that their affluent bush economy began to fail them. The introduction of industrial wage labour created different economic groups measured by monetary wealth: the rich, the poor and the ultra-poor. With the influx of jobs in the diamond mines in the mid 1990s, jobs that have mostly gone to young single men, a sector of the population materialized that had significant monetary wealth, or at least disposable income, but that had little to no economic

[208] Indian Brotherhood of the Northwest Territories. *Agreement in Principle between the Dene Nation and Her Majesty the Queen in Right of Canada* [Yellowknife, NT: Indian Brotherhood of the Northwest Territories 1976].

responsibilities. Those individuals who chose to stay and work in the communities had and continue to have mid-range paying jobs. Finally, the poorest of the community are those on social assistance – many who are the backbone of the bush economy.

The introduction of a wage economy and in particular social assistance, relieved the community of the traditional obligations of redistribution and sharing of resources to help each other. Although the practice of redistribution continues to a far greater extent than in western society, it has diminished, creating social distinctions and inequalities within the communities. With this undermining of the values of mutual sharing and collective responsibility, we see economic disparities in the communities with the most vulnerable, and in many ways most valuable sectors of society; women, children, harvesters, and Elders, living in abject poverty.

This should not be taken to suggest that the poorest of individuals are forced into the bush economy due to a lack of alternatives and that they are the only sector of Tłı̨chǫ society who engage in the bush economy. Those who work in the mines or who stay in the community to work in the various community organizations use the money they earn from wage labor to purchase the gas, bullets, all-terrain vehicles, and other supplies to access the land. However, the ordering of time required to participate in the capitalist economy limits their ability to fully participate in the bush economy. Furthermore, if society could shift its way of thinking about wealth, those who participate in the bush economy could be seen as the wealthiest.

Kulchyski, in his essay *Rethinking Inequality,* identifies three forms of bush wealth: the community, the land and time. [209] The term "*community"* needs to be thought of as an "intergenerational community of production" which allows for the "support networks, sympathy, empathy, tough love, and intimate knowledge of the strengths and weaknesses that flow down a family line through generations." [210] It is a community that is far stronger, interconnected, and supportive than most Canadian's, particularly those of European heritage, will have experienced –this is demonstrated in the stories I've shared. The second source of bush wealth, their land base, is particularly significant "in those places the land still provides" but it also provides a source of spiritual and historical connection, a place of healing and a place to practice an

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[209] Peter Kulchyski, "Rethinking Inequality in a Northern Indigenous Context: Affluence, Poverty and the Racial Reconfiguration and Redistribution of Wealth." [Northern Review: Whitehorse, no 42 *pp 97-108, 2016].*

[210] Ibid, 104.

Indigenous lifestyle. [211] The final form of bush wealth is closely related to Sahlins's conceptualization of affluence as it relates to an abundance of leisure time. As Kulchyski points out, and as demonstrated by the high rate of participation in the bush economy, even by those who have wage labor, "the very boundary between what is called 'work' and what is called 'leisure' is difficult to sustain." [212] Time on the land, hunting, fishing, trapping, picking berries, and working on hides is considered leisure time by many who are not afforded the luxury of affluence offered by the bush economy.

Economic self-sufficiency is an important term in Chapter 26. Achieving self-sufficiency is a paramount goal of this chapter. Given the history of adapting new economies to fit with their own Tłı̨chǫ economy, and the paradox of inequity, the Tłı̨chǫ definition of economic self-sufficiency will most certainly be different than that of Canada. If the aspirations of self-sufficiency are to be realized, an analysis of the Tłı̨chǫ definition is an important exercise.

Economic Self-sufficiency

> "Of course we want to be self-sufficient, and that is the whole idea
> and that is how it was originally."
> Chief Clifford Daniels [213]

The recent pandemic compelled many countries to re-evaluate their economies, and many were forced to acknowledge the precarity of their economic structure. Almost every country developed protectionist pandemic recovery plans which initially shifted their focus to restoring local economies and localizing procurement. There was much discussion about the need for countries to be self-sufficient. Countries such as Canada, who had been dependent on international trade, saw a drop in the gross domestic product (GDP) at the height of the pandemic in 2020. [214] The GDP is the total of all value added in an economy. Value added is the cost of

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[211] Ibid, 104.

[212] Ibid, 105.

[213] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

[214] Peter Shawn Taylor, *Self-destructive self-sufficiency, [*https://financialpost.com/opinion/peter-shawn-taylor-self-destructive-self-sufficiency, accessed October 11, 2021].

the value of goods and services that have been produced minus the value of the goods and services needed to produce them.

GDP is generally thought to be a good indicator of the health of an economy. When you factor in trade, generally speaking, GDP increases when there is a trade surplus: that is, the total value of goods and services that domestic producers sell abroad exceeds the total value of foreign goods and services that domestic consumers buy. If domestic consumers spend more on foreign products than domestic producers sell to foreign consumers, *the result is a trade deficit.* In this case, the GDP decreases. In short, the pandemic shone light on our societal and economic systems and exposed the precarity of the capitalist economy. It has also emphasized the importance of economic self-sufficiency through localized activities. As frightening as these economic vulnerabilities are, the pandemic has given government and society a reason to build a more inclusive and sustainable economy.

The Tłı̨chǫ already knew what enduring a pandemic caused others to understand, that sustainable economic self-sufficiency of a nation was a paramount concern. This is demonstrated in the fact that it is a primary objective of chapter 26 of the Tłı̨chǫ Treaty. As seen in the following section that draws on interviews personally conducted with Tłı̨chǫ leadership, self-sufficiency involves developing an economy that does not leave them vulnerable to external market volatility. Economic self-sufficiency is based on community scale activities and maintains continuity with their past. If implemented using a Tłı̨chǫ lens, economic self-sufficiency also plays an important role in protecting and promoting Tłı̨chǫ language, culture, and way of life.

At the root of economic self-sufficiency is the notion of economic independence whereby an economy does not need to engage in trade because it has the natural resources and labour to produce goods and services that satisfy its consumers' needs. In the affluent bush economy era, the Tłı̨chǫ were "not reliant on anything – they were able to sustain themselves" and were thus completely economically self-sufficient. [215] In the trade economy era, the Tłı̨chǫ became dependent on trade for some of their needs. In the wake of the collapse of the fur trade the Tłı̨chǫ found that the volatility of the fur market made them vulnerable to shortages. To make up for this deficit, government stepped in to provide assistance thus developing a cash economy.

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[215] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

The Tłı̨chǫ identify this assistance as problematic and for them, economic self-sufficiency is about returning to some of the practices and social organization of the affluent bush economy.

Celine Zoe, an administrative leader in the Tłı̨chǫ Government, describes what the term self-sufficiency means to her:

> For me, chapter 26 means to be self-sufficient the way my parents were, the way our ancestors were. They survived without funding from Canada or any government. Self-sufficiency is what I learned from my parents. My dad told my brothers "you guys need to learn how to go hunting and trapping because that's what you're going to survive on. You need to learn to go out there on your own, you know, without any help. You're going to have to learn these things to survive in the future. [216]

Chief Clifford Daniels was one leader who identified economic self-sufficiency as a primary objective of self-government and like Zoe, he spoke about the problem with reliance on government funding for survival.

> Going back to what our elder's vision [of self-government] was, is to be a self-sufficient nation – to get away from handouts from other governments. That is what weakened us.[217]

Zoe echoed this sentiment and identified eliminating dependency as a goal of self-government.

> It means doing things on our own, our people helping themselves and not relying on government helping them. For too long other governments put our people on welfare – self-government is about reversing that and people helping themselves. [218]

Chief Daniels identified that dependency on government funding results in the government controlling the people. He explained how this happened.

> The GNWT came in and gave us money. They did that so we could rely on them, we expect them to help us now, and that gives them control over us. The way my dad did it, and the way quite a few

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[216] Celine Zoe interview by author, Zoom, March 11, 2021.

[217] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

[218] Celine Zoe interview by author, Zoom, March 11, 2021.

> elders did it, they didn't control you. But then residential school comes in and a lot of people couldn't practice trapping and stuff like that, so they just became so dependent on social services. That is when they have complete control. [219]

Though not explicitly stated by Tłı̨chǫ leaders, this control is an attack on Tłı̨chǫ language, culture, and way of life. Kulchyski's use of the concept of totalization and the state's role in daily life in the north helps us to understand the threat this poses:

> The state acts as the crucial locus of totalization, underwriting the serialization of social life, presupposing and thereby imposing the dominant logic of instrumental rationality and possessive individualism that work together in constructing the established order. [220]

Kulchyski goes onto explain that the state acts as an agent of totalization that seeks to eliminate difference:

> There will never be a 'final victory' over 'the enemy' because the enemy is not embodied in specific social agents or specific government policies or even specific constitutional structures. All these reflect an underlying logic. Since that logic is totalizing, it will never stop, it will never cease to attempt to absorb and incorporate Aboriginal realities into the dominant reality.

In essence, what Kulchyski is saying is that Indigenous nations, including the Tłı̨chǫ, will not feel any relief from the totalizing forces of the state, regardless of what agreements are negotiated, because they are all informed by the underlying dominant logic that creates capitalism and which seeks to make everything a reflection of itself. This includes not only the prevalent values in everyday life but also the economic systems. Patrick Scott, a GNWT self-government negotiator agrees with Kulchyski's assessment:

> What is economic self-sufficiency for the Tłı̨chǫ? Well, if it was based on their definition of economic self-sufficiency it would have a whole different flavor but the agreement will never provide that. It is a treaty, and it is in the same vein as Treaty 11 in that Canada is coming in saying ya, agree to this. [221]

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[219] Celine Zoe interview by author Zoom, March 11, 2021.

[220] Peter Kulchyski, *Like the Sound of a Drum, 266.*

[221] Pat Scott, interview by author. Zoom, April 26, 2021.

Grand Chief George Mackenzie commented on the inability of the GNWT to honor even the most basic commitment of Tłı̨chǫ companies getting preference and priority on Tłı̨chǫ lands.

> As I understood it, any activities that happens on Tłı̨chǫ lands, Tłı̨chǫ should get preference and priority to do the work. The GNWT is not honoring that. So, our own economy, our own companies are not growing as fast as they should because the territorial government is not honouring chapter 26. [222]

Chief Daniels observations on the struggles with implementation highlight Kulchyski's warning:

> Since Treaty 11, our original agreement to the modern treaty, the Tłı̨chǫ Agreement, we have the state of mind saying "we can't do this, we can't be self-sufficient" but where we are lacking is that no one is implementing that agreement. Once again, this is going to be prolonged, who knows how long this is going to drag on. I think it is time for the GNWT to consent. They always say, "you are a government" and "we recognize you as a government" but they don't really fully agree with it. Maybe they say it, we are here, and they see us, they see us talking as a government as leaders but yet it seems we are under their system, we are under their structure and we've been trying to peacefully work with them in partnership. We collaborate on lots of issues at hand but also, they are not really allowing us to maximize ourselves in various aspects of self-governing. We know there are limitation on our side but I'm saying there are no champions, no one is championing us. [223]

As Daniels points out, the GNWT system is totalizing and does what it can to prevent the Tłı̨chǫ from exercising their vision of self-sufficiency. Despite this struggle, the Tłı̨chǫ continue to develop their vision of economic self-sufficiency in contemporary times. A key piece of this vision is building an economy that is not reliant on non-renewable resources but instead builds on the strengths of Tłı̨chǫ culture. Chief Daniels believes it starts with education.

> To be economically self-sufficient as a nation means that we have to ensure that our nation is educated, and they have jobs, and they have good paying jobs so they don't have to depend on anybody.[224]

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[222] Grand Chief George Mackenzie, interview by author, Zoom, March 11, 2021.

[223] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

[224] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

However, as Celine Zoe points out, there also needs to be a connection with Tłı̨chǫ history, particularly that of the affluent bush economy era where the Tłı̨chǫ had complete independence:

> To be self-sufficient was my parents passing down their tradition. So, I do it with my kids. I tell Noah and Jacob and Andrew, "[the government] is not going to be there to have your back and if you want to succeed in this world or get anywhere in life, you have to do it on your own." That is what we were taught. We go out on the land and harvest caribou meat and all these things. And, you know, I saw my mom do it, and my dad. My dad would go muskrat trapping. My Noah won young harvesters award two years in a row. He was the young trapper of the year two years in a row and that's how he made his money and bought his own cell phone. [225]

Chief Adeline Football's vision for economic self-sufficiency involves building opportunities that are grounded in Tłı̨chǫ culture and way of life and ensuring those opportunities are available to everyone, not just a select few.

> When I'm self-sufficient as a financial person, I think, it is about building a business for the community. For me, living in Wekweètì being self-sufficient would mean to bring in income not only for myself but for the whole community here. Like to start off, a tourism, that creates a lot of employment. Where it has to do with maybe somebody being a guide person. That person needs to know the history of their community when they're going to be bringing somebody out on a boat to teach them how to go fishing or what kind of traditional areas, those are those areas that they're going to, and you know the historic places that we have surrounding our community – it is about knowing and learning all those stuffs and teaching our way of life. Maybe through tourism, we could have a hide-tanning program happening, where they can take part in it and also to have maybe a museum or Informational Center in our own community that collects the local arts and crafts, that we have you know and promotes traditional work. It is also to have information about the surroundings of your community, I think. [226]

[225] Celine Zoe interview by author, Zoom, March 11, 2021.

[226] Chief Adeline Football, interview by author, Zoom, April 16, 2021.

In context, I took Chief Adeline's comments to mean that there is a need to develop community-owned businesses that provide opportunities to individuals who have land-based skills. These individuals struggle to find work as their skills are not valued in most contemporary economic activity. In developing these businesses, everyone will have an opportunity to be self-sufficient and utilize their skills and talents. Furthermore, there will be no collective self-sufficiency until all Tłįchǫ have opportunities to be self-sufficient. This is because the value of sharing is so prevalent and distinct in Tłįchǫ culture. Although some Tłįchǫ work in the mines or have professional designations and have high paying jobs working for community organizations, this money is shared with family and friends. This is certainly a view I have heard many times. In Virgina Gibson's research on the changing relationships resulting from the mining economy, she interviewed a miner's wife who explained that her husband's earnings were shared with a larger kinship network:

> "I am sharing it with sisters, I send them money once every two months, sometimes to other family members who get stuck in Rae. If I know they abuse, then I don't give it to them. If they want fuel, then I will just go and buy it for them. Once in a while, it gets shared with friends, or someone will borrow money. Sometimes up to $400, but we never get it back". [227]

Economic self-sufficiency in Tłįchǫ terms differs from the western notions of economic self-sufficiency. Tłįchǫ self-sufficiency focuses on developing a local economy that isn't reliant on external forces but instead focuses on community-based activities. It is one that is deeply connected to the subsistence activities from the affluent bush economy and utilizes and reinforces these skills. Sharing is a method to ensure the distribution of resources so that no one is left behind. Western notions of economic self-sufficiency focus on income levels, employment statistics and other material-based measures. With the definition of economic self-sufficiency and traditional economy in mind, it is important to consider if programing delivered by Canada and GNWT supports a Tłįchǫ economy reflective of Tłįchǫ values or, if they serve to further entrench capitalist values.

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[227] Interview, March 8, 2006, taken from Virgina Gibson, *Negotiated Spaces: Work, Home and Relationships in the Dene Diamond Economy.* [Vancouver: The University of British Columbia, 2008], 211.

Effectiveness Review

The economic measures chapter (Chapter 26) commits Canada, the GNWT and the Tłı̨chǫ to review the effectiveness of programs and measures relating to the objectives outlined in chapter, a process referred to as the Effectiveness Review. [228] Although the Treaty obligates the parties to undertake the review every three years, there has only been one effectiveness review completed since 2005. In Patrick Scott's interview, he clearly summarizes the objectives of Chapter 26 and its failing to live up to the obligations in the chapter.

> "I think the economic measures chapter is just a whitewash. It is a smoke screen, there is nothing in the economic measures chapter that obliges the government to do anything they are not already doing. So, for economic measures, the Tłı̨chǫ just have to take control of the economy in their territory. When an all-weather road is being built, don't accept it until all the conditions are being met. When contracts are being led, they need to negotiate…it creates a catch 22 for them because infrastructure is so costly and government says 'Oh, we will build this, but we are in control so we will do it our way.' And then you get to the economic measures chapter and the Tłı̨chǫ say "well you are supposed to contract our companies" and then all hell breaks loose when it doesn't happen. It is a matter of then negotiating with government in those circumstances to be the ones who control and that is where the whole concept of equal government to government relationships needs to play is at all levels it needs to be equal. Not the public government having authority or superiority over anything that happens in their intergovernmental relationships with Indigenous governments, it needs to be equal. It could be really simple if the attitude of public government was different but basically public government wants to maintain itself. [229]

The process for the effectiveness review began in January 2019 when representatives from Canada, the GNWT and the Tłı̨chǫ Government began meeting to develop an approach for meeting this obligation. A tripartite Effectiveness Review Working Group (ERWG) was

[228] Government of Canada. *Annual Report of the Tłı̨chǫ Implementation Committee: Tłı̨chǫ Land Claim and Self-Government Agreement 2010-2011 to 2014-2015.* https://www.rcaanc-cirnac.gc.ca/eng/1500312244446/1543262190985. Section 26.1.4

[229] Pat Scott, interview by author. Zoom, April 26, 2021.

established. They were tasked with completing an Effectiveness Review that achieved five objectives:

- Facilitate an understanding of how the Tłı̨chǫ traditional economy and Tłı̨chǫ self-sufficiency have evolved since the Tłı̨chǫ Treaty came into effect;
- Assess the effectiveness of government programs and measures in supporting the Tłı̨chǫ economic self-sufficiency since the effective date of the Tłı̨chǫ Treaty;
- Assess the effectiveness of government programs and measures in supporting the Tłı̨chǫ traditional economy since the effective date of the Tłı̨chǫ Treaty;
- Provide a snapshot of the Tłı̨chǫ traditional economy and Tłı̨chǫ self-sufficiency in the year 2019; and,
- Support discussion and develop recommendations for the Tłı̨chǫ Implementation Committee on how to enhance the effectiveness of programs and measures in accordance with the objectives of Chapter 26. [230]

The ERWG agreed on an approach that would include quantitative and qualitative data collection with an independent third-party completing analysis of the data sets. The consultant would also make recommendations to improve data collection policies and the effectiveness of the review.

The collection of quantitative data was to be undertaken by each of the three parties. It was agreed that each of the parties would identify and list all programs and measures implemented or in effect in 2005-2007, the first two years after effective date of the Tłı̨chǫ Treaty, relating to the objectives of chapter 26 of the Tłı̨chǫ Agreement. They would then provide all the indicator data accompanying those programs and measures. This same exercise was to be completed for 2019 and the aggregate data would then be complied to demonstrate the changes in indicator data.

I was brought in as a consultant to assist with the project in the spring of 2019 to support Celine Zoe, one of the Tłı̨chǫ Government's ERWG members, to complete the quantitative data collection for the Tłı̨chǫ Government.[231] The ERWG provided our team with aggregate data sheets requesting information related to programs, policies, initiatives, funding, and activities

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[230] Effectiveness Review Working Group Terms of Reference

[231] When the initial qualitative data collection work was completed, I continued to work with the ERWG as a special advisor on conducting community-based research. This work with the ERWG continued until the completion of the Effectiveness Review in June 2020.

that involved the Tłı̨chǫ traditional economy, including harvester, renewable resources, native manufactured goods as well as business and economic training and education. Detailed information was requested on the age, sex, family status, employment history, education history, etc. of the Tłı̨chǫ citizens who participated or benefited from these programs.

Our team conducted research over the summer collecting program level data from all related GNWT and Canada programs. A final report was presented to the ERWG in October 2019. Unfortunately, the research identified that the Tłı̨chǫ Government had not collected the aggregate indicator data that the ERWG desired. This was not because data on the programs did not exist. The Tłı̨chǫ had completed all the written program reports and had all the financial information, even that which related to the early period of the review; however, the data the ERWG had requested had never been tracked. The research team concluded that program staff and department directors were not aware a certain specific data was required, as it had never been requested and therefore it was not collected. The research team recommended that the ERWG work with program staff and department directors to develop reliable and accurate data collection policies and methods so that this information would be available for future reviews.

Concurrent to this work being undertaken, ERWG developed a Request for Proposals to identify an independent third-party consultant, FWCO Management Consultants, to undertake data collection and analysis to complete the effectiveness review. The process of identifying a consultant highlighted the disconnect between the GNWT and Canada's understanding of the commitments in the chapter versus that of Tłı̨chǫ's. Given my research experience I was asked to stay on with the ERWG and was able to participate in these new discussions.

Although there was a sincere desire on the part of GNWT and Canada to complete the effectiveness review, the parties struggled to come to an agreement on what exactly the chapter compelled the GNWT and Canada to do. This, not surprisingly, mostly centered around defining economic self-sufficiency and the traditional economy. As might be expected, there was no shared understanding between the parties regarding what these terms meant and therefore what the GNWT and Canada were required to do to support them. This issue combined with concerns with the quality and timeliness of work produced by the contractor and the COVID-19 pandemic, resulted in the ERWG modifying their approach. A decision was made to discontinue work with the selected contractor and to only proceed with two of the three deliverables, namely: the development of internal data collection approaches and a set of recommendations for the Tłı̨chǫ

Implementation Committee on how the programs and measures relating to the objectives in chapter 26 could be made more effective in order to achieve those objectives. Despite strong objection on the part of the Tłı̨chǫ, and acknowledgement that the data were extremely limited, it was decided the ERWG would proceed with an analysis based on quantitative data alone. This was incredibly disappointing as it silenced the community and vested control over the process with the Government.

The 2019 Effectiveness Review Report was submitted to the Tłı̨chǫ Implementation Committee by members of the Effectiveness Review Working Group on March 8, 2021. The report consolidates existing available data from 2005 to 2019, "crystalizes the state of knowledge at the 2019 baseline, and captures lessons learned and planning next steps to improve data collection for use in future Effectiveness Reviews." [232] Included in the report is a table of indicators and how indicator data is "anticipated to relate to outcomes." [233]

With regard to traditional economy, only one indicator was identified, that being traditional activity participation. The specific indicators to be collected include percentages of the population that hunt, fish, trap, produce arts and craft and consume country foods. The table of indicators proposes that the source of this data would be NWT Community Statistics and NWT Bureau of Statistics. It is anticipated that results showing a "stable or upward trend in these indicators would serve to demonstrate that the traditional economy is being maintained or strengthened." [234]

There are seven proposed indicators of economic self-sufficiency: economic activity, economic output, economic opportunity investment, housing, education and skill attainment, income and labour and employment. It is proposed that economic activity should be measured by the value of guided hunts in the Tłı̨chǫ traditional area, and that economic output be measured in GDP by industry. Although there is recognition that a positive change in economic activity and economic output is "thought to demonstrate a strengthening of the traditional economy and greater economic self-sufficiency", this is the only place where the traditional economy is related

[232] Effectiveness Review Working Group. *Tłı̨chǫ 2019 Effectiveness Review Report.* 5.

[233] Ibid, 6.

[234] Ibid, 6.

to economic self-sufficiency. [235] All other indicators and their output interpretation suggests a strong reliance on the values of a capitalist society to measure economic self-sufficiency.

Economic opportunity investment is measured by monies allocated to the Economic Opportunities Strategy and Mineral Development Strategy. It is suggested that "public investment in the economy is undertaken under the assumption that it will stimulate economic activity in the short term and strengthen the resilience of the economy over the longer term." [236] Indicators related to housing also reflect the values of a capitalist economy favoring private ownership and individual material wealth. Indicators measured include the percentage of home ownership, which is assumed to be an indicator of wealth and financial flexibility with higher rates of home ownership demonstrating greater economic self-sufficiency. [237] Other indicators of core need such as housing problems, adequacy, affordability and suitability are assumed to "measure the rate of overall and specific housing problems" and "would be expected to decline with higher levels of economic self-sufficiency." [238]

Indicators related to education and skill attainment also favor western education and training over the Tłı̨chǫ philosophy of Strong Like Two People. [239] The indicators measure such elements as the skilled workforce rate, and highest level of schooling attained. It is suggested that higher rates of education and skill attainment generally correlate with "improved employment prospects and income generating potential" with "upward trends…expected to correlate with greater economic self-sufficiency." [240] Income is measured by personal income, employment income, income assistance utilization and payment and the number of assistance beneficiaries with "higher income levels generally associated with economic self-sufficiency" and "income assistance utilization and reliance…associated with lower levels of economic self-

[235] Ibid, 6.

[236] Ibid, 6.

[237] Ibid, 6.

[238] Ibid, 6.

[239] The Philosophy of Strong Like Two people is discussed at length in Chapter 4. In short it means that Tłı̨chǫ people will gain all the knowledge and expertise of the contemporary western world, but they will also remain grounded and strong in their language, culture and way of life.

[240] Ibid, 6.

sufficiency." [241] Finally, labour and employment are measured through a number of categories related to labour force participation, employment and unemployment rates, and potential labour supply. A robust economy is measured by "strong labour markets and greater employment opportunities" while "employment profiles providing information regarding the degree of economic diversification" is found to reflect "greater economic self-sufficiency and resilience." [242]

All of these economic self-sufficiency indicators and outcome interpretations point to a Tłı̨chǫ economy that supports the economic goals of Canada, the GNWT and a capitalist mode of production. There is little consideration given to how the Tłı̨chǫ define economic self-sufficiency or the health of the Tłı̨chǫ economy independent of the broader northern and Canadian economy. The indicators encourage further dependence on these external economies rather than the internal independence that Tłı̨chǫ leadership expressed a desire to develop. Rather than reading the objectives of the chapter -- to strengthen the Tłı̨chǫ traditional economy and support Tłı̨chǫ economic self-sufficiency -- the objectives appear to be separate and distinct.

Despite the Tłı̨chǫ Treaty, Canada and GNWT continue to control the economic development programs meaning that if the Tłı̨chǫ wish to access the funds for economic development activities, they must conform to prescribed behaviors established by Canada and the GNWT. This scheme attempts to guide the Tłı̨chǫ towards an improved direction as the GNWT and Canada would define it. This deliberately reverses past practices and the rhetoric of the *traditional economy* is used to coerce Tłı̨chǫ peoples' participation. However, at the root, it continues to be an inherently colonial and capitalist exercise. However well-meaning Canada and the GNWT are, it is still an exercise of power. Not only do government bureaucrats direct the economic activity of Tłı̨chǫ people, without a democratic mandate, they define what counts as development and how it can be achieved. The mandate of economic development programing is to relieve poverty, but neoliberal criteria are used to distinguish the deserving from the undeserving and funds are withheld from those who are unable to meet the "performance" standards defined by Canada and the GNWT.

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[241] Ibid, 6.

[242] Ibid, 6.

A Tłı̨chǫ Economy – Bringing together Tłı̨chǫ self-sufficiency and the traditional economy

Tłı̨chǫ self-sufficiency cannot be understood outside of the context of the traditional economy – they are intertwined.

> Being self-sufficient is that knowing who you are, where you come from, and what else you can do to bring in income for your community and I think a lot of those kind of stuff all relates to teaching your way of life and teaching your history and everything. So, self-sufficiency is knowing your history, and with that you can do anything you want. [243]

Chapter 26 is **not** about two parallel economies – one founded on the principles of capitalism, and one founded on the principles of the traditional economy. They must be realized together and characterized by a contemporary expression of the relations of production inherent in the affluent bush economy. It is not an economy that simply builds on the resource extraction economic opportunities in the capitalist economy that are so prevalent in the north. Instead, it proposes looking inward and using Tłı̨chǫ labour and local resources to produce the goods and services to meet the Tłı̨chǫ people's needs while also ensuring that the practices, methods, and knowledge associated with the traditional economy are utilized.

Since the introduction of the cash economy, the Tłı̨chǫ have tried to develop parallel economies. The result is that the traditional economy has been weakened and reduced to a collection of activities, rather than an economic system. The totalizing forces of the capitalist economy have almost completely subverted the traditional economy practices of sharing, redistribution, and communal ownership. What is left is a precarious economic system dependent on the staples/resource economy with the Tłı̨chǫ people working to serve the interest of multinational corporations far removed from Tłı̨chǫ people and Mǫwhì Gogha Dè Nı̨ı̨tłèè. [244] The wisdom of the Tłı̨chǫ approach to develop a blended economy is that it is the best opportunity to protect the Tłı̨chǫ from the vulnerability of the resource sector economy, an

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[243] Chief Adeline Football, interview by author, Zoom, April 16, 2021.

[244] Mǫwhì Gogha Dè Nı̨ı̨tłèè is the land boundary drawn on the map by Mǫwhì during the signing of Treaty 11 which represents Tłı̨chǫ traditional territory

economy that will experience an inevitable crash when these resources run out, when there is no longer a demand and/or when we cannot rely on exporting them. This inevitable conflict and vulnerability were reinforced through the pandemic experience. However, beyond the protectionist approach, Tłı̨chǫ economic self-sufficiency is about protecting and promoting Tłı̨chǫ culture and way of life.

The traditional economy is not simply about engaging in traditional activities such as hunting, fishing, and the production of traditional goods such as slippers, vests etc., it's about the production and circulation of goods. In the traditional economy, production was a collective activity where distribution was based on the principal of sharing. Today, this can include hunting, fishing, production of traditional goods, the collection of wood for Elders, the collection of medicines off the land, the production of teepee poles and many more activities related to the land and the community. The important feature to take into consideration is whether the goods were produced and circulated according to the practices of the traditional economy.

Today, there are many examples of Tłı̨chǫ citizens who work in the labour market economy and participate in the traditional economy. It is important to consider not only the traditional activities they engage in and the circulation of the goods they harvest/make but also how these citizens share their earnings in the labour market economy through their social organization. Many apply the traditional principals of distribution to their labour market earnings. Labour market earners are not only sharing the money they make but also support households of their extended family. One indicator of a strengthened traditional economy may well be: are more citizens distributing their labour market earnings according to the traditional economy principles?

In the labour market economy, it is important to consider employment that would not be considered mainstream and instead utilizes and supports the development of traditional skills and therefore supports the retention of knowledge necessary for the traditional economy. Jobs such as guides, eco-tourism etc., require the unique traditional knowledge of the Tłı̨chǫ but are still part of the labour market economy. By investing in craft production, commercial fisheries and other eco-tourism activities, land-based skills can be utilized, while economic activities could involve co-operative ownership and local employment. Environmental evaluations and assessments could also be done using local skills and knowledge. As suggested through the interviews with Tłı̨chǫ leadership, an important component of economic self-sufficiency is

increasing opportunities for those with land-based skills and knowledge, so that it fortifies their unique Indigenous knowledge and provides a contemporary mechanism for its transmission.

Chapter 26 is about the Tłįchǫ building a unique Tłįchǫ economy that is an extension of their philosophy of Strong Like Two People. The Tłįchǫ want to capitalize on opportunities present in the current labour-market economy and use those opportunities to support the revitalization and transmission of traditional knowledge to their citizens. They also want to maintain the practices from their traditional economy including specialized bush skills, production through collective activity and distribution through sharing.

The northern capitalist economy is a very precarious one given its reliance on non-renewable resources such as oil and gas and luxury commodities such as diamonds. This necessitates that economic self-sufficiency for the Tłįchǫ must include more than just participation in the northern, non-renewable resource economy. It must include the development of a localized economy that focuses on using Tłįchǫ labour and resources to provide for the needs of Tłįchǫ people. It must also ensure the bush economy remains strong as well. A key component of strengthening the bush economy is ensuring that the land and resources central to the economy, are not sacrificed for the capitalist, non-renewable resource extraction economy.

Conclusions

> The existence of societies that enact meaningful egalitarian social relations poses a specific threat to the dominant order. In spite of, or perhaps even within, their very marginality they may play a significant role in the project of structural transformation or transcendence of existing social reality. [245]

Canada and GNWT have no interest in supporting a uniquely Tłįchǫ economy and in fact, they appear to be actively working against it while attempting to further entrench capitalist values into the local Tłįchǫ economy. So far, government officials have been incapable of imagining the traditional economy as driven by means of production and relations of production separate from the capitalist economy. They define the traditional economy as *activities* that can be performed within a capitalist economic structure. They see the *promotion* and *marketing* of renewable resource products and Indigenous manufactured goods as their primary role in the strengthening of the traditional economy. This does nothing to disrupt the relations and means of

[245] Kulchyski 2005, 272.

production inherent in a capitalist society. Instead, it focuses on exporting materials to new markets and selling products for profit.

The Tłįchǫ traditional economy, as most clearly seen in the pre-contact and fur trading era but also to some extent today, focuses on communal ownership and the redistribution of resources. It is not only the activities performed that are important in the Tłįchǫ economy, but the values that dictate how the proceeds are distributed. If capitalist values continue to be thrust upon the Tłįchǫ traditional economy, the values of reciprocity, communal ownership and sharing, will be undermined, and eventually eradicated. Then, the Tłįchǫ way of life becomes nothing more than a tourist experience and the values that inform the Tłįchǫ way of life will be lost. So will the opportunity to improve the lives of all Tłįchǫ people, not just those who participate in the capitalist economy.

The shift towards a cash economy has created poverty. Since cash income is not shared in the same way as the resources in the precontact and fur trading eras, the average per capita income has risen but at the same time the number of households experiencing poverty is also increasing. The northern non-renewable resource extraction economy is debasing and overwhelming the Tłįchǫ bush economy. Although a wage income can be beneficial to the bush economy, the trend towards mining also leads to a decline in the use of the land and in the harvesting of country foods. Canada and GNWT are both invested in shifting Tłįchǫ more and more towards the workforce as Tłįchǫ workers help to advance the territories economic interests, while undermining their own unique traditional economy.

The strengthening of a uniquely Tłįchǫ economy, that intertwines economic self-sufficiency, and the traditional economy needs to take first priority. Otherwise, the very foundations of the Thcho economy will be undermined by the intrusive effects of the capitalist economy and the mining sector in particular. The philosophy of self-sufficiency is consistent with traditional Tłįchǫ values. It is through a self-sufficient economy that the Tłįchǫ Nation will have independence and autonomy and Tłįchǫ people will be self-reliant. It is not an outright rejection of globalization but a refocus on providing for all Tłįchǫ people and protecting their economy from future collapse. In the end, it is the Tłįchǫ people who will have to live with the economy that is developed in their region. It is their interests, all of them, that must be kept in mind.

Over Frozen Lakes and Portages

December 30, 2004

I had spent Christmas with my family in Saskatchewan and was returning to the North in time for the New Year's celebrations and my first snowmobile trip from Behchokǫ̀ to Wekweètì!

As the plane lifted off, I didn't bother gazing out the window as I usually did; instead, I closed my eyes and began dreaming about the snowmobile trip. A smile spread across my face. Soon, I would be on the back of a snow machine skimming across frozen lakes and over portages under a huge blue Arctic sky that was sparkling with cold. No roads, no buildings, just the traditional trails, my travel companion, and our sled. It wasn't going to be an extraordinary trip by any means, it would only take between six to eight hours, if conditions were perfect. It would simply be one more experience I could share with friends and colleagues.

It was common for the Tłı̨chǫ people to travel by snowmobile between Behchokǫ̀ and the three outlying communities. Traveling by snowmobile was more convenient and cheaper than flying with Air Tindi, the airline that provided regular scheduled services to the communities. In the case of Wekweètì, there was a scheduled flight four days a week: Monday, Wednesday, Friday and Sunday, weather permitting. Traveling by snowmobile meant that you could travel any day at any time, and it made for a fun adventure.

I was going to ride back to Wekweètì with Roy Judas. Roy was very experienced. The son of Chief Joseph Judas and Madeline Judas, Roy was often called on to look for travelers if they were late returning to the community. He was a skilled snowmobile driver who knew the trails and knew how to survive on the land.

Although I had my own snowmobile, I was not confident enough and probably not skilled enough to follow Roy on my own machine. Besides, it would have meant that I would have had to drive my sled to Behchokǫ̀ and then drive it back to Wekweètì. One trip was exciting, two trips was too much as the strength required to navigate a machine through deep snow, over lakes and portages for over six hours was not something I was ready to try.

Today, thinking back to my introduction to these long commuter trips, gives me some anxiety. What did I know about traveling those long distances, in isolated areas and in extreme weather? Or the 80 km/hour – 100km/hour speeds that would be reached as we raced across the

big frozen lakes while trying to make up time? Or, God forbid, our machine broke down in the vast wilderness along the 250 km trip between Behchokǫ̀ and Wekweètì?

Born and raised in Saskatchewan, my frame of reference for snowmobiling consisted of cruising the wheat fields and power lines in south-central Saskatchewan. It was only in 2001, after I first moved to Wekweètì that I sledded with any regularity and it was still only basic riding close to the community where help was always nearby, if needed.

My plane landed in Yellowknife and Roy picked me up from the airport. It was already 1:00 p.m., so we hurriedly grabbed my luggage and headed over to the Air Tindi terminal where I could send my belongings to Wekweètì using the Air Tindi cargo service. I had already arranged for Clarence Nasken, the freight truck driver in Wekweètì and Roy's brother-in-law, to receive and take my belongings from the airport and leave them at my house. Roy was also using the service to send groceries back to his sister Lisa.

By the time we hit the Yellowknife Highway to Behchokǫ̀, officially known as Northwest Territories Highway 3, it was 3:00 p.m. In late December, the days are very short with just four hours of sunlight. Once the sun set around 3:15 p.m., the temperatures would plunge. When we reached Behchokǫ̀, the violet twilight had receded and had been replaced by complete darkness except for the twinkling stars.

Roy had left his snowmobile at Harry Apples' house, which was located at Arnie's Point in Behchokǫ̀. Harry Apples was like family. He was related to Nora Simpson, who was the partner of Roy's older brother Gordon. Roy explained that we would start our trip from Harry's because, "Nora and Gordon go here all the time. Harry is friendly with us so that is where I go. I trust them. I can leave my vehicle with them because they are Nora's family."

Roy's brother Gordon was also in Behchokǫ̀ to celebrate New Year's Eve. Gordon would drive Roy's truck back to Yellowknife, leaving it at the Air Tindi parking lot where it was typically parked. Most community members had a vehicle that they left at Air Tindi so it would conveniently be available when they went to Yellowknife for medical appointments, meetings or visits.

The trip Roy and I were taking would retrace a route originally traveled by dog teams and used regularly by Chief Mǫwhì and Chief Jimmy Bruneau. The trail connects Behchokǫ̀ to Wekweètì, starting on Russel Lake then onto Ghost Lake and Gamba'ti and finally onto Snare

Lake. Roy's father explained that this route was used to access the rich hunting grounds north of Behchokǫ̀ that extended all the way to the barren lands northeast of Wekweètì.

Roy knew the trail well because he had traveled it with his father who has also learned the trail from his parents. When Joseph, Roy's father was just a boy, he and his family would spend months at a time living in a canvas tent along the route. During that time, they harvested caribou and set fishing nets in various spots. They would prepare dry meat to take to Behchokǫ̀ to share with extended family who were preparing for the spring hunt.

After a visit with family, Joseph and his family would return to Wekweètì for the holidays[246] *with goodies such as hard candy and other sugar products, as well as the trade supplies acquired while in Behchokǫ̀.* [247] *The trail was never used in the summertime. Actually, there are only a few trails that are used year-round as the mode of travel, boat or dogsled and snowmobile, largely dictate what route can be taken. Summer trails follow rivers and rapids. Winter trails often follow the most direct route and typically cross through the middle of big frozen lakes.*

East of our planned route was another trail called the Mǫwhì Trail that was used in both winter and summer by boats and dog teams; however, the trail I was about to take was exclusively used in the cold and slushy times of winter and early spring across very large lakes. In times pre-dating winter roads and airlines, the route was an important link between Behchokǫ̀ and Wekweètì as it was the only way to share resources and connect with extended family. Although dog teams are not used anymore, the route was still used regularly by snowmobiles.

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[246] Joseph explained that "holidays" could mean Christmas, New Year's or Easter depending upon when they began their winter hunt and how long his family stayed on the land harvesting caribou.

[247] Joseph Judas, interview by author, Zoom, January 12, 2022.

Figure 12: A hand-drawn snowmobile trail on a map

When we arrived at Harry Apples home, Roy instructed me to go inside, drink tea and get ready. "You want to make sure you are warm and comfortable before we leave. Get all your things ready. You will need a good base layer to stay warm but mostly make sure you have a good neck warmer and gloves that are dry, and boots too. It is really important you stay dry … being cold and wet will make the trip less enjoyable. Pack extras of everything and I will put them in the sled."

I went into the house while Roy went to check on the snowmobile. Harry's wife had a fire going in the wood stove and a large silver tea pot was boiling water on the stove top. Seeing me,

she instructed, "Go ahead to the first bedroom down the hall, you can get changed there. I'll have tea ready for you when you are done."

I did as I was instructed and got ready. When I emerged, there was a cup of tea, a slice of bannock and some bògǫ̀ǫ̀ [248] *on the kitchen table waiting for me.*

"It's a cold night. The thermometer says -40°C, so you will need to be careful to stay dry, don't get too hot or too cold on the trip as that is when you will get into trouble," Harry's wife cautioned me.

"Masi for the advice. I'll be careful. I think Roy is planning on stopping about halfway for a fire and something to eat," I said in return.

I sat at the table and watched Roy getting things ready. I don't know how long Roy went to school, but I don't think he ever left the community of Wekweètì to attend school so I assumed that he wouldn't have attended past grade eight. However, when it came to being on the land, Roy was an expert. He could fix boat motors and snowmobiles. He knew all the best fishing spots and how to clean Trout and Northern Pike so there were no bones. He enjoyed a lot of success with hunting and often worked as a guide, taking American hunters out on the barren lands for caribou hunts. He was also about to navigate the almost 300 km trip home in unrelenting cold, where blizzards could come on suddenly and violently. Not only that, but we would be travelling in the dark, across large lakes and over tundra – a landscape that to most people had little to no distinguishing features. Roy's skills came from a lifetime of being on the land and could never be taught in a classroom or in a workshop.

"You just about ready to go?" asked Roy as he had come into the house and as the familiar smell of the snowmobile exhaust, a delicate combination of gasoline and oil wafted into the house

"Yep, I have everything packed and ready to go. You think it will take seven hours or so?" I asked. I was nervous over the enormity of what I was about to do.

"Yep, shouldn't be any longer than that. I'm going to call my sister so they know when to expect us and then we can leave."

Roy went to the phone in the living room, and I got up to wash my dishes.

[248] Thin strips of dried caribou meat.

Harry's wife stopped me, "Don't worry about washing the dishes, I'll take care of that. You want to keep your hands dry and warm before you leave. Is it ever cold out there tonight!" She giggled as she came over and took the plate and cup from me.

I proceeded to put on my ski pants, boots and parka. With my neck warmer and gloves in place, Harry's wife helped me raise the hood of my parka and tie a scarf around my face only leaving a small space for me to peek out.

"There! That should keep you warm. Remember to keep moving your toes in your boots so your feet don't get too cold. You better go outside, or else you will overheat. Have a safe trip!" She exclaimed as she cheerfully bid me farewell.

I shuffled out to the black and purple Ski-doo Grand Touring 550 snowmobile with a sled attached. The sled was a fiberglass frame purchased at Weaver & Devore[249] *with plastic runners that helped it glide over the snow. A canvas bag, made by Roy's mom Madeline was attached to the sled. It held all our supplies which included a tarp, two red jerry cans (extra gas which was necessary since we would use more fuel with two of us on the machine), extra oil, an axe, a bag with food, a lighter and another bag with our extra clothes — socks, long underwear, sweatpants and sweater — in case of an emergency.*

I took my seat on the sled. Roy wasn't far behind. He stood over the sled and flipped open the hood. He gave everything a final once over, checking the oil and the belts and ensuring everything looked good. He then took his seat in front of me. I wrapped my arms around him, resting my forehead on his shoulder. He pressed the throttle and the machine roared to life.

Roy directed the machine toward the lake, guiding it down the slope onto Russel Lake, the first and largest frozen lake we would travel.

After about an hour of driving, I started to suspect something wasn't right. It felt as though we were driving in circles though I couldn't tell for sure as I hardly lifted my head from the shelter of Roy's shoulder that protected me from the wind and the gently falling snow. I peeked over Roy's shoulder and saw the lights of two snowmobiles. As they approached, Roy slowed and then stopped, getting off the machine to talk to the drivers. There was a lively discussion in Tłı̨chǫ, so I could only guess what was being discussed. From the way they were

[249] Weaver & Devore is an independent local general store in Old Town Yellowknife that specializes in general merchandise, produce, bush orders, and outdoor clothing since 1936.

looking this way and that, pointing, and the contemplative tones, I suspected we were lost and maybe they were too.

Roy came back to the sled, taking his place in front of me.

"What did they have to say?" I asked.

"Not much, they are out hunting caribou," Roy replied. It was an unusual year and the Bathurst caribou herd had dipped far below the tree line, almost all the way to Behchokǫ̀. This rare occurrence brought every hunter from Behchokǫ̀ and even some from Yellowknife onto Russel Lake in hopes of harvesting the prized animal. As a result, Russel Lake was crisscrossed with multiple snow machine tracks leaving the well-traveled trail across the lake to the first portage unrecognizable.

"Do they know which way Wekweètì is?" I asked anxiously.

"Nope." Roy replied.

"Do you know which way Behchokǫ̀ is?" I asked, more anxiously.

"Nope," Roy said again.

"So, we are lost?" I asked, no longer able to hide my anxiety.

"I will find the portage. Not to worry," Roy replied.

Roy pushed the accelerator and the snowmobile roared to life again. We drove around for what seemed like forever. I kept my face shielded by Roy's shoulder. The roar of the snowmobile engine slowed.

I looked up and realized we had stopped at a cabin. It was a cabin belonging to Morris Lafferty. The cabin had originally belonged to Morris's adoptive father Alfonz Lamouelle. For many years, the cabin sat empty and unused but, after snowmobiles became more common, Morris Lafferty fixed it up and left it there for anyone who was in the area to help themselves.[250] *Roy stopped the snow machine and I got off to stretch my legs. By this time, we had been driving for over three hours and my legs ached from the tension caused by the fear of being lost.*

"You okay?" Roy asked.

"Yep," I replied.

"Okay, once you warm up, we can get going again," Roy said in a reassuringly voice.

After tramping around in the snow and stomping my feet to warm my toes, I climbed back on the machine. Roy turned the snow machine slightly to the east and set off on a new path. After

[250] Ibid.

over three hours of following multiple different tracks across Russel Lake, he set off, making a new path in the fresh snow. After about thirty minutes Roy calmly stated, "There's the first portage."

Roy had found his way off the expansive Russel Lake simply with his inherent familiarity of the trail. He later told me that once he found the Morris cabin, he knew from there all he had to do was follow the river, although I'm not sure what we were following as it all looked white and snowy to me. I never asked him how he found the Morris cabin, although I doubt it was luck. We still had over 200 km to travel to get back to Wekweètì. With some uncertainty as to where exactly Behchokǫ̀ was, our best bet was to forge ahead to Wekweètì, which was still six to seven hours ahead of us.

Most of the lakes we traveled on were small and we reached speeds across those lakes which shocked me. For the first while, I was nervous and held onto Roy tightly for fear of falling off, but in no time, I found a rhythm with the snowmobile and just let my arms hang loosely beside me or only gently around Roy's waist.

We stopped at a second cabin that marked the halfway point of the trip. Roy made a fire from firewood that had been stocked by other travelers. "Next week, I'll come back and restock the firewood here," Roy explained.

I sat by the fire while Roy made tea and served the food he had packed for the trip. Once the fire was roaring, Roy instructed me to take off my boots and warm my feet beside the fire.

"We still have at least three hours of traveling, so you will want to make sure your feet are warm and dry before we take off again. Roy explained compassionately, "if your socks are wet, you can change them as that will help,"

*Once my feet were warm, Roy helped me get bundled up again and we set off. After about twenty minutes, we reached Ghost Lake***,** *the second of the long lakes. Spirit Lake is known for being a good hunting spot and as we raced across this lake, I leaned back a bit, looking up at the night sky. The frozen surface of the lake, smooth and transparent, reflected the night sky's stars and northern lights that danced in a magical display of green, red and even purple.*

From there, our travel was mostly smaller lakes and short portages. Bouncing along on the back of the snowmobile, I once again fell into the rhythm of the ride. The purr of the motor became hypnotizing, and I started to doze off, resting my head against Roy's shoulder. Nudging me awake, Roy asked, "How are your feet?" They were freezing! I wasn't even sure I could feel

some of the toes on my right foot! "Just keep wiggling your toes inside your boots," Roy instructed. "It won't be long now, maybe another hour." Wiggle as I might, my toes would not come to life. I hadn't headed Harry's wife's warning! I didn't pay attention and now I was paying the price! I was now awake though, peering over Roy's shoulder as we raced across the frozen landscape. We were going so fast, the gently falling snowflakes stung my eyes. Perhaps I could "will" Wekweètì to appear before us. I was just so ready for my house, the warmth of the woodstove and the comfort of my bed.

After another thirty minutes, Roy gestured to the north, "That is where the rapids are; we are really close now." Several minutes later, I saw the lights of Wekweètì. We made it! I had survived my first Behchokǫ̀ to Wekweètì snowmobile trip!

We approached town from the east. The trail came off the lake and between Jimmy and Noella Kodzin's house and the home of their son George Kodzin and his partner, Patti Magrum. Roy slowed the snowmobile, and a feeling of elation soon filled my body. We had made it! This was my victory lap! I sat up proudly, hoping everyone in town was looking out their windows to see Way-kwìgha-kwoa [251], arriving after her snowmobile trip from Behchokǫ̀.

We pulled up to my house. Opening the back door, we were greeted by a rush of warm air. Preparing for our return, Roy's sister Cece had gone ahead to my house to start a fire in the wood stove, ensuring that the house would be warm for our arrival. It was a nice and welcoming surprise after a long, cold journey. Before I even had time to take off my boots, the back door swung open again and in rushed Roy's nieces, four-year-old Lila and her three-year-old cousin Laylu.

"You made it! How was the trip?" the girls asked excitedly. Although it was well after 2:00 a.m., most of Roy's family had stayed up waiting for our safe arrival. Clarence and Cece walked in behind the girls. "Ever long trip, eh!?" Cece exclaimed.

"Ya. I just want to get out of these clothes and warm up by the fire," I replied as I sat down on the chair in the back porch.

"Let us help you," Laylu shouted as she climbed into my lap, untying the knot of my scarf and pulling it from my head.

[251] Some people of Wekweètì referred to me by this name meaning 'yellow-hair'.

"Ouch!" I exclaimed. My hair had frozen to the wool scarf and as Laylu tried to remove it, the scarf pulled at my scalp. Laylu giggled as I lowered my head towards the wood stove so the heat would thaw the ice that had welded my hair and scarf together.

When I came into the living room, Roy and Clarence were talking about the trip. Though I was exhausted, the feeling of accomplishment was spread across my face.

"Well, we will let you guys go to sleep. Glad you made it home safely. Tomorrow, we will have New Year's Eve dinner at Mom's. Everyone will be there. I think there will be at least twenty of us for dinner. Maybe we can play some OKO[252] *after dinner. "Sleep well", Cece said as she rounded up the girls with Clarence at her side and headed towards the door.*

Cece, Clarence, Laylu and Lila left the house, climbing on their own snowmobile as they headed back home. As I drifted off to sleep, I reflected on the nights trip. I was thankful for Harry and his wife who so generously helped us get ready for our journey. Also, Cece and Clarence's support which allowed me to take the trip and their attention to ensure that Roy and I made it back safely to a warm home. I was also so thankful I had yet another opportunity to participate in another uniquely Tłı̨chǫ experience that helped me understand and connect with my Tłı̨chǫ friends and colleagues.

Years later though, I came to truly appreciate just what an impressive journey this was. I had traveled on the same trails as countless other Tłı̨chǫ people, in cold, dark conditions that modern day snowmobilers, that rely on maps and GPS systems, would not have attempted for fear that they would miss a landmark or that their equipment would freeze. Yet, with Roy's intimate knowledge of the land and survival, he and countless other Tłı̨chǫ people regularly traveled in those harsh conditions.

At one time during the trip, I thought we were lost in the vast, uncharted wilderness. Today, I challenge this notion –given Roy's understanding of the land and its unique characteristics, was he ever really lost? Generally speaking, Roy knew his whereabouts and could rely on his knowledge of the land and its natural tendencies to find his way. The route, although only hand sketched onto maps, is only considered "uncharted" by western standards. The Tłı̨chǫ people know the trail very well. It is well documented and passed from generation to generation through stories, traditional landmarks as well as personal experiences on the trail through frequent travel. In our increasingly interconnected, digital world, there is still much

[252] OKO is card game commonly played in Tłı̨chǫ communities.

Tłįchǫ knowledge that goes undocumented, but perhaps this isn't a bad thing. Maybe, the best thing is to preserve this knowledge the way the Tłįchǫ have always done; through experience and knowledge – that way, the traveler is never lost, even if he has strayed from the line on a map.

Figure 13: Joseph and Madeline Judas tracing snow mobile trail on map

Chapter Four –The History of Service Delivery in the Tłı̨chǫ Region

> "If everything I understand about myself as valuable and making life worth living – if all that is going to evaporate, I would prefer to go down in a blaze of glory. I would prefer to be a martyr to that way of life. If I am going to go on living, I need to be able to see a genuine, positive and honorable way of going forward. So, on the one hand, I need to recognize the discontinuity that is upon me – like it or not there will be a radical shift in form of life. On the other, I need to preserve some integrity across that discontinuity."[253]
> Plenty Coups, Crow Nation Chief.

After the signing of Treaty 11, as outlined earlier, there were many forces pressuring the Tłı̨chǫ people to adapt their lifestyle and adopt a western way of living. The Tłı̨chǫ were facing the destruction of their way of life. The Truth and Reconciliation Commission identified these activities in our country's colonial past as cultural genocide - the destruction of the "structures and practices that allow the group to continue as a group."[254] Although the commission's work was focused on residential schools as we saw in Chapter 1, many activities of the colonial government that intersected with Tłı̨chǫ communities and people, set out to destroy the Tłı̨chǫ's unique political and social institutions. The Tłı̨chǫ resisted the assimilationist tendencies of these institutions and although it was impossible at the time, they courageously envisioned their survival in the face of the attempted destruction of their way of life. They found meaningful expressions of their culture, traditions, and values in their contemporary life through their public service delivery organizations responsible for education, health and social services. They then found concrete ways to practice and reinvigorate Tłı̨chǫ traditional culture and way of life.

Family and Land-based

By examining the history of education in the Tłı̨chǫ region, it can be seen just how the Tłı̨chǫ were faced with the destruction of their way of life, how they responded and how they forged a path for the expression of their unique culture and values. In traditional Tłı̨chǫ society, the education of youth happened within family units. A child would be taught different skills and knowledge by various members of their extended family. As discussed earlier, the Tłı̨chǫ were constantly traveling in harmony with the seasons leaving placenames along the many well-

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[253] Lear, 93.

[254] Truth and Reconciliation Commission of Canada, 3.

traveled trails crisscrossing their territory. As youth traveled with their families, they would be told stories of Tłı̨chǫ history and knowledge at each named place and thus received their education. In this way, Tłı̨chǫ education was embedded in the landscape and experienced through travel.

A child's education was also heavily focused on the practical and relevant knowledge necessary for their current and future survival. Learning occurred through observation and experience of the concrete, daily, practical situations they encountered while meeting their needs and overcoming obstacles. If a child didn't master this critical knowledge, their future personal survival in a subsistence lifestyle was at stake, and they could even perish. Reflecting on this traditional way of teaching and contemporary education, Zoe remarked:

> Long before the white people came, our people used to teach each other. We taught the children by telling them stories and having them watch the adults work. Those ways are no longer visible, and it is like a darkness has come over us.[255]

The darkness Zoe refers to is the result of the colonial treatment of the Tłı̨chǫ, first by the Church and then by the Federal and Territorial Government and to some extent by fur traders and now by extraction companies. As the Truth and Reconciliation Commission rightly notes, "colonialism was undertaken to meet the perceived needs of the imperial powers" and was justified by "the need to bring Christianity and civilization to the Indigenous peoples of the world."[256] As settlers started flooding the North, missionaries set out to transform Indigenous cultures by undermining existing practices in order to meet their goal of converting the Dene to Christianity. Missionary schools were the first institution created to achieve this purpose and given the requirement to move off the land, the traditional land-based education model experienced by Dene children up to this point was disrupted.

Missionary, Federal & Territorial Government Schools

Both the Anglican and Catholic churches were involved in the early missionary schools in the Northwest Territories. In 1865, Bishop Bompas of the Anglican Church oversaw the building

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[255] John B. Zoe quoted in Rabesca 1991, 76.

[256] Truth and Reconciliation Commission of Canada, 24.

and operation of a small boarding school in the Fort Norman area for orphaned children. In 1867, the Grey Nuns opened a school at Fort Providence. In 1876, the Anglican Church, under Bishop Reeve, founded a boarding school at Fort Rae. Soon, the two churches were competing to enrol students. Operating these schools, stocking them with food and paying for teachers was a heavy financial burden. The churches relied on funds from France, England and even the US.

Often the schools found themselves without important necessities including food leading to the many stories of near starvation. To supplement the donated staples, schools often ran farm and fish camps. Students received a half a day of instruction with a curriculum that covered sewing, housekeeping, hygiene, and of course religious teachings from their respective denominations. The remainder of the day was spent physically contributing to the operation of the school. Girls helped with cleaning, laundry, cooking and sewing and boys helped with gardens, cutting firewood, running fish nets and rabbit snares as well as other outside chores.[257]

The federal government first became involved in northern education in 1894 when amendments to the Indian Act made it compulsory for all Indigenous children to attend school. That same year, the federal government provided a grant of $200 to the Anglican Church to build a residential school in Fort Resolution which eventually moved to Hay River where there was better land for gardening and better fishing.[258] Two years later, Canada extended this support to the Roman Catholic Church which then built a school at Fort Providence. Then, in 1907, the Fort Providence school was converted from a day school to a boarding school.

In 1903, the federal government changed its policy of granting funds towards the construction of residential schools to that of a per capita grant system. This change created fierce competition between the Anglican and Catholic churches for new and returning students. For instance, the residential schools at Hay River and Fort Providence received $72/year/student up to a maximum number of students; however, both school enrollments exceeded the maximum. The children were not provided a high standard of education and instead were provided what was referred to as the Native Wilderness Education.[259] This schooling did not teach the children land-based skills necessary for a life on the land. It also did not provide them with a western

[257] Cook, 3.

[258] Ibid, 4.

[259] Carney quoted in Barnaby, J., Shimpo, M., & Struthers, C. Rhetoric and Reality: Education and work in changing Denendeh, Report. University of St. Jerome's College, Waterloo, ON. 1991, 63.

education that would sufficiently prepare them for the workforce. In truth, the aim of the education at the time was to integrate the Dene traditional way of life with the Christian ethic by converting them to either the Roman Catholic or Anglican faith. These measures were part of a coherent federal policy aimed at eliminating Indigenous peoples as a unique cultural group and to assimilate them against their will into mainstream Canadian society.

In 1920, an amendment was made to the government education policy which imposed penalties on parents who kept their children at home. The Deputy Minister of Indian Affairs of the time, Duncan Campbell Scott, outlined the goal of the policy when he told a parliamentary committee that "our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic."[260] Statistics demonstrate that the experiment in cultural genocide was somewhat successful as by 1939, 83% of the Dene self-identified as Catholic.[261]

The federal government was now fully invested in the North. They established a day school in Fort Rae in 1951 and expanded it to four rooms in 1957. They soon took over all responsibility for the operation of the northern residential schools, including the hiring, firing, and paying of the teaching staff. They also covered the cost of transportation so children could return to their parents for the summer holidays.

In 1953, the newly created Department of Northern Affairs and Natural Resources included an educational division. This division created a system of territorial education that included opening small primary day schools in the outlying communities. It was envisioned that these small schools would prepare students to attend larger high schools in major communities. For Tłı̨chǫ students, this meant they could begin their schooling in Rae, but if they wished to continue into higher grades, they would have to go to residential school, most often in Fort Resolution.

Since Tłı̨chǫ families at the time were still largely on the land, the widespread exposure of Tłı̨chǫ children to western education didn't occur until the 1960s.[262] In the 1950s, there were only 500 students enrolled in NWT schools; however, this number jumped to 3,000 by the 1960s.

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[260] Duncan Scott quoted in Truth and Reconciliation Commission of Canada, 4.

[261] Carney quoted in Barnaby, Shimpo, & Struthers 1991, 63.

[262] J. Helm. "Long-term Research Among the Dogrib and other Dene" in *Long-term Field Research in Social Anthropology.* Ed. G.M. Foster. New York: NY, 1979: 145-163.

By the 1970s, nearly 80% of all northern children, which included non-Indigenous children, were enrolled in public schools. [263]

In 1969, the GNWT took over responsibility for education and established a Department of Education. All schools followed the Alberta curriculum and graduates were required to pass the Alberta Departmental Exams.

Impact of Western Education on Indigenous peoples

Involvement in western education was a relatively recent experience for the Tłı̨chǫ; however, it has been noted that "few things have been more alien in the lives of northern children than school as it has often been delivered."[264] Eddie Erasmus explained this unfamiliarity in his experience of attending school:

> When we went to school, we were taught only the English culture. When the teachers opened the books for the first time, everything was written in words. For those of us who lived at home, all those words were foreign…We were taught…all about government matters, all about the written English language, but never about the history of how the Dogrib lived in the past. [265]

Western education and residential schools prevented the practice of traveling on the land. This robbed the children of the experience of learning Tłı̨chǫ knowledge and history through travel and from stories and concrete experiences. This interrupted the transmission of cultural values and identity from one generation of Tłı̨chǫ people to the next. This intentional government strategy was to separate children from their parents by sending them to residential schools. The underlying goal was "not to educate them but primarily to break their link to their culture and identity."[266] The failings of education for the Tłı̨chǫ and all Dene did not end when the federal and territorial government took over responsibility for education from the church. Former Premier Stephen Kafwi, in his statement to the Berger Inquiry, commented on the failure of the federal and territorial schools:

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[263] McLean 2007, 161.

[264] Martin 1990, 7.

[265] Edward Erasmus quoted in Rabesca 1991, 5-6.

[266] Truth and Reconciliation Commission of Canada, 4.

> The Dene allowed the government to educate their young when schools were first built in the North. The Dene believed the government could take care of their interests and that they knew what was best for them. Then a few years ago, people started to realize that something is wrong. There developed a gap between the young and the old. The elders had much difficulty in relating to the young. Many of the young lost the language, the values, and the views which they had learned from their elders. The elders realized that what was happening to their young in school was not exactly what they wanted. The government was literally stealing young people from their families. They saw that, if the situation remained unchanged, they as a people would be destroyed in a relatively short time.[267]

Zoe described the impact that western education had on Tłı̨chǫ students:

> Some of the children growing up here know a little bit of the Dene culture but not enough, and with that, they know a little of the English culture but not enough, because they have not completed school. They don't really know where they are going in either culture. They don't have any idea.[268]

In summary, as described by Zoe above, the impact of western education resulted in a loss of traditional autonomy with the consequence being a feeling of powerlessness and confusion.[269] Chief Jimmy Bruneau recognized this issue and set out to ensure that the Tłı̨chǫ way of life would not be destroyed.

Resistance – Creation of the Rae-Edzo School Society.

Jimmy Bruneau was born on December 12, 1881. Raised on the land, he had a strong connection to Tłı̨chǫ language, culture, and way of life. As a young man and long before he would become chief, a young Jimmy Bruneau witnessed firsthand the signing of Treaty 11 and the effect colonization was having on his people. He also witnessed children being sent away to residential school and the negative impact suffered not only by the children but also the families they were forced to leave behind.

Chief Monfwi chose Jimmy Bruneau as his successor. After Monfwi's death in 1936, Jimmy Bruneau became the primary spokesperson and leader for the Tłı̨chǫ. He understood that times

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[267] Kakfwi in Watkins, 1977, 143.

[268] Rabesca 1991, 24

[269] Martin 2001, 10.

were changing and that the Tłı̨chǫ people needed to have the knowledge and skills they could learn in school. However, he also understood that in the development of education programming for the Dene, no one had asked the people what their preferences might be. Therefore, when education for the Dene was designed, it was assumed that what had worked in the South would also work in the North. [270]

In the early 1960s, after recognizing the devastating effect westernized education was having on his people, Chief Bruneau began lobbying the government for a school to be built in Behchokǫ̀. He wanted Tłı̨chǫ children to be educated, but not at the expense of their language and connection to their culture and way of life. It was Chief Jimmy Bruneau's vision that resulted in the community forming the Rae-Edzo School Society (RESS) in 1969. The community organizers looked not to the GNWT for guidance on education but to other aboriginal communities. They even traveled to the Navajo Rough Rock Demonstration School in Arizona to gather wisdom and to learn more about their experience operating an Indigenous run education system.

Shortly thereafter, the RESS negotiated a historic agreement with the Commissioner of the NWT which gave control of the local school to the people of the community. This was the first time an Indigenous community in the NWT, and one of the first in Canada, took control of its school system. In 1972, at the official school opening, Bruneau said: "I have asked for a school to be built…on my land…and that school will be run by my people and my people will work at that school and our children will learn both ways, our way and white man's way."[271]

Years later, in a presentation on the Tłı̨chǫ Cosmology, Zoe reflected on Bruneau's actions:

> Bruneau knew that from here on in, 1972 – if we are going to make any headway, we are going to have to maintain what we have in its fullness and at the same time be as equally strong…. It is the defiance against complaisance, instead of making judgments on what is good or bad, take it in its entirety without looking for perfection because there isn't such a thing. [272]

[270] B. Gillie, Development of an Educational Program for a Dene Nation: Mackenzie Valley Pipeline Inquiry Statement June 1976 (vol. 155), Mackenzie Valley Pipeline Inquiry, Yellowknife, NT, 1977.

[271] Zoe, 2007, 19.

[272] Zoe, Feb 2014.

Zoe's comments outlined the strategy for Tłįchǫ education right to the present time. The Chief Jimmy Bruneau Elementary School had fifteen classrooms and a 100-bed residence. The RESS immediately began preparing a series of storybooks for school use that focused on Tłįchǫ heritage.[273] Cultural programing became an important component of the curriculum and the school ensured that Elders were employed as instructors. Despite this achievement, there continued to be very limited governmental support and the GNWT tolerated the project at best. Although for the most part, the RESS and Chief Jimmy Bruneau School were initially left alone, this approach was likely the result of a desire to see the local control school experiment fail so that it could exist as part of the rationale for "not extending local control to other northern communities."[274] For many years, Chief Jimmy Bruneau School was the only Aboriginal run school in the NWT.

Yet, change was still coming. In 1970, the GNWT Department of Education released the curriculum document, *Elementary Education in the Northwest Territories* and two years later, *Learning in the Middle Years*. Both documents challenged northern teachers to "integrate their academic programming with cultural content from northern communities and teach children using the language, stories, traditions and knowledge of northern peoples."[275] Ten years later, the final report on the Special Committee on Education of the NWT Legislative Assembly entitled, *Learning, Tradition and Change in the NWT* provided the blueprint for the next decade of educational development. It supported local communities setting educational goals and stated "the educational system shall provide the means for and assist in the development of programs to meet the educational goals of every community. Elected representatives responsible for education within the community shall determine these goals."[276] This was not only recognition that the RESS model worked but it was an opportunity to further expand localized authority of education.

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[273] Abel, *Drum Songs,* 250.

[274] Carney, 2.

[275] Martin, 11.

[276] NWT Legislative Assembly, 1982, 14.

Establishing a cultural vision for service delivery – Developing the philosophy of Dǫ Nàke Làànì Nàts'etso

In 1989, the GNWT report, along with pressures from other Tłįchǫ communities to regain control of their children's education, led to the creation of a local education authority for the Tłįchǫ region. In April of 1989, the Honourable Stephen Kakfwi, the Minister of Education of the GNWT, declared that the Dogrib communities of Dettah, Lac La Martre, Rae-Edzo, Rae Lakes and Snare Lake[277] would be recognized by the GNWT as the Dogrib Divisional Board of Education. However, what they inherited was a group of schools with programming modeled after southern classrooms and run predominately by transient teachers from the south. Yet, it was also an opportunity for community leaders to come together to set direction for educational programming that reflected the wishes of Dogrib parents for their children and their future. They integrated culturally based education with an emphasis on language and culture programs into the conventional curriculum. They also prioritized the training of northern aboriginal teachers. Then, in the summer of 1989, a meeting was held on the barren lands at the very location where Edzo and Akaitcho made peace over 100 years earlier. The meeting was called the *Roundrock Lake Cultural Project* and was jointly planned between the Dogrib Divisional Board of Education, the Rae Friendship Centre and the Dogrib Treaty 11 Council.

> They came to look critically at where the Dogrib people had come from and where they were going. Education was discussed in the overall context of the life of the community and from the written transcripts of this meeting consensual themes began to emerge regarding the proper shape of education. [278]

[277] The four Tłįchǫ communities of Whatì (Lac La Martre), Behchokǫ̀ (Rae-Edzo), Gamètì (Rae Lakes) and Wekweètì (Snare Lake) were represented by signatories that signed Treaty 11 in Rae in 1921 under the leadership of Chief Monfwi. The community of Dettah identify as T'satsaot'in (Akaitcho) Dene who signed Treaty 8 in 1900 at Fort Resolution. Despite this distinction, the GNWT have at times considered the T'satsaot'in Dene of Dettah as Dogrib. This is a result of a claim that all the T'satsaot'in Dene at Dettah died in the 1928 flu epidemic and the Dene who lived in the area were actually Tłįchǫ Dene who moved in after the extinction of the T'satsaot'in Dene. For both the T'satsaot'in and Tłįchǫ Dene this is not an accurate account of their history.

[278] Rabesca 1991, 1.

From these themes emerged a draft mission statement that was presented at a board meeting in Wekweètì in September of 1989. It was determined that there would be a further meeting held in Behchokǫ̀ to finalize and validate the draft mission statement.

The meeting participants included 25 Elders and youth chosen by each Community Education Council. It was held in a traditional manner – there was no translation and no professional educators in attendance. The facilitator, John B Zoe, was assisted by Phillip Rabesca who recorded the proceedings. Participants traveled to Behchokǫ̀ on Tuesday November 13, 1990, and the meetings continued through to Thursday November 15, 1990. Translators, Phillip Rabesca and Mary Siemens, then took the recordings of the meetings and created an English transcript that was edited by Dogrib Divisional Board of Education CEO Jim Martin. These materials were shared at a meeting in Dettah and a mission statement and goals were finally approved on January 22, 1991.

The meeting started with opening prayers by two Elders and opening comments by the Chief of the Dogrib Rae Band, Edward Erasmus. He welcomed the participants and reflected on their accomplishment and the purpose of coming together.

> You the board members…have come to make decisions for the future education of the children. You are working for a good cause. Even for myself when we were young, we went to school, but it was not like these days. We were never taught Dene culture. Today that door is open to use. Today you are going to discuss schooling and the Dene culture for the future of our children who are growing among us now.[279]

Over the two and a half days of meetings, Elders and youth reflected on the past, with particular focus on the vision of Chief Jimmy Bruneau. After watching a video tape of Chief Jimmy Bruneau's speech, Zoe instructed participants to base their discussions on Bruneau's words. For those individuals that had known him and heard him talk, Zoe asked that they share other suggestions "The Old Chief" [280] may have had about protecting Dene culture in the face of western education.[281] Louis Whane, an elder from Wekweètì and nephew of Chief Jimmy Bruneau shared the wisdom his uncle shared with him about his vision, for education.

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[279] Ibid, 2.

[280] In the meeting transcripts Chief Jimmy Bruneau is affectionately referred to as "The Old Chief"

[281] Ibid, 8.

> My nephew, it doesn't seem I will live long on this earth, but according to my words, a school will be established in Edzo. It will be done. Once the school is established the children are not to be taught only English culture. This was not my request. They are to be taught half in English and half the Dene traditions. It is the only way we can keep our traditional life. How will the young people of future generations fare?[282]

According to Louis Whane, Bruneau suggested that life should be as it was in the past. The children should learn the bush skills of hunting, setting nets and other skills necessary for self-reliance in addition to the skills and knowledge of English culture. This way, future Dene members would be able to provide for themselves in either a subsistence economy, the Dene way of life, in a wage-labour economy, and/or the western way of life.

Elders repeatedly spoke of the strength of an individual who would know everything about the white culture and who would equally know Tłįchǫ culture. Johnny Eyakfwo, an elder from Behchokǫ, referenced the importance of knowing both cultures and bringing them together equally:

> We say we want our children educated in the modern way of life and in the way of life the Dene lived a long time ago; the survival way of life. When we look at them, they seem to be two separate things. There seems to be a gap there. We are talking today about what can draw them together. After they have drawn together and touched each other, how can we use them equally? That is the issue we are discussing today.[283]

Jimmy B Rabesca, an elder from Whatì, spoke about the importance of a balanced education in western and Dene culture as the means to achieving a good life:

> Regarding education, our purpose is to give our children a good life in this world. In the past, we used to talk only of the English culture, but now for two years we are talking again about the Dene culture. It would be good if we kept going ahead with it instead of backwards. If we don't go backwards and we work together well, everything we worked for will turn out well. [284]

Zoe, spoke about the consequence of not having knowledge of Dene culture:

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[282] Ibid, 9.

[283] Ibid, 13.

[284] Ibid, 21.

> They don't know where the trails are, which areas are good for fish, how to take care of nets. How will they survive without the strong minds that come from learning these skills? They will just end up hanging around town. They can't turn to the white way or to the Dene ways. Jimmy is right when he says they will have no idea what to do. If a person has no idea of what to do in their life, they will get involved with unimportant things like alcohol and drugs. [285]

The Elders related the concept of having both sets of skills to being two people and felt that there could be no greater and stronger person than one person who has the knowledge of two cultures.[286] The words of Elizabeth Mackenzie, an elder from Behchokǫ̀, became the philosophy for Tłı̨chǫ education:

> So, if the children are taught in both cultures equally, they will be strong like two people. What the Old Chief talked about is for some good time in the future. Today, he didn't talk about everything, but it is good to reflect upon what he did say. He spoke as if even though we are only one person, we can be two persons. He looked far ahead for us, and we gain from it. [287]

Over twenty years after Chief Jimmy Bruneau made an agreement about education with the Government of the Northwest Territories, the phrase, *strong like two people (*dǫ nàke làànì nàts'etso) became the guiding mission statement for Tłı̨chǫ education.

The Dogrib Community Services Board – Integrated Service Delivery

Health and social well-being, like education, was traditionally an extended-family matter in traditional Dene culture. The influx of white settlers and Christianity coupled with western education impacted not only the traditional roles of the family and healers in Dene society, but also the socio-economic conditions in Dene communities and access to traditional methods. Consequently, the Dene experienced health and social inequities that greatly impacted their quality of life. For instance, as is well known, compared to non-Indigenous Canadians, Indigenous peoples experience higher rates of chronic disease, trauma, interpersonal and

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[285] Ibid, 24

[286] Ibid, 41.

[287] Ibid, 43.

domestic violence, and suicide as well as lower life expectancy and higher infant mortality rates.[288]

The Dene view health and social well-being in very different ways than the western culture. Health and well-being are closely linked with the environmental and communal conditions of Dene life rather than just the physical experience of an individual, as it is often viewed in western culture. They also place a greater emphasis on spiritual well-being as a determinant of health and wellness than western culture. Unfortunately, colonization only served to fracture access to traditional medicine, and spiritual healers, as well as land-based healing and wellness practices. For these reasons, culturally appropriate healthcare looks different in Indigenous communities compared to other non-Indigenous, Canadian settlements.

When the Government of Canada transferred responsibility of medical services to the GNWT in 1988, it created an opportunity for Dene communities to take greater control over the design and delivery of health services. A one size fits all approach was not workable in the north given the diversity and distance between northern communities. Thus, local leaders and policy makers began looking for ways to make public service delivery in the north more relevant given the geographic and cultural context.

In 1996, the GNWT passed a new Education Act, that anticipated Indigenous self-government aspirations. Then, the following year, a new Child and Family Services Act followed in its recognition of the diversity of governing institutions, culture, and program delivery in the regions across the NWT. The new legislation recognized the need for local authority over the delivery of public services yet, kept the structure entrenched in the territorial and national framework.

At the same time, there were mounting frustrations in Tłı̨chǫ communities with the fragmented delivery of public services that were ill-suited to meeting the needs of Tłı̨chǫ people or which failed to recognize their unique holistic approach to wellness. As a result, in 1997, the four Tłı̨chǫ communities petitioned the GNWT to integrate health and family services with education. Then, on May 22, 1997, through an agreement with the GNWT, the Dogrib Community Services Board (DCSB) was established to oversee education, health and family services. The agreement stated the board would consist of Band Council Chiefs and publicly

[288] Martin 2018, 1729.

elected community representatives. The vision and mission of the DCSB built upon the DDBE. Important themes that emerged from the DDBE that were carried forward included the importance of land-based knowledge and experience; learning from both western culture and Tłı̨chǫ culture; relationships with the Creator, the land, family and community and local control and autonomy. The DCSB operated until 2005 when the Tłı̨chǫ Treaty became effective, and the organization was replaced by the Tłı̨chǫ Community Services Agency.

In the years that the DCSB was active, it would lead many award-winning, culturally based initiatives. For instance, the DCSB won a United Nations award for cultural development for their model of integrated services delivery. The award recognized that the DCSB had refined service delivery to make it more culturally relevant by implementing a community development approach based on identifying community and cultural strengths and building upon them. They also won an award for the Kw'atindee Bino Community Teacher Education Program. This program provided field-based teacher training for Tłı̨chǫ paraprofessionals who were working in Tłı̨chǫ schools in program support positions, but who are unable to leave their home community to attend a traditional college program.

Through a firm belief that Tłı̨chǫ values and way of life continued to be important in modern day society, the Tłı̨chǫ achieved recognized success in reversing the effects of cultural genocide. They turned institutions which had historically been agents of assimilation and colonization into culturally relevant organizations. This transformation allowed these institutions to support decolonization and work towards the goal of protecting and promoting the Tłı̨chǫ language, culture, and way of life.

Trails of Our Ancestors – Decolonization in Action

> What you have to do is know your basic principles in the first place and then blend the contemporary and traditional together – but you have to have the principles right. [289]

As the above quote by Alfred suggests, when revitalizing Indigenous culture, one must know the values and principles that inform tradition before trying to incorporate them into contemporary institutions.[290] According to Alfred, when fighting for the re-establishment of

[289] Alfred 2009; 35.

[290] Ibid, 35.

Indigenous communities, renewal must occur through "the restoration of indigenous presences on the land and the revitalization of land-based practices, […] [and] the transmission of indigenous culture, spiritual teachings and knowledge of the land between Elders and youth."[291] As Memmi argues, decolonization cannot be "purely intellectual" or "limited to mere activism"; it must include action.[292] The Trails of Our Ancestors canoe trips go beyond the rhetoric of decolonization and achieves the specific objectives set out by Alfred.

By the early 1970s, the Tłı̨chǫ had almost completely abandoned their subsistence lifestyle. The forces of colonization had many Tłı̨chǫ settling in permanent communities, attending western education, being *healed* with western medicine and their social lives monitored and based on western principles and norms.

However, the practice of traveling on the land and sharing land-based stories and teachings was finally revitalized in the late 1980s. A formal program was created in the 1990s called *Trails of Our Ancestors*. The program was spearheaded by the DDBE and later carried out by the DCSB and Dogrib Treaty 11 Council. In the early years, although successful, the trips, were plagued with insecure funding. The trips started with a small contingent in 1995 and happened intermittently until 2001 when more stable and continuous funding was secured.[293] The purpose of the trips was to pass on Tłı̨chǫ values and knowledge systems that had been preserved by the Tłı̨chǫ for millennia through stories and interaction with the land. These skills were taught through oral tradition by Elders to the youth, and through hands-on experience while living and traveling in the bush. Andrews explains how the land and Tłı̨chǫ values and knowledge are connected:

> By traveling traditional trails which link places like beads on a string, Dogrib youth are told stories as each place is visited. The stories provide all the knowledge necessary for living within the Dogrib landscape and in later life these places become mnemonics for recalling the narrative associated with them. In this way, narratives relevant to knowing and living in the Dogrib landscape are passed from generation to generation. Travel is critical to learning and understanding Dogrib cosmology. Without the visual mnemonic cue of place, stories could not be

[291] Ibid, 35.

[292] Memmi 2000, 65.

[293] Zoe 2007, 5.

> accurately recalled, preserving the rich detail and accuracy they are noted for.[294]

Tammy Steinwand, a junior high school teacher who was born and raised in Behchokǫ̀, shares her experience on the journey.

> Each 10–20-day trip was pretty much the same. With about 30 people in total, 5 canoes each carried six paddlers: an Elder, a guide/boss, a teacher and three students. Each day one canoe would be in charge of breakfast for the whole group, another canoe would do lunch for the whole group and the third canoe would do supper. The next day, the duties rotated so if you did breakfast one morning, you would do lunch the following morning and supper the third day. […] It was a group effort and everyone worked well together.
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> Each day began with prayers for a good day, a safe journey and sometimes a request for food. I remember on one trip when we were running low on protein, and we happened to camp by a grave. The morning prayer led by the group's Elder included a request that we be given a big animal in exchange for offering[s] we left at the burial site. It was a beautiful day; the sun was very bright and warm, not much wind, a few clouds, just a gorgeous day! That afternoon, we saw at least one moose. There was our food. […] The whole trip was like that. Sometimes things happened that were difficult to explain. I believe that it is the power of prayer and the spirits of the land that constantly guide us, protect us, and lead us in the right direction. There have been many blessings like this on these trips and each was special in its own way.[295]

The Trails of Our Ancestors Canoe trips have grown since their inception. In 2004, over 200 delegates participated in the journey. Through the program, youth, Elders, and leaders are reconnecting with their traditions of the past, visiting the sacred sites, hearing the stories and reinvigorating Tłı̨chǫ pedagogies.

Travel in the Tłı̨chǫ culture is critical to learning and understanding Tłı̨chǫ history and cosmological values.[296] Zoe argues that it is necessary to have real and lived experiences to move from a colonized state of mind to a "restatement of mind" that allows one to rediscover their

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[294] Andrews, *On Yamozhah's Trail*, 312.

[295] Steinwand 2007, 42-43.

[296] Basso, 1996; Little Bear, 1998.

most intimate self and rid minds of colonized mental attitudes, ideas and habits that have trapped our people.[297]

The Trails of Our Ancestors Canoe trip is consistent with strategies of decolonization suggested by contemporary thinkers. In Corntassel's analysis of decolonization, he points out:

> If colonization is a disconnecting force, then resurgence is about reconnecting with homelands, cultures, and communities. Both decolonization and resurgence facilitate a renewal of our roles and responsibilities as Indigenous peoples to the sustainable praxis of Indigenous livelihoods, food security, community governance, and relationships to the natural world and ceremonial life that enables the transmission of these cultural practices to future generations.[298]

The trails program brings back to life and "maintains the old part [of Tłı̨chǫ history and culture] that had been ignored for a long time."[299] Elders navigate and interpret the landscape, transferring this knowledge and providing experience to the youth and leaders who may not have a living memory of a land based Tłı̨chǫ lifestyle. Through these experiences, there is a re-setting of one's mind from that of colonialism to a recreation and resurgence of a uniquely Tłı̨chǫ way of life.

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[297] Zoe, 2014.

[298] Corntassel 2012, 97.

[299] Zoe, 2014.

Figure 14: Picture of Canoes on Trails of Our Ancestors

Understanding of My Roles

Tłı̨chǫ Annual Gathering, Wekweètì
August 2006

It was the second Annual Gathering of the Tłı̨chǫ Government. The previous year's gathering was held in Behchokǫ̀ along with a big celebration to mark the effective date of the Tłı̨chǫ Treaty. This year, Wekweètì, the smallest of the Tłı̨chǫ communities, was hosting the event.

Long before the effective date of the treaty, the Tłı̨chǫ people had a ritual around gathering for political meetings and engaging in social and cultural celebrations. Black and white photographs remind us of treaty day celebrations that started in 1921. There are drum dances, feasts, meetings and games that go on into the wee hours of the morning … not that one can really distinguish day from night during the summer months as the sun only barely dips below the horizon.

Prior to the settlement of the Tłı̨chǫ Treaty, the annual meeting was called the Assembly. Like treaty celebrations, and now the Annual Gathering, it was held annually in July or August. Delegations from each of the four Tłı̨chǫ communities would gather to discuss progress on land claims and self-government negotiations, to elect a Grand Chief for the Tłı̨chǫ Nation and to celebrate the Tłı̨chǫ culture with hand games, drum dances and unique Tłı̨chǫ activities. Post effective date, the name changed to Annual Gathering; however, despite the passage of time, the change in name and the varying content of the meetings, treaty days, annual assemblies and now the Annual Gathering are all very similar.

With the effective date of the new agreement, the four Tłı̨chǫ First Nations as well as the Dogrib Treaty 11 Council ceased to exist and were succeeded by the Tłı̨chǫ Government. This eliminated my position as Band Manager with the Dechi Laot'i First Nation. I had subsequently transitioned into a new position as an Implementation Facilitator with the newly formed Tłı̨chǫ Government. The main responsibilities of this new role involved helping to establish a Tłı̨chǫ Community Presence Office in each of the four Tłı̨chǫ communities.

The Community Presence Office was to be the front line for the Tłı̨chǫ Government in each community. Every community has its own Chief and a Community Presence Office. It hosted the Chief's office and oversaw the local delivery of the Tłı̨chǫ Government's programs and services. The offices were overseen by a Community Director who also served as an executive level advisor and support person to the Chief.

At this time, I had also recently become a mother. Alexander, or Alex for short, was born in April 2006. Following the example set by my Tłı̨chǫ women colleagues, I took just enough time off work to have the baby. I then returned to the office with Alex in tow, either bound to my back, in a play pen (though no one let him spend much time there as there was always someone to carry him around, sing to him and play with him!), or when I worked from home, he was often sleeping in a Tłı̨chǫ baby swing.

The community considered it an honor to host the Annual Gathering and receive delegates from every Tłı̨chǫ community as well as government officials from the GNWT and Canada. As soon as the winter snow receded, community beautification efforts commenced. Community buildings were painted, and grounds were cleaned up. New smoke houses were built, and existing ones repaired. Private homes underwent minor repairs to fix steps, tighten doors and generally just brighten the interior. Freezers were filled and overflowing with dry meat, fat,

fish and caribou meat. Loose dogs were returned to their owners and tied up to their plywood dog houses. Fire pits and cook tents were assembled in front of the arbor, a building in the center of town used for community gatherings, with neatly stacked cords of well-seasoned wood logs piled alongside it, ready to cook the meals for the Annual Gathering attendees. Community pride was on full display and every resident was anxious for the date to arrive.

Since the 1990s, the start of the Assembly, now known as the Annual Gathering, is marked by the arrival of canoes undertaking the Trails of Our Ancestors trip. On the evening of July 31st, boats from Whatì, Gamètì and Behchokǫ̀ began arriving at the southwest end of Snare Lake, however, a few of the boats from Behchokǫ̀ had not yet arrived. It was customary for paddlers to wait at the rendezvous point until every boat arrived and then as one large group, they would paddle the final stretch together.

By the morning of August 1st , the late boats still had not arrived. A few community foreman helpers went to the gathering point to check on the paddlers and wait for the arrival of the last canoes. When the canoes finally arrived, they brought stories of treacherous trails and unpredictable weather that had delayed their travel by a day. The community foreman helpers returned to the community to alert the local community foreman so he could prepare for the arrival of the boats. Word spread quickly that the boats would be arriving after supper that night.

The community was electric with the anticipated arrival of the canoes. This would be the first time I would see the canoes arrive, but as I had heard about the magnitude and excitement of the event, I restlessly checked the horizon for signs of approaching canoes. Finally, around 8:00 p.m., I was rewarded. From my living room window, I could see the canoes rounding the land at the south end of the community and heading towards the dock.

I grabbed Alexander, preparing to bind him to my back as Madeline Judas and Mary Adele Football had taught me. The practice of packing a baby on a mother's back had historically been done with caribou hide but since blankets were introduced through trade, a flannel sheet, with the iconic Hudson Bay multi stripes of green, red, and yellow, has been used.

Folding the sheet into a triangle, I placed Alex on top of the sheet with his head at the base of the triangle. I kneeled on the floor at Alex's head. Looking down at him, he giggled and kicked his legs. He was familiar with the drill and loved being packed on my back. I reached my hand under his body until his head was cradled in the crux of my arm. With one quick and

graceful movement, I scooped up both he and the blanket and gently placed him on my back, his head just above my shoulder and the blanket draped over his body.

Hunched over, so he wouldn't slide off my back, I grabbed the points of the triangle, securing them over my shoulders and crossing them in front of my body. I then reached around, tying off the ends underneath Alex's bottom. Even though I had secured Alex this way many times, I hesitantly stood up. As always, the blanket was snug around the two of us and he was safe and secure. Bound tightly to me with the method used by Tłı̨chǫ women for thousands of years, he happily looked over my shoulder, gurgling and laughing and taking in the world. He would be content like this until fatigue took over his little body and his bobbing head would finally rest against my shoulder, sound asleep. I had a modern nylon and metal baby backpack, but I never used it as Alex always cried in it.

Figure 15: Packing my son Alex in traditional way

With Alex on my back, I hurried to the dock. A crowd had already started to gather along the shoreline. Grandmothers, fathers, aunties, brothers and cousins all awaited the arrival of their sisters, uncles, mothers, grandfathers and friends. A volley of gun shots rang out announcing the arrival of the canoes and alerting anyone who had not already made their way to the dock that the boats were almost there. This too was an echo of past times when gun shots were used to announce the arrival of hunters and trappers ready to conduct trade.

The drummers started beating their instruments. The deep rhythmic beats and the powerful voices announced the canoes after their long journey. Stretched out across the water were thirty or so canoes holding upwards of 150 paddlers with representation from every community. A few of the lead canoes carried a Tłįchǫ flag at their stern. As the canoes reached the shore, the crowd organized themselves into a single receiving line. The paddlers started tumbling out of their boats with whoops of celebration for completing their trip. The darkly

tanned faces from days under the sun were marked with emotion — broad smiles and the occasional tear of joy and exhaustion streaming down a cheek.

As I took my place in the middle of the receiving line, I could feel the energy the paddlers brought with them, the pride they must have felt having completed their ten to fifteen-day journey successfully. As each paddler moved through the receiving line shaking everyone's hand, they celebrated their accomplishment and shared stories of the trail.

Figure 16: Receiving line upon arrival of canoes in Wekweètì for the second Annual Gathering

"Oh boy, bebìa Alex got ever big!" Alexander's aunt Cece exclaimed as she shook my hand. "One day it's going to be your turn to do this, Alex," she grinned at him as she went by. Alex's legs kicked and his arms sprang up at the sound of his name. Cece's daughter Laylu was next to shake our hand. At only age five, she had made the long journey with her mother and father. This was her second time doing the trip as her first time was while she was still in diapers. I crouched down so she could shake Alex's hand and kiss his cheek.

It must have taken close to thirty minutes for the paddlers to all disembark and go through the receiving line. Pickup trucks pulled up to the boats and began loading the paddler's gear, transporting it to the cook tents in the middle of town. With the greetings over, some paddlers went to a relative or friend's house for a hot shower, others went to the tents where cooks had prepared a meal of caribou ribs, hot dogs, carrots, boiled potatoes and a mildly

sweetened, runny pudding of rice and raisins. Paddlers filled their plates, grabbed hunks of bannock and a cup of tea before taking a seat at a picnic table. Crowds flocked around the paddlers to congratulate them once again on their journey and to hear their stories.

Inside the arbor, I could see the beginnings of a drum dance starting to take form. Canvas bags a few feet tall, contained the caribou hide and birch frame drums, which were piled in the center of the octagon-shaped room. Drummers selected their instruments, carefully checking the surface for any tears, flipping them over to ensure the frame and sinew were all in good condition.

I recognized Bobby Pea'a, one of Wekweètì's most renowned singers. Looking satisfied that he had chosen an instrument in good condition, he tested the tone of the drum using a stripped piece of slightly curved birch that serves as a drumstick. Holding onto the drum by a knot of sinew strands on the back, he lightly struck the front and tested the tension of the two sinew strands that traced the surface of the drum to make a distinctive sound. Using the hot plate set up along the perimeter of the arbor, he warmed the caribou skin face of the drum to tighten the hide so as to achieve a certain timbre.

People from all directions descended on the arbor in anticipation of the drum dance beginning. I slipped through the door of the arbor and tried to make myself invisible. I took a place along the wall opposite of where the drummers would stand and behind the crowd that was forming. It is not that I didn't want to dance … I had danced before and I found it enjoyable, not only because it was dancing but, joining in with thirty of forty other dancers dancing in unison with drummers as they sang and played their instruments in unison came with feelings of belonging and social solidarity. I really enjoyed the experience, but I questioned my rhythm in spite of the fact the people of Wekweètì had been supportive and encouraging, I didn't want to put my abysmal drum dance skills on display for the entire region to see.

Bobby began singing, his voice low. He lightly struck the caribou skin surface of the drum. A few dancers accepted his invitation and started the drum dance circle in front of him. Bruce Football, Tony Tsatchia, Gilbert Boline and a few others I didn't recognize joined Bobby in a slightly curved line, their singing and drumming getting louder. This was enough encouragement for more dancers to join the circle in the center of the room, flanked on three sides by the spectators. One behind the other, front to back, the dancers moved forward in a tight clockwise circle with short double steps in time with the even beats of the drums.

The drummers' singing rose and fell in a melody and cadence. It was beautiful and compelling. As more people joined or were pulled into the circle, it swelled in size, now almost filling the room. The dancers and drummers, now feeding off one another, became more animated and passionate. The volume of the singing, dancing, and drumming increased and resounded through the room and deep inside my chest. It is a powerful ritual so steeped in tradition, with everyone, even the spectators, part of the ceremony and moving as one.

From the back row of spectators, I tapped my feet to the beat, wanting to join but modesty took over and I sunk father towards the wall for fear that if I was too close, one of the dancers would grab my hand pulling me into the circle as they often do with anyone close enough to reach who appears to want to dance but needs a little extra encouragement.

I felt Alex's head resting against my shoulder, a sure sign that he had fallen asleep, so I decided to make a quiet exit and return home to put Alex to bed and to do some last-minute preparations for the following day's meetings. My walk home was accompanied by the sounds of the drum dance and black and white pictures and videos of the drum dances running through my head like a movie. Although the times have changed, the songs, the instruments, the rituals and the feelings of cohesion and unity that go along with the drum dance have survived.

August 2, 2006

The following morning, meetings were set to start in the gymnasium of Alexi Arrowmaker School at 10:00 a.m. I arrived shortly before the start time with Alex strapped to my back. I wanted to ensure everything was in order so the meetings could start when the crowds arrived. Although there was always a set time for the meetings to start, it was more of a suggestion rather than a schedule. Start times were fluid and reliant on the number of attendees present and the conclusion of smaller unofficial caucus meetings that might happen over a cigarette or a coffee.

The room was set up with a line of tables at the front of the room where the Chiefs, Grand Chief and Assembly members would sit. To the right was a smaller table for Tłįchǫ Government staff including the Tłįchǫ Executive Officer, John B Zoe; Implementation Facilitators Laura Duncan, Zabey Nevitt and myself; as well as legal counsels Art Pape and Rick Salter. Directly across from the table and to the left of the leadership were two interpreter booths. Four interpreters would rotate, simultaneously translating the entire proceedings into

Tłįchǫ and English, as necessary dependent upon the speaker. Finally, directly across from the leadership table were rows and rows of plastic chairs for the public with a microphone situated in the front center.

A few leaders and the public started filtering in, helping themselves to Styrofoam cups of coffee, store-bought cream-filled vanilla cookies and dry meat with lard that was available on a table at the back of the room. They congregated in small groups speculating on who would say what, discussing what the big issues of the meeting would be and what their opinions were on those issues, or discussing the winnings from the previous night's card games.

I took a seat at the staff table to review the agenda, but Alex began wiggling on my back: he didn't want to sit at the table, he wanted to see all the people. Grand Chief George Mackenzie was walking by and noticed Alex beginning to fuss. He approached me and said, "Let me take the little guy for you for a few minutes before the meeting starts."

Alex reached his arms up to the Grand Chief, eager to be free of the binding and to visit with everyone in the room. I carefully untied the knot under his bottom that secured him to me and the Grand Chief reached over taking him off my back. With Alex in one arm and a coffee in the other he went back to mingling and discussing the days' meetings.

I returned to my work. The day's agenda included the presentation of the annual report, a review of the audited financial statements, program reports and presentations from the federal and territorial government officials. I busied myself confirming documents were available for translators and the public, getting last-minute documents printed for Laura and John B who were preparing the speaker for his duties of the day and greeting GNWT and federal government officials.

Sensing the meeting would be starting soon as the room was beginning to fill up, I scanned the room looking for Alex. He had made his way from the Grand Chief to Chief Henry Gon, the Chief of Gamètì. Chief Henry was sitting at the leader's table with Chief Charlie Nitsiza, of Whatì and Chief Leon Lafferty of Behchokǫ̀. I rushed over to retrieve Alex but the friendly smiles from the three chiefs put me at ease. "He is going to be a big boy, Jennifer. Already he is ever strong," Chief Gon remarked as he handed Alex back to me.

I shyly smiled back to the chief and hurried away, not wanting to interrupt their conversation. Before I got back to the staff table, Cece Judas intercepted my walk, "Let me take my little nephew for a bit; it's been ever long since I've seen him." She took Alex from my arms.

"Masi Cece. Once the meeting gets started, I should be able to take him back," I replied. "No worries, whatever works for you, it is nice to see him," she responded as she turned and walked to the back of the room with Alex in her arms.

The speaker's voice came over the audio system asking everyone to take their seat and inviting Elder Harry Simpson to give an opening prayer. Everyone in the room stood, heads bowed, arms at their sides or hands folded in front of them. Harry began to pray in Tłįchǫ. With the aid of my earpiece and the translators, I was able to follow along.

Harry spoke about the importance of the meetings about to take place and the important work they would do now that the Tłįchǫ had self-government. He spoke about Alexis Arrowmaker, our namesake for the meeting venues who had passed away in November 2005 at the age of 85. He cautioned against forgetting all the Alexis had done for the Tłįchǫ. As the adopted son raised by Chief Monfwi, he had listened and learned from the old Chief and went on to serve as the Chief of the Dechi Laot'i First Nation, the Grand Chief of the Tłįchǫ people. Later in his career and up until his death he was an advisor to the Dogrib Treaty 11 Council.

Harry commented on the Tłįchǫ Treaty being the culmination of Alexis's life's work and his vision for the future for the Tłįchǫ people. He said the Tłįchǫ owed many thanks to Alexis who was a shrewd negotiator and passionately defended the land and the rights of the Tłįchǫ people. Harry went on to urge the leaders to work positively with one another, to be respectful and to listen to one another. He ended his prayer by leading the meeting attendees through the Sign of the Cross, the Lord's Prayer, Hail Mary, Glory Be and again the Sign of the Cross.

The meeting went well; reports were presented by Tłįchǫ Government Directors, updates were provided on special projects, and the Assembly offered some context and explanation on the reports and presentations for the citizens. Alex spent his day with various friends and family who were in attendance at the meeting and when he was content to do so, he was with me, sitting on my lap or strapped to my back. Around 5:00 p.m., the meetings concluded, and the attendees scattered off to visit friends and relatives or to the cook tents for a generous helping of the delicious dishes prepared for the meeting attendees. Alex and I returned home to rest for a couple hours before I secured him to my back once again and we went back to the arbor to watch the hand games.

When I arrived at the arbor, the games were already well underway with a team from Behchokǫ̀ taking on a team from Wekweètì. Kneeling or sitting on their heels, the two teams of men sat facing one another at the center of the room. At one end was an umpire (someone who I didn't recognize) who would ensure the rules of the game were followed.

Behind each team were the drummers. Kneeling on one knee, they stretched a little higher than the players in front of them. Joseph Judas, the guesser for the Wekweètì team stared intently at the line of Behchokǫ̀ players. There are seven of them, hunched over, in deep concentration, their upper bodies bouncing lightly up and down in unison with the drummers behind them.

Their hands were hidden beneath their jackets so Joseph couldn't see which hand hid the object – usually a coin or crumpled piece of paper. It was Joseph's job to guess in which hand the players held their token. If he guessed correctly, he eliminated those players. There are multiple variations of guesses Joseph can choose from, but he only gets one guess for all the players.

Still in sync with the music, the players straighten up to face the opposing team, bringing their clenched fists out from under the jackets. Some players crossed their arms in front of them, their closed fists resting on the opposite shoulder. Others have their arms in front of them, bent at the elbows at a 90-degree angle. Joseph looks intently at them and with a clap of his hands displays a hand signal that indicates in which hand he thinks most of the group have concealed their token.

I didn't understand the hand signals, but I could see from disappointed faces that Joseph eliminated four of the seven players. Joseph tossed four sticks that were lined up in front of him to his side. The eliminated men grabbed a drum and joined in with the drummers directly behind the players. The three remaining men concealed their hands under their jackets again to hide the token in their fist. This continued until Joseph eliminated all the players and then his team hid their tokens and the Behchokǫ̀ team guessed.

When the playing team changes, so to do the drummers as each team had their own drummers sitting directly behind them. The game went on for several rounds and the noise and excitement increased with each round as the Wekweètì team got closer to claiming all the counting sticks. The hand game was yet another nod to history, dating back to long before

history captured it in photos and videos. Both Alex and I were tired, so I decided to leave early before the final victor was decided.

August 3, 2006

The second day of meetings was an open forum for Tłı̨chǫ citizens to speak to the leadership. The gymnasium felt particularly hot, dry and dusty and as I sat adjacent to the leaders, my mind began to wander, thinking about what event I might take Alex to that night. As I was about to completely slip into my daydream, an Elder began to speak and my attention snapped back to the meeting.

Whereas the speech was in Tłı̨chǫ, I fumbled with my headphones to be sure I could catch the Elder's advice. He was talking about the Tłı̨chǫ Treaty and the need to protect Tłı̨chǫ lands, water and wildlife, but also to make certain there were employment opportunities for Tłı̨chǫ youth. He spoke at length about all the work the Alexis, Harry and the other Elders did so the Tłı̨chǫ could have their own government. He advised the Assembly that they needed to work like a government now and needed to protect Tłı̨chǫ language, culture and way of life.

He told the Assembly that they also had a responsibility to protect the caribou that was so integral to the Tłı̨chǫ culture and way of life. He then switched to the topic of the mines and compelled the leaders to ensure that the mines continued to operate and provide employment opportunities for the Tłı̨chǫ youth. He saw this as an opportunity for youth to live a good life and to be strong like two people. By this he meant that youth could embrace the benefits of the contemporary world while being firmly grounded in their Tłı̨chǫ language, culture and way of life.

He explained that although the lands, water and caribou were very important, the Tłı̨chǫ people also needed work that paid money. The poverty experienced throughout the region before the mines opened demonstrated how important these jobs were for the economic well-being of the Tłı̨chǫ people now that they were encountering a modern world. He cautioned that mining needed to be done in a way that was responsible so as to protect their traditional life and that the Tłı̨chǫ needed to set the direction and make the decisions. He explained that the Tłı̨chǫ had always been here, and they always would be. White people, businessmen and government people would come and go, but the Tłı̨chǫ people would always occupy these lands and live from the resources it provided. He went on to advise the leaders that for them to do good work, they

needed to trust one another and work together. He asked them not to speak negatively or harshly to each other but to be good to one another, to listen and to work in a good and cooperative way for the Tłı̨chǫ people.

The room went silent as the Elder spoke and everyone gave him their full attention. He did not speak long, perhaps only ten or fifteen minutes at most, but the power of his words was reflected in the attentiveness of the room. He ended his speech by thanking the leaders for their tireless work, thanking the staff for their dedication and hard work for the Tłı̨chǫ Government. He thanked the cooks, the community foreman and foreman helpers for putting on such a wonderful gathering.

When the Elder was done speaking, the chair announced they would take a break. Small groups congregated once again, and many seemed to be discussing the Elder's wise words. When the meeting resumed, other Tłı̨chǫ citizens brought forward their concerns and thoughts. The day concluded around 5:00 p.m. and like the previous evenings, there was food and celebrations that lasted until the early morning hours.

August 4, 2006

On the last day of the gathering, an Assembly session is held. The Assembly consists of the Grand Chief, and the Chief and two elected councilors from each community. It is the highest body of elected officials who have law-making authority in the government. Fewer people attend the Assembly session and by noon, the buzz of planes was heard as they came to transport people back to their home communities.

I've been to most of the Annual Gatherings since that day in 2006, and I have heard many wise speakers respectfully impart advice to the leadership in a spirit of support and solidarity. The Elder's words from that day have resonated with me and even over a decade later, I'm often reminded of the impact they had on me.

By 2006, I had become an outspoken advocate for the Tłı̨chǫ and as a Band Manager and Implementation Facilitator, I was in a position of influence, but it wasn't until the Elder's speech that I understood just what my place was. I had started to believe that my years of living with the Tłı̨chǫ and experiencing some of their rituals and ceremonies made me a bit of an expert, yet I knew, despite these experiences I was only scratching the surface.

The Elder's words brought me to a new understanding of my role. Although I was continually coming to a better understanding of the Tłįchǫ peoples' objectives and although I had a deepening appreciation for their ceremonies, rituals and knowledge, I did not share their historical experiences. More importantly, I would not have to live with the consequences of the decisions made about their lands, their way of life or their communities.

Collectively, the Tłįchǫ have a responsibility to their lands, culture and way of life that I personally do not have. If conditions changed or my desires changed, I could simply move from the community, and in fact, I did move three years later. It is a simple fact that the Tłįchǫ do not have the same nomadic tendencies that settlers do. They have always and will always live on Tłįchǫ lands, in a uniquely Tłįchǫ way of life.

As a member of the so-called settler community, I have indeed moved around the country, reinventing myself with each move to adapt to the local culture and customs of each new community and because of this, and my birthplace, I do not have a connection to a shared history in the way the Tłįchǫ do. I also don't have the burden or the responsibility of the future of a specific community.

This is not to say that I have no value to the Tłįchǫ. I believe my appreciation for their culture, way of life, knowledge and autonomy has positioned me as a valuable ally. I still think of myself as an intermediary between the Tłįchǫ and the GNWT, Canada, businesses, and other outside agencies; however, it is the Tłįchǫ who have always and will always be on Tłįchǫ lands. It is they who need to decide their future and the future of their lands, because it is they and only them who will bear the full consequences of these decisions.

I'm also a mother and have all the responsibilities that come along with that role. Being a mother is one of the most important roles in my life and I find it endlessly rewarding. However, it is also challenging, and it is made even more complicated by the fact that I'm raising a young Tłįchǫ boy, in southern Canada.

I owe so much of what I've learned about motherhood and parenting to the Tłįchǫ Elders, the importance of connection and discipline, while respecting autonomy, the role of family, but also community, the importance of belonging, identity and culture, and the complexity of thriving in two conflicting worlds.

The words of the Thcho Elder who spoke that day at the Annual Gathering helped with navigating my role as mother to a biracial child. I grew up in a classic white experience, in a

small town that was predominantly white, a place my family had lived for multiple generations. Parenting my son Alex has forced me to face the realities of oppression and racism faced by Indigenous peoples as I am raising a child who has had a very different experience in the world than me.

I've had to learn how to help him navigate the racism and social injustice he has encountered in a way that honors his family history and identity, all with no experience with the same. Over time, I've come to see my role as a parent similar to my role with the Tłı̨chǫ, as one of advocate, assistant and champion.

I have come to appreciate that Alex has his own unique path that is informed by his history and his connection to two worlds. I can empathize but I can never know what it is to be him. I can support him, but I can never choose his path. I've come to recognize Alex is who he is because of the richness of the two worlds he comes from. I can also recognize the potential pain and challenges he might confront in those same two worlds. Just as the Tłı̨chǫ had been patient and nurturing with me and provided me with a safe place to grow and learn so I could become my best self, this is what I can be for Alex, so he can follow in the wisdom of his Elders and become strong like two people.

[1] Tłı̨chǫ Constitution, 13.

Chapter Five – Authority & Accountability in Program & Service Delivery: The Intergovernmental Service Agreement & the Tłįchǫ Community Services Agency

Introduction

Over 20 years ago, the Royal Commission on Aboriginal People put forth several recommendations to address the multitude of issues between Indigenous and non-Indigenous peoples that had come to light because of events like the Oka Crisis and the Meech Lake Accord. The 4000-page report, published in 1996, set out a 20-year agenda "seeking to transform the relationship between Aboriginal nations and the Canadian Government."[300] Contained in the report were 440 recommendations ranging from topics such as the recognition of Aboriginal Governments and their rights and authorities to initiatives to address social, education, health, and housing needs. There were also recommendations around traditional knowledge. Volume 3 entitled *Gathering Strength* focused on family life, health and healing, housing, education and cultural policy. RCAP suggested that these matters were central to Indigenous life and impact welfare, culture and identity, [301] *Gathering Strength* contained several actions for government including the recognition of the role of Elders and Indigenous traditional knowledge. It recommended that government "acknowledge the essential role of Elders and the traditional knowledge they have to… reconstructing institutions that support Aboriginal self-determination and wellbeing." [302]

Despite all this work and attention paid to acknowledging and incorporating traditional knowledge, the initiatives that were intended to protect Indigenous languages, cultures and ways of life and improve conditions in Indigenous communities have failed. To understand why, we need to look beyond the state apparatus and into the organizations and agencies that are operating in Indigenous communities and ask why this continues to happen, even in organizations and agencies that are the result of self-government agreements.

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[300] RCAP v5 1996, 1.

[301] RCAP v3 1996

[302] RCAP v 3, 111.

This disconnect can be acutely seen in the implementation of the Intergovernmental Services Agreement (ISA). The ISA is a government-to-government agreement which established an Agency for the delivery of GNWT programs and services, most notably education, health, and social services. The Agency was to be an interim or temporary *body* through which the "Tłįchǫ Government exercise their right to self-government and assumes responsibility and accountability for the delivery of current GNWT programs and services." [303] Despite this apparent transfer of authority, and the creation of an agency of self-government, conditions in Tłįchǫ communities in relation to health, education and social well-being continue to deteriorate.

In this chapter I argue that the problems lie in the GNWT belief that it can provide an abstract governance structure wherein different cultural forms can be delivered. What this approach does not acknowledge is the governance structure itself reflects western cultural values that contradict Dene cultural forms. As a result, the GNWT does not relinquish control in any meaningful way, and it continues to define what counts as development and how it can be achieved. In this chapter, implementation of the ISA is used as a window into how Government's rhetoric has changed yet on-the-ground implementation has not. The GNWT and the Tłįchǫ Government have vastly different ideological foundations, and this disconnect results in Tłįchǫ authority, autonomy and visions of self-government being undermined. Rather than finding new ways forward, the GNWT utilizes legalistic justification and complicated policy entanglements to perpetuate their power and further entrench government control over the Tłįchǫ.

In this chapter, readers will learn more about the Tłįchǫ Nation's approach to self-government and their attempts to address the inequalities in their communities. Readers will recognize the subtle maneuvers of totalizing power that ultimately ends up stalling meaningful implementation while the conditions in communities continue to deteriorate. Readers will also see the consistency with which attempts to assert Tłįchǫ authority and autonomy are explained away or stalled by using overly legalistic maneuvers. This highlights how scoping out the daily life and interactions serves to advance the broad structural forces of the GNWT. As identified in the following chapter, these nuanced acts appear innocuous enough on the surface but ultimately, they result in normalized bias, articulated in policy that perpetuates and entrenches government

[303] Tłįchǫ Government Assembly, Strategic Framework and Intentions for the 4th Tłįchǫ Assembly 2017-2021, 13.

control over the Tłı̨chǫ. In part, this is a result of a structure that must always bend to the overarching needs of capitalism and a totalizing state that will continue to operate in that manner regardless of the views of its agents.

The Context for negotiating the Intergovernmental Services Agreement

The Tłı̨chǫ Treaty calls for the parties to enter into an ISA for a period of ten years. The Treaty sets out the objectives for the ISA including to provide for the management, administration and delivery of health, education, welfare, family or other social programs and services. The ISA is also intended to be an instrument for the Tłı̨chǫ Government and the GNWT to exercise their authorities in these jurisdictions and deliver these programs in a manner that respects and promotes Tłı̨chǫ language culture and way of life. When the ISA was initially negotiated, it was thought to be an interim measure until such a time as the Tłı̨chǫ Government was ready to assume responsibility over these jurisdictions. Prior to the expiry of the initial ISA, the parties were to review the agreement and make decisions regarding the future of service delivery. To fully understand the intentions of the ISA, it is necessary to look at how the relevant parties to the agreement, the GNWT and the Tłı̨chǫ, viewed the Treaty and its related agreements and what they were intending to accomplish with the Treaty.

In a lecture Zoe gave at the Transitional Governance Project at Carleton University in 2017, he explains the agreement as "an extension of the story of who we are but there have been many impacts that need to be reconciled."[304] Zoe describes the historical relationship between the Tłı̨chǫ and Canada as being a drawing down of powers and authorities from the Tłı̨chǫ that started at contact and continued until the Tłı̨chǫ Treaty was negotiated. Prior to contact, Tłı̨chǫ people had a way of life that is recorded in the landscape through stories and placenames. However, since that time, there have been many impacts on that way of life.

Zoe explains that the first impact occurred at contact because "whenever anyone goes anywhere, they need to eat, they need a place to stay, this means they are going to have an impact on the people of the area."[305] This initial impact may have been small, affecting some resources and some decision making but with expansion of the fur trade and no protection for

[304] Zoe, John B, "Lessons from the Land" [lecture, Carleton University, Ottawa, ON, October 30-5, 2017].

[305] Ibid.

Tłı̨chǫ lands, as they were considered part of Dominion Lands owned by the Hudson's Bay Company, white trappers moved into the area, taking more resources away from the Tłı̨chǫ people. In 1870, the British Crown negotiated a buyout of the HBC land rights and included these lands in the new Dominion of Canada thus expanding colonial control over lands and resources.

With Canada firmly in control of lands and resources, they began operating entities such as mining companies and crown corporations. The activities these entities engaged in served to ensure that Canada's control over the lands and resources was maintained. The wealth generated from the lands was redistributed to mostly non-Tłı̨chǫ through employment. The entities and individuals employed then provide financial resources back to Canada through the payment of taxes. Canada uses these taxes to deliver social programs through other entities such as universities and non-government agencies as well as directly by itself and regional and local governments.

The GNWT continued this process, developing their own jurisdictions including health, education, social services, and municipal functions. This removed even more power and control from the Tłı̨chǫ. All the resources, lands and the decision-making authority over society and the economy that had once belonged to Tłı̨chǫ people was now controlled by Canada, the GNWT and their entities.

These structures were all orchestrated for the benefit of Canadian citizens; however, Canada and the GNWT still had to deal with Indigenous inhabitants including the Tłı̨chǫ people, and so it imposed the Indian Act. Zoe explains that the Indian Act essentially created a "bubble and the only way into the bubble was through the Indian Agent and Indian Affairs and the only people authorized to go into that bubble to remove anybody was the churches who are part of the entities of government."[306] This is where residential schools came from. The Indian Act made Tłı̨chǫ people part of the system. Decisions made in Tłı̨chǫ communities had to be communicated to Canada through band council resolutions. If Canada approved of the decisions being made, they would send more money. However, the money was still controlled by government and entities of government and was only provided to Tłı̨chǫ communities through contribution agreements that put tight controls on how monies could be used.

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[306] Ibid.

Zoe explains that the Tłı̨chǫ Treaty is about undoing the impacts of this history, disentangling the powers and authorities from Canada, the GNWT and all the related entities and reversing the drawdown of power and authority that has happened over time and returning it to the Tłı̨chǫ. The ISA, as an extension of the Tłı̨chǫ Treaty is intended to be the initial transition of power over education, health, and social services to the Tłı̨chǫ.

The GNWT has been one of the greatest beneficiaries of the removal of power and authority from the Dene. Following World War II, Canadians began demanding the provision of social services in hopes of avoiding the misery of the great Depression. In 1946, the Department of Northern Health Services, a section of the Department of National Health and Welfare, was created to address the disgraceful condition of health services in the north and to address the problems of infant mortality and tuberculosis.[307] Social service payments such as family allowance, old age security pensions and allowance for persons with disabilities were extended to Indigenous people in 1948. Also, as discussed in Chapter 4, the federal government took over responsibility of education from the churches in the 1950s.

With the seat of government moved from Ottawa to Yellowknife in 1967, these and other provincial type responsibilities were devolved from Ottawa to the NWT Council. By 1970, the government was composed of four program departments: Local Government, Industry and Development, Education, and Social Development.[308] In 1973, a Crown corporation, the NWT Housing Corporation also emerged and assumed responsibility for territorial housing needs.[309] By 1979, the GNWT resembled a provincial government with a budget of more than $250 million, and about 3,000 civil servants administering one-third of Canada's land mass.[310] Despite the fact that the NWT population outside of Yellowknife was predominantly Dene and other First Nations, the GNWT established itself by assuming jurisdiction and responsibility over matters that, throughout the rest of the country, were devolved to First Nation Band Councils, further limiting Dene self-governing abilities.

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[307] Abel, Kerry, Drum Songs: Glimpses of Dene History [Montreal: McGill-Queen's University, 2005] 236.

[308] Dickenson, Whose North? Political Change, Political Development, and Self-Government in the Northwest Territories [BC: UBC Press, 1992] 90.

[309] Ibid, 90.

[310] Ibid, 91.

Throughout the 1970s and early 1980s Dene communities pushed for decentralization of GNWT powers and a return of these authorities to local communities through self-government. The GNWT was resistant to this change. Despite the GNWT pushing an idea of prime public authority at the local level of government, they had only devolved limited, municipal type powers to local governments. The GNWT continued to retain responsibility for education, housing, healthcare, and social services, as well as planning, economic development, and policing.

The 1987 Report on the Regional and Tribal Councils in the Northwest Territories supported devolution to local government, but the NWT Council rejected its findings. However, they could not ignore the pressure from Dene communities and so by the 1990s, their policy had shifted slightly. The report, *Strength at Two Levels: Report of the Project to Review the Operations and Structure of Northern Government*, contemplated the transfer of authority to build stronger community self-government by "facilitating the transfer of more program authority and resources to community governments that are demonstrating an interest and are prepared to develop the necessary abilities. "[311] With the need for "*development of necessary abilities"* as a precondition of transfer, decentralization was not guaranteed and instead positioned the GNWT as the authority in determining when the transfer could occur.

In 1990, when the Dene Métis claims collapsed over the requirement to include an extinguishment clause, Canada announced it would negotiate individual land claim agreements with Dene regions. The Gwich'in reached a land claim agreement in 1992, the Sahtu Dene and Métis settled the following year. By the late 1990s, negotiations for the Tłı̨chǫ Treaty were well underway and since the inherent rights policy had passed and included the right to self-government. Given the GNWT's broad authority over many jurisdictions, they were actively involved in negotiations.

Patrick Scott was the GNWT's chief negotiator and the lead for the ISA negotiation. Scott's career began in the North in 1975 as a camera man and producer for the CBC. He followed the Berger inquiry traveling to all 26 communities to document the Dene position on the pipeline at the community hearings. Scott shared his perspective on the GNWT's approach to self-government:

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[311] GNWT, Financial Management Board Secretariat, *Strength at Two Levels: Report of the Project to Review the Operations and Structure of Northern Government* [Yellowknife, 1991], 46.

> The GNWT takes the position that whatever is negotiated in the self-government agreement, the programs need to meet GNWT standards. They achieve this with their *prime principles*, that being the end objectives of each jurisdiction. For example, in Social Services the prime principle or end objective is the best interest of the child. They (GNWT) define what that means and in negotiating, the GNWT essentially expects the Indigenous government to agree to meet their principles and objectives in order to get an agreement. [312]

Essentially, the GNWT did not intend to negotiate self-government as having autonomy and authority over programs and services. Delivery of programs and services may be delegated to Indigenous governments, but ultimately, it was the GNWT's position that *their* objectives must be maintained. Clearly, the intent of GNWT negotiations was to negotiate agreements that maintained GNWT authority rather than reverse the power, authority and control that had been building steadily since 1967.

The impacts of external control over education, health & social services

In 1938, several years after the signing of Treaty 11, Bishop Breyant, a Dene sympathizer who had witnessed and written extensively on the signing of both Treaty 8 and Treaty 11, published an article on the conditions in the North in the Toronto Star. [313] He acknowledged that the colonization of Canada's North was an "ugly story," a story of "greed, of ruthlessness and broken promises" and one of the "degradation" of the Dene.[314] But even Breyant, who had worked alongside the Dene for 46 years at the time he published the article and had, during his earlier arrival in the north described it as "unspoiled by white civilization," defended residential schools as "the only way in which satisfactory work can be done with these children."[315]

Not surprisingly, this contradicts the testimony of those who attended residential schools. In June Helm's work in the 1970s, she documented the experiences, conditions and issues arising from the economic, social, political, and cultural subordination of the Dene to institutions and

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[312] Pat Scott, interview by author. Zoom, April 26, 2021.

[313] René Fumoleau, *As long as this land shall last: A history of Treaty 8 and Treaty 11 1870-1939* [University of Calgary Press, 2004} xxvii.

[314] Ibid, 494.

[315] Ibid, 496, 498.

forces from the outside world. A young Metis, Bob Overvold, shared his experience in residential schools:

> By having "successfully" (I use the term with tongue in cheek) gone through the school system I have become almost totally conditioned to fit into southern society. On the other hand, what these many years have taken away from me has caused irrevocable damage to me as a Dene. It has caused a split between my parents and myself that may never be healed; it has caused me to lose my Dene language; and, most significantly, has left me in somewhat of a limbo – not quite fitting into Dene society and not quite fitting into white society.[316]

There are similar experiences related to health. For instance, in 2006, a study was undertaken to analyse Tłįchǫ women's experience with the GNWT's medical travel for birth policy in the context of cultural safety. Cultural safety is a concept that originated in New Zealand by Mãori nurse educators in reaction to years of colonialism to address power relationships, racism and social, political, and historical processes that impact the health status of Mãori people. A description of cultural safety emerged over time that involves "critical social reflection of practices and processes that recognized and respect rights." [317] The study found that the policy was created and framed around risk for the caregiver (doctors, nurses etc) and the bureaucratic risk (travel times etc), but the "knowledge of how local women experience and perceive risk in childbirth is missing." [318]

Policies were created and informed by a bureaucratic paternalism while no local knowledge was used to frame policy development. In western science, childbirth is considered a condition where intervention by doctors and professional midwives and access to the technology available at hospitals and birthing centres is necessary to ensure a healthy outcome. It is considered risky to give birth outside these conditions and therefore mothers are pressured to conform to these standards or be seen as immoral and putting the health of their baby at risk.

What this attitude ignores is the contextual reality of Tłįchǫ women and their beliefs about childbirth. Northern women view themselves as resilient and hardy and they "equate

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[316] Overvold in June Helm, *The People of Denendeh: Ethnohistory of Indians of Canada's Northwest Territories* [Montreal & Kingston: McGill-Queen's University Press 2000] 253.

[317] Pertice M Moffitt and Ardene Robinson Vollman, "At What Cost to Health? Tłįchǫ Women's Medical Travel for Childbirth," *Contemporary Nurse: A Journal for the Australian Nursing Profession 22, No 2* [2006] 232.

[318] Ibid, 237.

childbirth as less risky than daily survival in a remote and harsh land or the serious repercussions of firearm mishaps while hunting or other injuries on the land."[319] This understanding of the risks associated with childbirth is informed by an understanding of "childbirth as a natural event, enabled by knowledge of generations of women."[320]

These northern perspectives are completely ignored in the medical travel policy which requires Tłı̨chǫ women to leave their home community several weeks before their due date to deliver their baby in the regional hospital in Yellowknife. The policy requirement even applies to Behchokǫ̀, a Tłı̨chǫ community 104 km from Yellowknife with year-round reliable road access. Compliance with the policy has been found to contribute to family stressors, isolation from family and friends, socio-economic losses, and a likelihood that "this added burden increases family violence and dysfunction."[321] Not only does the policy have negative impacts on Tłı̨chǫ mothers but it also interrupts the transmission of local and traditional Tłı̨chǫ knowledge and perspectives of childbirth.

This failure to incorporate local knowledge can also be seen in the delivery of social services, in particular child protective services. Community members have stories of social workers undertaking investigations to determine if a child needs protection. After visiting some Tłı̨chǫ homes, their reports included concerns about empty refrigerators and unkept homes with cardboard soaked in blood lying on the floor. These conclusions about the unsatisfactory conditions of the home are a result of ignorance of local practices. It is true, you may find the refrigerators in many Tłı̨chǫ homes rather empty except for a few staples such as eggs, milk, and lard. However, many families have ample quantities of dry meat in their smoke shacks, freezers full of caribou and fish in their warehouses (the local term for a small shed). Some communities also operate a community freezer where fish and caribou are stored and shared amongst the community. The Dot'atseedii program, a Tłı̨chǫ Government program delivered in each of the four Tłı̨chǫ communities, delivers fresh fish, small game and occasionally moose or caribou meat to low-income families and Elders.

[319] Ibid, 235.

[320] Ibid, 135.

[321] Ibid, 231.

Blood-soaked cardboard is also common in Tłįchǫ households. Carboard is laid out on the floor to be used as a butchering area. After a successful hunt, men will bring the caribou back to their home in large sections (front quarters, hind quarters, ribs, backstrap). The women will then work at butchering the larger sections into smaller, meal sized portions that can be frozen until needed. The backstrap and sometimes parts of the hind quarters will be cut into small thin strips and hung to dry. This *bògǫǫ̀*[322] is stored in paper bags in large, sealed containers in smoke houses and warehouses.

Hunger and cleanliness are rarely an issue in Tłįchǫ homes, but because of the lack of understanding of local practices, these life elements were often evaluated by non-Tłįchǫ social workers as putting Tłįchǫ children at risk. Families are forced to conform to western standards of cleanliness and nutrition, or risk being seen as unfit parents and losing their children.

There is a common theme with all these examples. This is that an imperial or hegemonic mentality, that excludes the necessary role of local knowledge and practices, resulting in intervention is often detrimental to individuals and always harmful to the transmission of Tłįchǫ knowledge, culture, and way of life. To resolve this conflict at the time of treaty negotiations, the Tłįchǫ knew they had to gain more control over the delivery of these important services until such a time as they were ready to take over full control and authority. The result was the ISA.

Intergovernmental Services Agreement

The first ISA provides for the creation of the Tłįchǫ Community Services Agency (TCSA), the successor of the DCSB, as a public service delivery agent for the Tłįchǫ region. The ISA establishes a board of five members, four of whom are appointed by the Tłįchǫ community governments for a term not exceeding four years and a fifth, the chairperson, appointed by the territorial minister. Appointees are to have "knowledge of health, education, welfare, family and other social programs and services and [be] prepared to respect and promote the Tłįchǫ language, culture and way of life."[323] The TCSA creates an annual budget approved by the territorial minister for roles it carries out on behalf of the GNWT – either established in

[322] Tłįchǫ word for dry-meat

[323] Dogrib Treaty 11 Council, Canada and Northwest Territories, *Intergovernmental Services Agreement* [2003], 4.

the agreement or assigned. Any other delegated roles must come with funding from the government that assigned the responsibility.

Section 6 of the ISA provides a mechanism for protecting Tłı̨chǫ language, culture, and way of life. This section gives the Tłı̨chǫ Government power to notify government of actions which, in their opinion, may impact the language, culture or way of life of the Tłı̨chǫ First Nation. It creates an obligation for the government to review these actions and their perceived impact with the Tłı̨chǫ Government. The Tłı̨chǫ Government also has the authority to create a Tłı̨chǫ Plan which describes how "Tłı̨chǫ language, culture and way of life of the Tłı̨chǫ First Nation are to be respected and promoted in relation to health, education, welfare, family and other social programs and services."[324]

Under Section 8 of the ISA, a Tłı̨chǫ Cultural Coordinator is to be appointed jointly by the parties to advise them on how to use their respective powers in ways that respect and promote the Tłı̨chǫ language, culture, and way of life. The cultural coordinator is responsible for preparing and submitting a work plan and budget to the Implementation Committee each year. Furthermore, every three years, the cultural coordinator is to prepare a written report. The report is to include information and recommendations related to the impact on Tłı̨chǫ language, culture and way of life resulting from the actions or inactions of the parties and their relationship and communication; the state of Tłı̨chǫ language and culture; and the ability for the Tłı̨chǫ cultural coordinator to carry out their duties and any recommended changes to their mandate and role. [325] To ensure the objectives of the ISA and the Tłı̨chǫ Plan are met, the agreement requires that a review be conducted every two years.

Tłı̨chǫ Community Services Agency

The TCSA was established on August 4, 2005, the effective date of the Tłı̨chǫ Treaty, by legislation of the Government of the Northwest Territories, the Tłı̨chǫ Community Services Agency Act. The Act set out the roles, responsibilities, and accountabilities of the TCSA. It provided for the structures, administration and dissolution of the agency and created an allowance for Canada, the GNWT or the Tłı̨chǫ Government to assign or delegate additional

[324] Ibid, 5.

[325] Ibid, 7.

roles. The intention was that program and service delivery would continue to be based on the structures already in place by the GNWT, but the protections outlined in the ISA would ensure Tłı̨chǫ language, culture and way of life would be integrated into service delivery. It was hoped this structure would result in enhanced program and service delivery in the region and would allow the Tłı̨chǫ Government to focus on developing its governance capacity in the years following the effective date rather than concentrating precious resources on service delivery.

The primary headquarters for the TCSA are in Behchokǫ̀; however, the agency has a service delivery presence throughout the region. From its beginning in 2005, it was recognized that the TCSA was primarily a GNWT organization delivering public education, health, and social services as per section 3 of the ISA. Staff were all GNWT employees, except for the executive director, and most programs and services were created and implemented under GNWT legislation, regulations, and department directives. Despite this strong connection to the GNWT, the TCSA has its history in the Tłı̨chǫ communities.

The TCSA is an extension of community-based organizations dating back to the Rae-Edzo School Society that was established in 1972, followed by the regional Dogrib Divisional Board of Education (1989-1997) and the Dogrib Community Services Board (1997-2005). These community-based organizations developed a strong community and culture-based vision, mission, and goals.[326] By 1997, this community vision had resulted in the creation of a unique organizational model of integrated community services where there was an attempt to deliver within one organization and under a single board authority, a broad range of educational, health and wellness, and protection programs and services for families, youth, and Elders. This was the model from which the TCSA was created.

Despite these deep roots in Tłı̨chǫ communities and attempts to protect Tłı̨chǫ language, culture, and way of life in the ISA, the Tłı̨chǫ Community Service Agency Act tightly binds the TCSA to the GNWT. A GNWT chief negotiator explained that "accountability is to the Minister and not to the Grand Chief or the Chiefs Executive Council because it is a GNWT institution."[327] The Minister has multiple authorities outlined in the Act that solidify this control and ultimate accountability of the Agency to the GNWT. The Minister's wide ranging authorities include:

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[326] This history is discussed in detail in Chapter 3.

[327] Pat Scott, interview by author. Zoom, April 26, 2021.

providing overall direction of the Agency and providing written directives related to exercising powers and performance of the Agency (section 12), appointing a chairperson of the Board and determining remuneration for board members (section 6 & 7), approving the operating and capital budget for the Agency (section 15), the option for appointing an administrator to manage the affairs of the Agency (section 18), and dissolving the agency (section 22). The Agency is also required to report on its performance to the Minister (section 13) and the Minister may only delegate any of their powers under the Act to another Minister. By comparison, the Act does not require any accountability on the part of the Agency to the Tłı̨chǫ Government and provides the Tłı̨chǫ Government no authority over the Agency. The Tłı̨chǫ Government can only advise the Agency on matters that impact Tłı̨chǫ language, culture, and way of life.

The TCSA is led by Chief Executive Officer (CEO) who is appointed by the Board. The CEO is the only position at the TCSA that is not an employee of the GNWT and therefore not a member of the GNWT public service. Section 10 of the Tłı̨chǫ Community Service Agency Act outlines the role as the CEO as a Deputy Head under the Public Services Act and a Superintendent under the Education Act. With the extensive powers and independence of the CEO, the position has considerable influence over the trajectory of the organization.

The varying objectives of the CEO and their impact on the Agency have been seen over the past several years. In the first years following effective data, the TCSA CEO was Jim Martin. Martin had very deep roots in the Tłı̨chǫ region starting with his first career position as a teacher in Whatì. His career in the region spanned three decades including positions as educator, principal, superintendent, and a senior advisor with the Tłı̨chǫ Government. Martin was known as a leader "who transformed the education system by leading from behind and empowering local people to take responsibility for their learning and leadership for themselves and their communities."[328] Under Martin's direction, the TCSA won many awards for their innovative community led work including the Silver Award for Innovative Management by the Institute of Public Administration of Canada and the Public Services Award from the United Nations in 2007. Both awards recognized the innovative approach to governance with a strong emphasis on Tłı̨chǫ tradition and culture resulting in improved health, wellness, and educational achievement of Tłı̨chǫ citizens. The TCSA

[328] Moses 2016, *Education Hall of Fame*. https://www.gov.nt.ca/newsroom/news/alfred-moses-education-hall-fame?fbclid=IwAR1wwuEclaRpoBX4kfXfN4rH4AymRT_7EkAo1zEFgjBaG5Ne_VVArlyL1mo [accessed April 13, 2021].

has had other accomplished leaders, however very few, with the exception of their current CEO Kevin Armstrong, shared this same connection and lifelong dedication to the region. Furthermore, none of the CEOs, Martin and Armstrong included, speak the Tłįchǫ language.

Since Martin's time as CEO, the TCSA has seen varying success in its programs and services as well as declining transparency and accountability to the Tłįchǫ Government. The Tłįchǫ chiefs have expressed their concern that the more time that passes since the effective date, the less control the Tłįchǫ have over education, health, and social services.

> It was going good, and I mentioned the awards we got and we always tried to find solutions for new recruits. We even came up with a recruitment process where we would take the new social workers and teachers out to the barren lands so they would have first-hand experience of how the land and the animals are. That was a good program, I think through that a lot of new young teachers stayed longer in the region. But things have changed over the years and right now I think the government is taking back the whole control of delivering programs and services. The intent was to have Tłįchǫ control of education, health, and social services but I don't think that happened. [329]

There has been a noticeable shift from localized knowledge being the primary driving factor for program and service delivery to *outsiders* taking over decision-making roles and failing to incorporate a Tłįchǫ perspective on program and service delivery.

> So, you got to look at who is running it? How are they running it? And why are they running it like that for our people? The senior's home is run by the directors of the TCSA who are non-aboriginal managers. They help each other and give directions on how to run the seniors home and they don't listen to the frontline workers. The front-line workers listen to their people but the managers most of the time don't listen. They follow what the territorial government policy is. One simple one is traditional foods. The elders they phone us and tell us they crave for traditional food and the way they prepare traditional food [at the seniors home] is not how we prepare traditional food. It is the same thing staying in the hospital in Yellowknife. You don't look forward to the meal they are going to serve you. If you are going to have fish, you can't even eat it. The way they prepare it is not traditional. There are lots of examples like that relating to health and the hospital. There again I can go on and on, but I will stop there. [330]

[329] Chief Alfonz Nitsiza, interview by author, Zoom, March 10, 2021.

[330] Grand Chief George Mackenzie, interview by author, Zoom, March 11, 2021.

CEO's who have deep connections to the Tłı̨chǫ, understand that they have a dual accountability to the GNWT and the Tłı̨chǫ Government even though this is not written into the agreement. Those CEO's who do not have this connection and who use the TCSA CEO position as a steppingstone to high level positions in the GNWT, do not have the personal motivation or a historical relationship of accountability to Tłı̨chǫ chiefs and other leaders. They also have a vested interest in keeping the GNWT happy. As one Tłı̨chǫ leader observed:

> The CEO needs to work for two governments. The Tłı̨chǫ Government and the GNWT. This is a challenging position because it is hard to make both parties happy – not all the time do both groups want to do the same thing, so it comes down to where do the CEO's loyalties lie? Where is their future? If the CEO's loyalty is to the Tłı̨chǫ region, they are probably not going to get very far in GNWT circles.[331]

Ultimately, the problem is, the Tłı̨chǫ are forced to rely on the skills, education, and experiences of outsiders to lead complex organizations such as the TCSA. If these leaders do not share the Tłı̨chǫ vision for self-government and self-determination, these objectives are in jeopardy of being subverted to GNWT priorities. There are also organizational controls that limit the CEO's ability to protect Tłı̨chǫ interests. Complicated non-disclosure and confidentiality agreements further limit the CEO's ability to advocate for the Tłı̨chǫ and to make Tłı̨chǫ leadership aware of Government plans. A GNWT negotiator explained the challenges faced by TCSA leadership in protecting Tłı̨chǫ interests:

> If you are dependent on CEOs to implement, argue and advocate for the Tłı̨chǫ, it isn't going to happen because they are not ultimately accountable to you – they may have good feelings and working cooperatively – but when it comes down to the crunch, they are government employees. They have all the restrictions of government employees. Take the GNWT confidentiality agreement – they can't go into a meeting and come out of a meeting and talk about the Tłı̨chǫ position if there has been a huge conflict and support the Tłı̨chǫ because they can't even talk about it publicly. But that is what needs to happen so the Tłı̨chǫ people know what is going on and know what their leader is up against. [332]

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[331] Interview with Tłı̨chǫ leader, March 24, 2021.

[332] Pat Scott, interview by author. Zoom, April 26, 2021.

Community Experiences

Unfortunately, the vision for the TCSA has not been realized to date and low educational attainment, high-income inequities, loss of language and poor housing conditions continue to be challenges experienced throughout the region. In 2016, when the Government of Canada undertook a census, the unemployment rate in the region was 20.9%, almost double that of the NWT (10.6%).[333] By 2019, the NWT Labour Force Survey[334] reported the Tłı̨chǫ Region unemployment rate at 28.1%, almost triple that of the NWT for the same time period (10.7%).[335]

A contributing factor to the high unemployment in the Tłı̨chǫ region is likely the result of poorer educational outcomes for residents in the Tłı̨chǫ region. In 2016, 55.3% of the census respondents aged 25-64 in the region had no certificate, diploma or degree.[336] This was the highest rate of all the regions in the NWT and more than double the territorial rate which was at 20.5%.[337]

In 2016, the Tłı̨chǫ region was leading the NWT in populations with an Indigenous language as their mother tongue at a rate of 46.6% and 33% reporting an Indigenous language as the home language. Despite these strong rates of Indigenous language use, it is considerably lower than the 2011 Census which reported 57.9% as having an Indigenous language as their mother tongue and 40.5% reported using an Indigenous language in the home. [338] [339]

As well, statistics from 2015, showed 44% of households in Tłı̨chǫ communities had a core need for housing defined as households that have affordability, adequacy, and/or sustainability

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[333] NWT Bureau of Statistics *2016 Census of Canada Population 15 & Older by Labor Force Activity.* www.statsnwt.ca/census/2016/. Yellowknife, NWT. [accessed October 27, 2020].

[334] The Labor Force Survey is monthly household survey of a sample of individuals who are representative of the civilian, non-institutionalized population 15 years of age or older. Data is collected from approximately 693 Northwest Territories households per month.

[335] GNWT *Labour Force Activity in the NWT* https://www.statsnwt.ca/labour-income/labour-force-activity/ [accessed October 16, 2020] Table 2a.

[336] NWT Bureau of Statistics. 2017 *Education and Labour Market Activity 2016 Census.* www.statsnwt.ca/census/2016/Labour%20and%20Education%202016_Final.pdf. Yellowknife, NWT. [accessed October 27].

[337] Ibid.

[338] NWT Bureau of Statistics *2016 Census of Indigenous Language as Mother Tongue by Community, 2011-2016* www.statsnwt.ca/census/2016/. Yellowknife, NWT. [accessed October 27, 2020].

[339] NWT Bureau of Statistics *2016 Census of Indigenous Language as Home language by Community, 2011-2016* www.statsnwt.ca/census/2016/. Yellowknife, NWT. [accessed October 27, 2020].

issues as well as total household income below the Core Need Income Threshold.[340] Over 35% of homes also required major repairs and 20% of households in the region were in an overcrowded state with greater than six occupants.[341]

Although more difficult to measure, it appears that cultural knowledge has not seen any significant gains either. The NWT Bureau of Statistics tracks engagement in traditional activities by community through community surveys. There are three primary areas that have been tracked since 1998: hunting and fishing, eating meat or fish from hunting and fishing, and trapping. Trapping has experienced the greatest decline. In 1988, 20.5% of the Tłı̨chǫ population engaged in hunting and trapping. After a steep decline in 1993, followed by a slight recovery in the early 2000's, only 14.9% of persons over the age of 15 engage in trapping. [342] Hunting and fishing experienced a slight increase between 1998 (36.7%) to 2013 (46%); however, by 2018, the number of persons over 15 who had hunted or fished in the year, slipped to 39.4%. [343] Overall, consumption of country foods has sharply declined. In 1998, 57.5% of households indicated the primary source of food was wild meat or fish. By 2018, that number had plummeted to 31.2%. [344] More recently, the NWT Bureau of Statistics has been tracking the production of Arts and Crafts and berry gathering. These activities have also seen decline with the number of persons over age 15 gathering berries falling from 35.3%

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[340] Agrawal, Sandeep. *Housing and Homelessness in the Tłı̨chǫ Region.* Behchokǫ̀, NT: Tłı̨chǫ Government. 2019, 5.

[341] Ibid, 5.

[342] NWT Bureau of Statistics. 2018. *Trapped by Community (1988 to 2018).* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[343] NWT Bureau of Statistics 2018. *Hunted or Fished by Community (1998 to 2018).* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[344] NWT Bureau of Statistics 2018. *Households Eating Meat or Fish from Hunting or Fishing by Community (1998 to 2018).* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

in 2013[345] to 34.1% in 2018[346] and the production of arts and crafts declining from 28.5%[347] to 22.9%[348] over the same period.

These statistics are supported by community stories of the deterioration in socio-economic outcomes in the Tłı̨chǫ region. At the 16th Tłı̨chǫ Annual Gathering in August 2020, held mostly online due to the COVID-19 pandemic, citizens shared their stories and concerns about their communities. Jocelyn Zoe, a Tłı̨chǫ citizen from Behchokǫ̀ who had been living in Edmonton and attending school for the past three years, shared with the leadership that she felt "things had gotten worse since she left" [349] Zoe was referring to the mental health issues fuelled by addictions and trauma. She pleaded with the leadership to make changes to the social support systems in the communities because there is "no support for them to go to…we lose people all the time." [350]

Education is a primary focus of the chiefs who feel the system is failing people. For instance, Chief Adeline Football expressed her concern that students are rushed through the school system without really paying attention to their specific needs and the unique experiences of children growing up and being educated in small communities.

> I think that when you're in school, like for example myself, I went to school here in Wekweètì and there were only two classes: you are either in the kindergarten class or you're in the bigger class with the older kids. That's how I was brought up and because of the population, there was only a certain amount of funds that comes to our community here so that means that the school doesn't get much funds to bring the students out to explore other schools to see how it is. So, when I went from here, getting into high school in Behchokǫ̀, I didn't know you had to change classrooms to do different curriculums, so it was a new thing for me. When I got there, I was rushed through everything even though I didn't know much because there was only limited teaching in Wekweètì. I don't even know how I got

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[345] NWT Bureau of Statistics 2013. *Berry Gathering by Community 2013.* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[346] NWT Bureau of Statistics 2018. *Engagement in Traditional Activities 2018.* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[347] NWT Bureau of Statistics 2013. *Production of Arts and Crafts by Community 2013.* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[348] NWT Bureau of Statistics 2018. *Engagement in Traditional Activities 2018.* https://www.statsnwt.ca/Traditional%20Activities/, Yellowknife, NT [Accessed July 28, 2021].

[349] Hannah Paulson "Addictions, metal health top of mind at Tłı̨chǫ Assembly," CBC North, https://www.cbc.ca/news/canada/north/tlicho-assembly-nwt-1.5685702 August 14, 2020.

[350] Ibid.

> myself graduated; it was just like a blank for me because I was rushed through. [351]

This might explain why even those few students who graduate are not successful after graduation. Chief Clifford Daniels also noted the problems with education.

> One thing we have always discussed is our education system. We have graduates but they don't really go any further. There is lots of them not going to post-secondary, not following through so our education system is kind of broken. We have kids that are passed or graduated but really are not at that level. They are just being pushed through the system without having adequate grades and I think that happens lots of times. I've heard it from an educator in Edmonton that had some of our Tłįchǫ people going for upgrading, she was kind of floored to see they are not even close to Grade 12. She is sad for our people, they are at about a grade 8 level or grade 7 level. They are not even close to Grade 12 and yet they are graduates and they are trying to get upgrading to get certain requirements to attend to school down south and she was kind of floored and felt sad about that because this is a system we are supporting. This is a system that is supposed to educate our future leaders and future generations so that is concerning. [352]

The problems with education start at a very young age. Leaders complained of a lack of supports for early learners resulting in the fact that they start behind and then stay behind throughout their education:

> Kids are starting junior kindergarten not being able to talk. And they wonder why education outcomes are not what we want them to be. I have a little grandson, he is going to be three next month, he has less than 10 words in his vocabulary. He is smart as can be, tell him to pick up the red crayon and he will bring you the red crayon. He just can't talk. If he goes to junior kindergarten a year from now and he can't talk does that mean he is going to be a year or two behind in his reading? And when he gets to Grade 12, is he going to be a year or two behind? Probably. And then, is he going to have a hard time in university? Most likely. [353]

Education is not the only challenge. There are also countless stories of individuals in Tłįchǫ communities living in poor housing conditions or who are homeless. Joe Mantla, a

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[351] Chief Adeline Football, interview by author, Zoom, April 16, 2021.

[352] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

[353] Interview with Tłįchǫ leader, March 24, 2021.

Behchokǫ̀ resident who was evicted from public housing, had been living in an abandoned home for three years with no power, water, or heat, when he was interviewed by CBC in November 2016. [354] In December 2018, CBC reported that an 82-year-old elder, Adele Camile, didn't have a functioning furnace for over a month. [355] Instead, she was using a pellet stove and block heater to fight of the sub -30 temperatures. In March of 2021, CBC reported on two Elders, Celine Whane and Rosa Mantla who had been living in homes that should be condemned. [356] In each instance, the homeowners did not qualify for housing programs and were left to live in derelict conditions that threatened their mental and physical health. Chief Adeline Football acknowledged the housing issues:

> We do have housing problems in a lot of the communities. One thing is that the housing corporation has policies and programs but its set-up to fail people. It's not set up to create opportunities to put somebody in the position of having a home or taking care of their home. They are either making too much or they are making too little, that is how it is and there is only a tiny little gap where you can actually get a house but get a new job or loose a job and you are out of that gap. [357]

Implementation of the ISA

These multiple challenges have left Tłı̨chǫ leaders wondering what went wrong. Why has self-government failed to result in a better quality of life and better socio-economic outcomes for Tłı̨chǫ people? Tłı̨chǫ Executive Officer (TEO) Laura Duncan has been working with the Tłı̨chǫ since 2000, first with the Whatì First Nation and then following the effective date of the Tłı̨chǫ Treaty in senior leadership positions with the Tłı̨chǫ Government. Based on her experience she had this observation about the history of the TCSA:

> I'd say over the years, the intention was that the TCSA and Tłı̨chǫ Government would become closer and closer and the Tłı̨chǫ Government

[354] Curtis Mandeville, "No water, power or furnace: Life in an abandoned home in Behchokǫ̀, NWT" CBC North: https://www.cbc.ca/news/canada/north/no-water-power-or-furnace-life-in-an-abandoned-home-in-behchoko-n-w-t-1.3850940 , November 15, 2016.

[355] Anna Desmaris, "Behchokǫ̀ elder with failing furnace says she has nowhere to turn" CBC North https://www.cbc.ca/news/canada/north/behchoko-elder-furnace-1.5393228 December 12, 2019.

[356] Chantel Dubuc, "Behchokǫ̀ elders plead for help with frozen pipes and aging homes" CBC North: https://www.cbc.ca/news/canada/north/behchoko-elders-housing-concerns-1.5944647, March 11, 2021.

[357] Chief Adeline Football, interview by author, Zoom, April 16, 2021

> would slowly draw down the pieces or at least do shared things, but it almost seems like the TCSA is going further and further away and that the GNWT is kinda pulling and trying to centralize more and more which is then going to make it more difficult for the Tłı̨chǫ to have input. It seems like it is one thing after another where they move further away rather than closer together. [358]

Tłı̨chǫ leadership have identified three factors they feel are contributing to this ongoing and compounding problem. First, a lack of accountability to the Tłı̨chǫ Government because currently the ISA does not create any accountability on the part of the TCSA to the Tłı̨chǫ Government, instead, it is entirely accountable to the GNWT. This leads to a lack of recognition of local knowledge and experience in program delivery and policy development. The issues are further compounded by ideological differences. GNWT prime principles and the related western values are informing program and policy implementation. Despite attempts by the Tłı̨chǫ to resolve these issues, the GNWT continually stalls or explains away solutions relying on law and policy to achieve their desired outcome. Critical theory provides a way for readers to understand the tensions between the Tłı̨chǫ and the GNWT as seen in the implementation of the ISA and the operations of the TCSA.

Lack of Accountability

> The Tłı̨chǫ Government are ready to run the TCSA, but they are an Agency of the Territorial Government and Tłı̨chǫ Government doesn't really get to be involved - it's the board and chair who are appointed by the territorial government and the Minister that are running things. It's not working. [359]

The Tłı̨chǫ chiefs have been very critical about the lack of meaningful involvement in the TCSA resulting in no accountability by the TCSA to the Tłı̨chǫ Government. One glaringly obvious example is the process for selecting a chairperson for the board of directors of the TCSA. The basis for the selection of a chairperson is provided for within GNWT legislation. Sections 5 and 6 of the Tłı̨chǫ Community Services Agency Act provides for the appointment of board members. As

[358] Laura Duncan, interview by author, Zoom, March 11, 2021.

[359] Grand Chief George Mackenzie, interview by author, Zoom, March 11, 2021.

mentioned, each Tłı̨chǫ Community Government appoints a board member, and the chairperson is appointed by the Minister of Executive and Indigenous Affairs (typically the premier) after consultation with the board members.

As written, the selection process for both the board members and the chairperson does not involve the Tłı̨chǫ Government. As early as 2005, this lack of involvement of the Tłı̨chǫ Government in the selection process was identified by both the GNWT and the Tłı̨chǫ Government as a deficiency in the legislation. To overcome this oversight, Joe Handley, the Premier of the GNWT at the time, invited the Chiefs Executive Council of the Tłı̨chǫ Government to nominate a potential chairperson of the TCSA for appointment by the premier.

This precedent set by Premier Handley in 2005 guided the selection process of the TCSA chairperson until 2013 when the GNWT unilaterally established a new process that more closely resembled a public employment competition used with nominations to GNWT bodies. The position of TCSA chairperson was advertised as a GNWT appointment, resumes were collected and a selection committee from the GNWT Departments of Education, Health and Executive and Indigenous Affairs along with a representative of the Tłı̨chǫ Government reviewed the resumes and made a recommendation for appointment by the Premier. The Tłı̨chǫ Government representative was able to inform the Chiefs Executive Council of the candidates who had applied for the position of chairperson and seek their approval for a nomination; however, the Tłı̨chǫ Government argued that the new process ignored the special nature of the TCSA. The organization was to be an instrument of self-government between the Tłı̨chǫ Government and the GNWT and removing the Chiefs Executive Council from the decision-making process and vesting all the authority in the GNWT is contrary to the intent of the ISA and unnecessary in that the precedents set by the Premier in 2005 were effective in overcoming the deficiencies in the legislation.

In 2018, the term of the TCSA chairperson was set to expire and a new chairperson needed to be selected. The GNWT placed advertisements in northern newspapers requesting that any people interested in the position of the TCSA chairperson should apply to the selection committee. The GNWT indicated to the Tłı̨chǫ Government that they would continue with the selection process established in 2013 and that the Chiefs Executive Council's opinion could no longer be solicited in the selection process because of GNWT confidentiality rules. By consulting with the Chiefs Executive Council on appointments, the identity of applicants would be revealed to a body outside the GNWT. This, the GNWT argued, this would be a breach of confidentiality rules and therefore it

would be necessary for the premier to appoint the selection of the committee without the advice of the Chiefs Executive Council.

The chiefs were outraged at this decision and sent a letter to Premier Bob McLeod demanding that the selection process be respectful of the Tłı̨chǫ and that the Tłı̨chǫ have a voice in the appointment process. McLeod responded that they would move forward with the public call for expressions of interest and that the selection committee would review the applicants. The chiefs, still concerned with the process but having no other avenue of appeal, decided to re-state their dissatisfaction with the process but still send a Tłı̨chǫ Government representative to participate in the selection committee. Later in July, McLeod re-appointed Ted Blondin for his fourth term as chair of the Tłı̨chǫ Community Services Agency. Although the chiefs did not object to this appointment, they remained disappointed in the GNWT's lack of regard for the spirit of self-government.

This lack of accountability of the TCSA to the Tłı̨chǫ Government is a fundamental problem with the ISA. Scott summarized the issue as follows:

> The Tłı̨chǫ don't have the ability to [make real changes at the TCSA] because they have to ultimately get the Minister or the bureaucracy to agree. So, who is in control? Where is self-government? I struggle with that still because I don't think it achieves what the expectations of the Tłı̨chǫ people were and are. [360]

This lack of accountability manifests itself in the day-to-day operations of the organization. Without control over the direction of the organization or the policies and procedures, GNWT policies and processes dictate what happens on the ground. This leads to the second problem with the ISA, which is a lack of recognition of local knowledge and experiences.

Lack of recognition of local knowledge and experience

> The TCSA, it is run under the budget of the territorial government and the territorial government watches it, so the TCSA has to follow their policies, and those policies are foreign to us but have been there for quite a while. It's not working for us. I was part of the hiring on the Dogrib Community Services Board. When I sat on the board we had a lot of Tłı̨chǫ people. Today, the TCSA managers - outside managers - are

[360] Pat Scott, interview by author. Zoom, April 26, 2021.

> running TCSA and they're not listening to our frontline workers; they are undermining our frontline workers. [361]

The disregard for localized knowledge and experiences can be seen in the hiring practices and policies of the TCSA. Rather than utilizing a community view for hiring staff which uses multiple perspectives for evaluating a potential candidate, the merit principle is utilized when screening candidate for a position. The merit principle is a system of promoting and hiring employees based on essential qualifications and requirements established for a position. The practice is promoted as a way to ensure that personnel decisions are made free of political influence. However, the merit principle as applied at the TCSA, misses the community perspective. The Tłı̨chǫ Government on the other hand, has promoted a hybrid system for hiring that recognizes local knowledge and experience over professional accreditation resulting in a higher percentage of Tłı̨chǫ administrative leaders. At the TCSA, as Grand Chief Mackenzie pointed out, this approach to hiring is not happening. He expressed his concerns over the hiring practices at the TCSA:

> The hiring policy is really undermining the whole system with the hiring practices happening this way. We just want to have control over it. When we used to run the school in Edzo, we used to recruit a lot of Tłı̨chǫ staff. Those days are gone. Now, it is dictated by the territorial government and their policies for hiring.[362]

The GNWT policies for hiring often excludes Tłı̨chǫ candidates as they do not have the required credentials for many professional positions in the community. From the community perspective, this means the new regime is actually moving backwards. Remuneration is also reflective of this practice of valuing western education over community experience and localized knowledge. Take for example the teachers in Tłı̨chǫ community schools. The Department of Education has a union contract with teachers. Teachers who have a Bachelor of Education and a teaching certificate are part of that union contract. There are only a few teachers that do not have these professional requirements. Scott highlighted the resulting inequity:

> The government hires teachers to go and teach in Tłı̨chǫ communities so you go into CJBS and you have qualified teachers teaching English getting paid three to four times as much as a qualified Tłı̨chǫ teacher

[361] Grand Chief George Mackenzie, interview by author, Zoom, March 11, 2021.
[362] Ibid.

> teaching Tłı̨chǫ. Is that really the way Tłı̨chǫ would want to run education – I don't think so.[363]

As Scott points out, the work of Tłı̨chǫ educators teaching language and culture is devalued. These highly experienced teachers also earn less than their young, inexperienced colleagues. The system does not allow for the acknowledgement of localized knowledge, ways of knowing and experience. Instead, the policies adopted by the educational system not only fails to meet the needs of its students, as seen in the low achievement rates and outcomes, but also alienates Tłı̨chǫ students in the process. They do not see themselves reflected in their teachers and when they do, their positions are devalued and seen as less than their non-Tłı̨chǫ counterparts. The problem is further compounded by the highly transient nature of the non-Tłı̨chǫ staff. Chief Adeline Football noted the problems this creates with education in her home community of Wekweètì:

> Educators that are coming to our community are hired right out of university. So, it's just like they come here to get experience for one year or not even a year and then they just quit, and they just leave. It is like we are teaching them mostly, not them teaching the kids. The kids are not the priority, it is their certificate or education that is more important to them than the kids who they are teaching. We went through four teachers in our community in the past year. It is like they are just giving up on our community.[364]

The lack of continuity of staff contributes to the problem regarding outcomes. However, rather than "running a training program, spending the money and finding people locally and investing in community-based solutions that have a proven track record of being successful", non-Tłı̨chǫ citizens are hired and only provide a temporary solution. [365] As one Tłı̨chǫ leader observed, the failure is often in not finding a community-based solution:

> These programs and services could get real traction if it is done at the community level and run by community people. These programs need to be led, staffed, and run by Tłı̨chǫ citizens. If you depend on outsiders too much, it is just never going to work – it will work for a while but then someone gets sick or someone leaves and then things fall apart for a while. It is a philosophy – you either educate your own citizens to take

[363] Pat Scott, interview by author. Zoom, April 26, 2021.
[364] Chief Adeline Football, interview by author, Zoom, April 16, 2021.

[365] Interview with Tłı̨chǫ leader, March 24, 2021.

> the positions or you staff outside – for me, it is a disappointment the way things are going with more and more outsiders getting positions over Tłı̨chǫ citizens.[366]

The situation is further complicated in situations where all the candidates are Tłı̨chǫ citizens. The most qualified and most experienced candidate may not always be the best person for the job. Relationships, family power dynamics and political allegiances all impact who is the best person for the job. A recent example includes the hiring decision for the position of community director. The community director is the main point of contact for the Tłı̨chǫ Government in the community. Each of the four Tłı̨chǫ communities has a community director position and this individual works closely with the chief. When Community Director Adeline Football was elected chief, her position was left vacant. Chief Football excused herself from the hiring decision as she knew, in the small community of 125, that she would have family members and friends applying for the position and she did not want to be accused of favouritism or nepotism. A competition was run, candidates were screened, and the Human Resource Manager and a hiring committee conducted interviews. Candidates were evaluated based on their work experience, education, and performance in the interview. The top candidate was Chief Football's sister.

Immediately, community members began contacting the former Human Resource Manager, a prominent Tłı̨chǫ citizen who had held human resource positions with Tłı̨chǫ organizations for two decades. The community members complained of nepotism and *that one family was running the entire community*. Community members felt the second-place candidate was the better choice as she was from a different family in the community. Her appointment to the position would balance out the power and the perspectives that were advising the current chief. As demonstrated by this example, GNWT and merit-based hiring policies do not allow nuanced factors to be taken into consideration when selecting the best candidate and often result in the conditions that they were supposedly trying to avoid.

For Tłı̨chǫ communities to operate most effectively, there must be a balanced power distribution throughout the community. Power cannot be concentrated with one family – it must

[366] Ibid.

be distributed through the various family groups, so all groups feel they are represented and enjoying the financial prosperity that comes with wage work.

The problem is that the structures and policies of the TCSA are set by the GNWT and are rooted in Euro-Western culture and ways of thinking. Although the Tłı̨chǫ are trying to build something that will be more workable and more appropriate to their needs, something that is founded on traditional philosophies and ideologies that are better and more meaningful to the Tłı̨chǫ, they continually run into western ways of thinking, western ways of measuring success and western ways of operating. As one Tłı̨chǫ leader explained it, the GNWT and Canada are not willing to give up their control.

> As far as I have ever seen, no one has ever given up their power or money voluntarily and self-government requires both. People need to relinquish control and people need to relinquish the finance. And nobody does those things willingly. You see that everywhere. I don't think the TCSA is moving any closer to the Tłı̨chǫ Government because that would require the GNWT to relinquish some control and they have very little interest in doing that. My impression of the institution is they don't want to relinquish control of education, health, and social services even though it is written right into the agreement. [367]

If the Tłı̨chǫ continue to be required to adapt western institutional forms through self-government, self-government will continue to erode the very thing it was intended to protect. Taking the need for balancing power into consideration would more closely resemble traditional Tłı̨chǫ political organization rather than simply applying the merit system. Historically, the grouping together of people who travelled together, camped together, and shared in the taking of game was the result of a groupings of between two to eight families coming together to form a band. There was nothing formal tying these groups together making them potentially unstable, but stories recorded by Helm indicate that the decision making, and organization of the social body did indeed happen when the adult men and Elders of the group came together. A leader from the group would emerge but it was not a position of authority. Rather, the leader occupied their position "as long as his aims were deemed right and desirable by the group." [368] Personal autonomy was also a central tenant of social organization. Helm described it as both a "distaste

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[367] Ibid.

[368] June Helm, *The People of Denendeh: Ethnohistory of the Indians of Canada's Northwest,* [Montreal & Kingston: McGill-Queen's University Press, 2000] 179.

for subjugation to the authority of another" and the "motivation toward personal autonomy is a dominant aspect of the ethos." [369] Therefore, as long as the TCSA policies and processes are dictated by GNWT values rather than Tłįchǫ, the Tłįchǫ leadership feel the organization will struggle.

> Eventually, the Tłįchǫ Government is supposed to take over the TCSA. If we take it over the way it is, all the policies and philosophies of how to run the organization are foreign policies. So, if we take it over as it is, it is doomed for failure. So, we have to find a way where we incorporate Tłįchǫ values, and Tłįchǫ philosophies into the system.[370]

Ideological differences

> …I remember a northern meeting where different ways of looking at the world became immediately apparent. A friend introduced an aboriginal elder sitting beside him from the perspective of government: poorly dressed in ill fitting, unfashionable clothes, elderly and out of "work", unkempt, and largely toothless, in need of dental care, "uneducated" in that he had never attended school, living in a log house without indoor plumbing and with a multitude of children, grandchildren and other relatives. What a collection of needs and deficiencies this man was! Yet… from another perspective, from that of his community, he was simply amazing: a humble man known widely for his wisdom and life experience, a great storyteller, a superb hunter and provider of traditional food for his family and the community, and an unerring navigator across a difficult and sometimes unforgiving landscape. He was the epitome of one culture, and a collection of problems requiring interventions for another![371]

The GNWT's unwillingness to give up control has been one barrier to realizing Tłįchǫ aspirations and expected outcomes of self-government; however, there is more that has contributed to the failure of the TCSA. There are simply fundamental ideological differences that separate the Tłįchǫ and the GNWT. The above quotation clearly demonstrates the disconnect. The quote is referring to esteemed elder Harry Simpson of Gamètì. In Tłįchǫ circles, Simpson was one of the most revered and respected elder. He held many prominent positions in the region, traveling across the country advising the self-government negotiating teams. He mentored academic researchers and often led them on research expeditions and vetted their work.

[369] Ibid, 183.

[370] Grand Chief George Mackenzie, interview by author, Zoom, March 11, 2021.

[371] Jim Martin, unpublished notes from a Community Indicators mtg in Wekweètì February 4-5, 2005.

He was regularly called upon to speak at meetings and annual gatherings to provide strategic and cultural direction. Across the region, by Tłı̨chǫ and non Tłı̨chǫ alike, Simpson was respected and seen as an authority and expert on community development and self-government.

In GNWT circles, he was shown respect and may have even been recognized as a knowledge holder but, to my knowledge, he was never offered a position with the GNWT. He was never called on to advise them in negotiations or strategy and the GNWT never recognized his contribution to community development or self-government. It wasn't because the GNWT had not heard of his value, but from the perspective of the GNWT he was a contradiction. As the above quote asserts, the GNWT standards perceived elder Simpson as little more than a collection of needs - housing, education, healthcare, and income support, that required intervention to bring about improvement. Defined in GNWT terms, Simpson lacked formal training, experience, and education. However, in Tłı̨chǫ terms, he had all the very best qualities as a result of a life lived on the land.

This same disconnect can be seen in self-government. Despite perhaps good intentions and well-meaning individuals, the GNWT through its programs and services delivered through self-government mechanisms, continue to position individuals it views as 'experts' or those who hold 'authority' to direct the Tłı̨chǫ peoples' conduct, without any democratic mandate. They continue to define well-being, success in education and best practices in health and education and how these standards can be achieved. Now, instead of achieving their goals through coercion, they use the agencies and structures created through self-government and profess that they are building on Indigenous knowledge and practice to further entrench western cultural values. The officials who dominate the territorial and federal bureaucracies have no sensitivity or appreciation of this.

In the early years of implementation, it was hoped that the position of cultural coordinator and the Tłı̨chǫ plan would ensure this disconnect could be bridged. The first Cultural Coordinator, Lucy Lafferty was appointed in March 2010 by the Tłı̨chǫ Implementation Committee made up of representatives of the governments of Canada, the NWT and the Tłı̨chǫ. The position was co-located within the TCSA in Behchokǫ̀ and the Department of Culture and Lands Protection offices at the Tłı̨chǫ Government. The ISA established the position to advise the Parties -- Canada, the GNWT and the Tłı̨chǫ -- on how to use their respective powers in ways that respected and promoted

Tłı̨chǫ language, culture, and way of life. As Cultural Coordinator, Lafferty provided support to the Tłı̨chǫ Government and TCSA in the development of their language and culture planning.

Highlights of Lafferty's first three-year term include participating in the development of a five-year plan for Tłı̨chǫ Yatı, development of the Tłı̨chǫ Į̨mbe program (an intensive cultural learning program facilitated by Elders for Tłı̨chǫ students), a gathering of Tłı̨chǫ interpreters, Elders, youth and language advocates, participation in the Trails of Our Ancestors canoe trip and work with Tłı̨chǫ translators and Elders on language standardization research.

Under the terms of the ISA, the Cultural Coordinator is required to produce a report every three years. During Lafferty's term as Cultural Coordinator the first report, "Gonàowo t'a nàts'etso, Ełts'ats'edı t'a Nàts'etso" for 2010 – 2013 was published. The report described the current state of the Tłı̨chǫ language, culture, and way of life, and addressed issues relevant to the parties of the Agreement. In the development of Lafferty's first report, it became clear to her that "the tools that currently exist to measure Tłı̨chǫ language, culture and way of life were not adequate to the task" of monitoring and reporting. [372] Lafferty made several recommendations in her inaugural report. One notable recommendation was the development and application of a cultural framework that was envisioned in the Tłı̨chǫ plan.[373] In the report, Lafferty directed that "the Parties begin to work together to develop the more meaningful measures and indicators that are required" and that in order to make real advances, it was necessary to move beyond anecdotal indicators and measures. [374] Pursuant to this, she called on the parties to contribute resources and develop a comprehensive Tłı̨chǫ cultural framework under section 6.2 of the ISA.

Lafferty moved on from the position in 2013, and another distinguished community member took the position; however, unfortunately no further reports have been published. It is difficult to empirically track the progress the Parties made on implementing Lafferty's recommendations; however, anecdotally Tłı̨chǫ leaders reported that the GNWT and Canada don't understand the role of the Cultural Coordinator, don't follow their direction and "just don't understand they are

[372] Office of the Cultural Coordinator, *Gonàowo t'a nàts'etso, Ełts'ats'edı t'a Nàts'etso. Tłı̨chǫ Language, Culture and Way of Life: A Report from the Cultural Coordinator 2010-2013.* [Behchokǫ̀, NT, 2013] 9.

[373] Ibid, 33.

[374] Ibid, 9.

supposed to be doing things differently."[375] There were however attempts to further define Tłı̨chǫ culture in the context of Child and Family Services.

In 2008, the TCSA, under CEO Jim Martin, undertook research to develop a culturally relevant Tłı̨chǫ Child and Family Services system and adapt it to the current GNWT Child and Family Services System. The objective was to develop a unique Tłı̨chǫ Child and Family Services System under self-government. The work was funded by a grant from Health and Welfare Canada's Aboriginal Health Transition Project under the Adaptation Envelope. Two reports were developed, the first published in 2010 outlined the initial findings of the research. It proposed a Tłı̨chǫ cultural framework for examining the Child and Family Services System and identified five essential relationships and five practical values central to Tłı̨chǫ identity. Together, these relationships and values constitute the Tłı̨chǫ Cultural Framework from which emerged a guiding principle for evaluating the existing Child and Family Services system.

> Those elements of the system that reflect and support these relationships and value are beneficial and must be preserved and strengthened; those elements that don't reflect and support the principles and are deemed harmful, must be modified, changed, or removed.[376]

The report then applied this cultural framework to examine the current GNWT Child and Family Services system. Various aspects of the program including the primary focus, the role of the family, social workers and the court and program policies were evaluated and common Tłı̨chǫ perceptions were compared against GNWT organizational culture. The analysis demonstrated that the adoption of GNWT governing forms in the activities undertaken by the TCSA worked to erode the culture, values, and traditions it was supposedly established to protect. The final section then outlined essential elements of a Tłı̨chǫ Child and Family Services system. It touched on Program Philosophy, the Court System, Legislation, Staffing, Training, Community and Evaluation. A follow-up report published in 2011, undertook to analyse how the act should be interpreted on the ground in the communities, to be consistent with and supportive of Tłı̨chǫ culture. Essentially, the Tłı̨chǫ had provided the GNWT with a road map for the development of a culturally relevant Child and Family Services program. The Tłı̨chǫ were hopeful that this work would be implemented as it

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[375] Interview with Tłı̨chǫ leader, March 24, 2021.

[376] Tłı̨chǫ Community Services Agency. *Report of the Tłı̨chǫ Community Services Agency to the GNWT Standing Committee on Social Programs' Committee to Review the Child and Family Services Act*, [Behchokǫ̀, NT, 2010] 4.

coincided with a review of the Child and Family Services Act undertaken by the Standing Committee on Social Programs. However, since there is no requirement for the GNWT or TCSA to report to the Tłı̨chǫ Government, there was no ability for the Tłı̨chǫ to ensure these recommendations were implemented. The problem was further compounded by changes in leadership at the TCSA. Shortly after the publication of these reports, CEO Jim Martin left the TCSA and took a position with the Tłı̨chǫ Government.

GNWT System Transformation

In the years that followed, the GNWT undertook a four-year process that examined the health and social services system in the Northwest Territories. [377] Through public and stakeholder engagement, they determined that "while the system in the Northwest Territories was delivering good care, there were a number of areas for improvement and barriers to break down to achieve future innovation." [378] In 2015, six independent health and social services authorities were amalgamated to create the Northwest Territories Health and Social Services Authority (NTHSSA). The NTHSSA became responsible for "the design, planning and delivery of territorial health and social services across the Northwest Territories." [379] The TCSA was left intact and the GNWT promised to "respect the legislation that establishes the TCSA". However, the NTHSSA indicated they would work with the TCSA to "continue [to] make improvements to the entire health and social services system."[380]

None of the program changes proposed by the TCSA Adaptation Project were part of the *improvements* implemented by the system transformation. Instead, the TCSA became a subsidiary under the NTHSSA's one-system approach. Under this approach, the TCSA has lost their direct connection to the GNWT for policy and program decisions. One Tłı̨chǫ leader explained it:

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[377] Northwest Territories Health and Social Services Agency, "Forming the NTHSSA" https://www.nthssa.ca/en/about-us: [accessed July 20, 2021]

[378] Ibid.

[379] Northwest Territories Health and Social Services Agency, "About Us" https://www.nthssa.ca/en/about-us [accessed July 20, 2021]

[380] Ibid.

> Before the department would make decisions about approving or not approving program recommendations. Now, under the new structure, recommendations are sent to the NTHSSA, they review them, and they decide if they are going to approve them and then it gets sent to the department. It is a big change that could have all kinds of impacts on Tłı̨chǫ people. [381]

Although the TCSA is equal to the NTHSSA, they are now "put in the position of being a little brother that has to ask the big brother for permission." [382] This is contrary to the aspirations for self-government and amounts to little more than localized program administration, rather than self-government. Similar issues are occurring in social services. A centralization of formerly Tłı̨chǫ resources and TCSA responsibilities under the NTHSSA in Yellowknife, has resulted in the loss of local decision making and authority. Tłı̨chǫ leadership expressed concerns that this was another move to "pull further away" and "centralize the decision making and control in Yellowknife." [383]

The Tłı̨chǫ are worried the Education Act modernization is yet another move that will undermine the already shaky control the Tłı̨chǫ have over public services in their community. The GNWT undertook an education renewal prompted by the recommendation of the Office of the Auditor General in 2010. The report found that monitoring and reporting on early childhood development was not adequate and there was also room for improvement with elementary and secondary education. [384] The Department of Education, Culture and Employment recognized that "while there are many examples of extraordinary schools, teachers and learning programs in the NWT that need to be celebrated, the current approach to education is not producing the overall student achievement that is needed and should reasonably be expected from the investments that are being made." [385] With public engagement only recently concluding, it is too

[381] Interview with Tłı̨chǫ leader, March 24, 2021.

[382] Ibid.

[383] Laura Duncan, interview by author, Zoom, March 11, 2021.

[384] Office of the Auditor General of Canada "Education in the Northwest Territories – 2010 Department of Education, Culture and Employment" [Minister of Public Works and Government Services Canada: May 2010] 33-34.

[385] Education, Culture and Employment "Education renewal" https://www.ece.gov.nt.ca/en/services/education-renewal [accessed July 20, 2021]

soon to tell what the impact will be to the TCSA and the Tłı̨chǫ people; however, the chiefs are certain it will be more of the same. Chief Daniels expressed his disappointment with implementation:

> They have centralized everything like they are doing with the TCSA, instead of decentralizing and trying to give more back to the communities. It has been an ongoing battle. We always thought we were going to be in charge of anything that happens in and around our communities, but it hasn't happened. It takes the will of both governments for these things to happen. They have a colonial vision and they always have to have a finger on everything we do, and they impose various limitations on various things. [386]

Understanding Implementation through a critical theory lens

In James C. Scott's, *Seeing Like a State,* he systematically explains why states fail in their ambitious projects to engineer society, ultimately leading to disastrous outcomes. His critique can be applied to the exercise of Tłı̨chǫ self-government through the TCSA. Scott points to the tendency of the state to ignore and suppress localized knowledge as the reason for their failure. [387] Scott defines localized knowledge as a "wide array of practical skills and acquired intelligence in responding to a constantly changing natural and human environment." [388] In program implementation and policy development as seen above, the GNWT fails to recognize Tłı̨chǫ localized knowledge and experiences. Hiring practices and program delivery are governed by policies and processes foreign to the Tłı̨chǫ and often result in an erosion of the culture and values it is supposedly trying to protect.

Although perhaps well-meaning, most GNWT and TCSA senior officials have no understanding of the harm that is caused by undermining Tłı̨chǫ knowledge and experience. Even when they acknowledge the existence of localized Tłı̨chǫ knowledge, they are incapable of embedding this expertise in the abstract policies and programs they implement in Tłı̨chǫ communities through the TCSA. Instead of policy and program decisions being informed by the Tłı̨chǫ experience, this knowledge is not allowed to enter on its own terms and so rationalism informed by western ideas provides the basis for program and policy decisions.

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[386] Chief Clifford Daniels interview by author, Zoom, March 10, 2021.

[387] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, [New Have Conn: Yale University Press, 1998] 311.

[388] Ibid, 313.

This arrogance and imperialism are troubling. Scott in his work, found that "authoritarian, high-modernist states in the grip of a self-evident social theory have done irreparable damage to human communities and individual livelihoods." [389] The chiefs, like Scott, have concluded that a commitment to western ideas will result in "enormous damage" particularly when it is combined with authoritarian state power, much like the power vested in the Minister and the GNWT over the TCSA. [390]

If this direction is allowed to continue, the claims made by Nadasdy in *Sovereignty's Entailments,* may be realized. Nadasdy argues that although self-government agreements have empowered Indigenous peoples and fostered a change in the Indigenous-state relationship, "to the extent that it requires formerly disempowered people to alter themselves and their society as a prerequisite for the exercise of that power, 'empowerment' must also be viewed as a form of subjection."[391] Since this form of empowerment is deeply rooted in Western ways of thinking, Nadasdy argues that it requires Indigenous peoples to modify their existence and to adapt to the concepts that do not conform with their culture. This can be seen in the TCSA hiring practices, program and policy objectives as well as program delivery. If these activities continue to be informed by western values rather than localized Tłįchǫ knowledge, the Tłįchǫ have no choice but to conform to the western ideas, concepts and world views or suffer the consequences. As seen in the example of child and family services and Tłįchǫ birthing practices, consequences do indeed result in irreparable damage because they disturb the transmission and therefore sustainability of cultural knowledge.

This failure to incorporate localized Tłįchǫ knowledge and Tłįchǫ culture and values into program and policy decisions is a result of the totalizing nature of the ISA. The concept of totalization has its grounding in Hegel and Marx; however, it was Sartre who developed the term as it is used in this document. He argued that totalization exists "through the multiplicities…which makes each part an expression of the whole and which relates the whole to itself through the mediation of its parts." [392] In other words, totalization seeks to make everything

[389] Ibid, 341.

[390] Ibid, 341.

[391] Paul Nadasdy, *Hunters and bureaucrats: power, knowledge, and aboriginal-state relations in the southwest Yukon* [UBC Press, 2004] 6.

[392] Jean-Paul. Sartre, *Critique of Dialectical Reason*, trans, Alan Sheridan-Smith [London: NLB 1976] 46.

a reflection of the underlying, dominant, hegemonic logic: this is achieved by producing an underlying sameness in values. With the Minister firmly in control of the TCSA and GNWT prime principles informing program delivery, there is no opportunity for a sincere expression of Tłı̨chǫ values. Yes, cultural activities do still occur. Children are taken out on the land, drumming workshops and hide tanning classes are delivered but these activities are treated as a special event or treated with the same gentleness as a museum piece. If the values that inform Tłı̨chǫ cultural activities are not permitted to inform the programs and policies that govern everyday life in Tłı̨chǫ communities, then it results in little more than a cultural performance.

Kulchyski's theory of *politics of form* helps us to understand the necessary conditions for self-government to succeed at protecting and promoting Tłı̨chǫ language, culture, and way of life. Kulchyski argues that the form which self-government takes is the central issue and a "critical factor in determining whether this or that self-government model is in collusion with processes of totalizing power or whether they mark a moment of disjuncture and resistance." [393] It is not simply a question of how many jurisdictions the Tłı̨chǫ assume responsibility and accountability for through the TCSA, but how they are allowed to exercise their right to self-government over these jurisdictions. [394]

To achieve the reversal of the "drawing down of power" that Zoe described self-government was intended to accomplish, the Tłı̨chǫ must have, not only authority of the programs and services delivered through the TCSA, but autonomy as well so they may shape these programs and services in ways that improve the well-being of citizens. Anything else simply perpetuates and entrenches the oppressive and tight controls the Tłı̨chǫ were trying to avoid by concluding their self-government agreement.

The TCSA's Adaptation project is a perfect example of how the Tłı̨chǫ need not only the autonomy to define the program and policy modifications required to meet the needs of Tłı̨chǫ people but they also need the authority to implement these changes so the programs and policies are consistent with Tłı̨chǫ culture, way of life and world view. Rather than taking the opportunity to transfer authority to the Tłı̨chǫ in a meaningful way, allowing them to take control of program policy and implementation, the GNWT doubled down with the NTHSAA by adding

[393] Ibid, 236.

[394] Peter Keith Kulchyski *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* [Winnipeg: University of Manitoba Press, 2005] 258.

another layer of bureaucratic decision making. The intention was to ensure a more efficient and structured achievement of GNWT prime principles and objectives and further removing the Tłı̨chǫ from controlling how self-government is implemented in their communities.

That which we call oppression by any other name…

It is not enough for the Tłı̨chǫ to have an Agency in which they can exercise their right to self-government and assume the responsibility and accountability for programs and services. Undoing the impacts of a colonial history, disentangling the power and authorities, reversing the drawdown of power and authority, and achieving a Tłı̨chǫ vision of self-government requires the Tłı̨chǫ to have autonomy over how programs and service are delivered and allowing them to also dictate policy. The current structure of the TCSA does not reflect Tłı̨chǫ culture and social organization. Furthermore, with the GNWT continuing to define development, success and how these conditions are achieved, further undermines the Tłı̨chǫ vision for self-government and disrupts the transmission of Tłı̨chǫ cultural knowledge. When the Tłı̨chǫ attempt to assert their authority and autonomy, their efforts are explained away or stalled using legal and policy justification or service delivery improvements. The result is just a perpetuation of GNWT control over education, health, and social services. Sadly, as long as the GNWT continues to resist giving up autonomy and authority of education, health and social services the Tłı̨chǫ can expect the same tragic outcomes.

Decolonization

July 2009

It was early July when I heard that Zabey Nevitt, a former co-worker who was now the Executive Director of the Wek'èezhìı Land and Water Board (WLWB), was planning an abridged version of the "Trails of Our Ancestor" trip from Snare Hydro to Behchokǫ̀. If the weather was good, the trip would take three days and two nights and there would only be one long portage. I had never been on this trip because the Trails program had become very popular by this time and each year there were far more applicants than there was room for the canoes. This made Zabey's trip a rare opportunity and I asked to go along. Zabey explained that the trip would be quick, but he wanted his non-Indigenous colleagues at the WLWB to experience being out on the land and to travel the way the Tłı̨chǫ people did in the old days. I viewed it as a glimpse into life prior to colonization.

I was excited when Zabey told me there would be room for me on the trip, but I was also very nervous. I had never been on the land for more than an overnight stay and it had always been only a few miles from town. On those trips, we slept in canvas tents made comfortable with wood stoves and camp cots. Zabey's canoe trip would start deep in the bush, one hundred miles north of Behchokǫ̀ with only a satellite radio, a nylon tent and a sleeping mat. Furthermore, it would be entirely up to the other eleven paddlers and myself to set up camp, cook and get us home. We would be completely at the mercy of mother nature and dependent on each other for survival. It was exciting but intimidating all at the same time!

I had come a long way since my first hunting trip (and I now had all the correct gear), but I had to carefully select the items I wanted to take on the trip as everything had to fit into the canoes. I also didn't want to bring more than everyone else. If I did, the group would need to assist me to bring my belongings over the portage but then I would appear high maintenance (a reputation I already had by this point) and ignorant about life on the land (a reputation I wanted to avoid earning!). I wanted to be precise in the amount and type of supplies I brought to demonstrate I wasn't the soft city girl who had arrived in Wekweètì eight years earlier.

I enlisted Juanita's help and the night before I was to leave on the trip, she came over to help me pack the items I would need. I now had my own ǫhchì — a large canvas sack for carrying supplies. I packed my sleeping mat, sleeping bag, a tarp, rope, a pillow as well as my fishing rod, lures and hooks and extra fishing line all into the sack. I had a backpack with a

change of clothes, a bottle of shampoo, a bar of soap, a roll of toilet paper secured in a zip lock bag, a hairbrush and hair elastics, several pairs of socks and underwear (also in a zip lock bag), a towel and facecloth, a rain jacket and a book. Although Zabey was organizing all the food, I also threw in a couple bags of trail mix with extra M&M's. I also had my pop-up nylon tent packed in its own carry bag.

I had already picked out what to wear: a pair of old blue jeans, t-shirt and hoodie, baseball cap and dzi'ke footwear, a traditional Tłı̨chǫ footwear made from canvas and hide. The sole and upper parts of the shoe are made from either caribou or moose hide. The shaft is made of canvas and comes to about the mid-calf and secured with hide laces that wrap around the calf to keep the canvas in place. A pair of rubber slipovers make the shoe waterproof.

Generally, in modern times, the dzi'ke is worn with a stroud lining. Dzi'ke are warm, durable, and dry quickly — making them the perfect footwear for a canoe trip. I had made my own pair out of caribou hide a few years earlier with the help of Madeline Judas, but for the trip, I elected for a pair made from moose hide that were gifted to me by Nora Simpson.

I was also nervous about going on the trip as this would be the first time, I was leaving my son Alex for two nights in a row! Although we had moved to Yellowknife in 2006, we still had strong ties to Wekweètì, his father's home community. Alex also provided a source of motivation for the trip — I wanted to share my experience with him and hopefully prepare myself to accompany him one day when he went on his first "Trails of Our Ancestors" canoe trip.

Early morning, on July 7th,, I met Zabey, six of his colleagues from the WLWB, and colleague and friend Ginger Gibson at the Air Tindi terminal in Yellowknife. It was a beautiful summer day, and everyone was eager and excited to set out on our trip. We loaded our gear onto the Twin Otter aircraft that would first take us to Edzo to pick up the Elder Nick Football, John B Zoe, John B's daughter Vanita and Vanita's friend Layah Rabesca. We would then continue onto the Snare Hydro Dam.

As excited as I was, I was still quite nervous. Zabey had done this trip several times and although this was a first for others — as it was for me — they all seemed much more fit and outdoorsy. I worried that I was going to be a burden or a weak link in the group but, it was too late for second thoughts. I kissed Alex good-bye and boarded the plane, taking a window seat. With my forehead pressed against the window's upper edge, I took in the distinctive Tłı̨chǫ landscape of rocks, water and trees. I marveled at the expansive maze of waterways broken up

by diminutive bits of rock and trees. It was amazing to see the untouched landscape from 30,000 feet: it put into perspective the enormity of the trip we were undertaking. Tracking the meandering rivers from the sky helps one to appreciate the vastness of the terrain that the Tłı̨chǫ historically traveled. They used birch bark canoes loaded with everything they owned and living a life of subsistence on the land. Although it would only be three days, I knew I was going to get a glimpse of Tłı̨chǫ life prior to colonization.

After a forty-minute trip, we landed on the 3,000 ft gravel airstrip at Snare Hydro. The airstrip was at the centre of four hydro sites which are all connected by road. When Snare Hydro was built, it was understood that hydro staff would assist paddlers with portaging the site, since the development cut off the traditional route. John B explained that Alexis Arrowmaker included this in his negotiations when they built the dam.

Zabey had arranged for the hydro staff to meet our plane so they could transport us to canoes that had been brought to Snare Hydro via winter road the previous January in anticipation of this trip. Apparently, this had not been communicated to the on-site staff as there were no trucks waiting for us when we landed. Luckily, a hydro worker happened to be passing by and stopped out of curiosity to find out why we were there. Had he not been driving by when we landed, who knows how long we would have sat on the runway with our gear waiting to be picked up!

The driver radioed for another truck, and we loaded up our gear and were transported thirty kms to the southern tip of the hydro site where the Snare River flows into Strutt Lake and where our canoes awaited us. The canoes were 22- foot Kevlar Clipper canoes, weighing between 110 – 120 lbs each and modified to accommodate six paddlers and all of our gear.

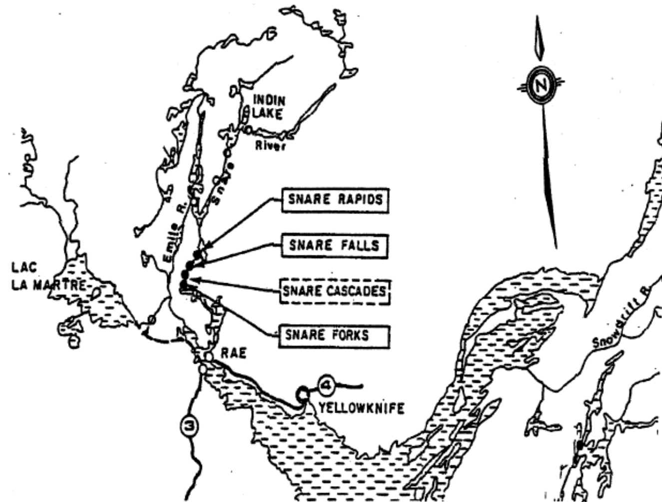

Figure 17: Map of Snare River System

Once the gear was loaded into the canoes, John B lead us in prayer, asking for safe passage home and thanking the Creator for the beautiful day. He also asked the Creator to take care of our friends and family who awaited our safe return. Ending his prayer, John B led the group through the Sign of the Cross, the Lord's Prayer, Hail Mary, Glory Be and again the Sign of the Cross. When the prayers were finished, John B instructed each of us where to sit in the canoes. He had each of us get into the canoe from the rocky shoreline (allowing us to keep our feet dry) and holding the canoe steady so we could get in without capsizing it. One by one, we got into the canoe. Ginger and I were the last two people to get into the canoe before John B pushed the canoe off the shoreline and hopped in the back to take his position as stern paddler and navigator.

When we launched our canoes, John B noticed a big piece of land gouged out along the shoreline. "That must have happened last year when the water broke the dam barrier and Strutt Lake was flooded. When that happened, Strutt Lake flooded with silt," he observed.

It struck me that no one, except now our team and perhaps a few other paddlers from Wekweètì, knew about this damage to the landscape as very few people traveled through this area. It reminded me that so many of the impacts of colonialism are invisible or go undocumented.

The first day of our trip was warm and sunny — perfect weather as we sang classic rock songs to pass the time. John B also taught us about the plants, medicines and animals in the

area. There was much to see and if we had more time, we would have stopped to hike and explore the area, but we only stopped for washroom breaks and to eat. We paddled until early evening. When traveling on the land, particularly in the summer months when it never gets dark, it is difficult to accurately tell time.

John B and Nick chose a small island for our campsite. It was traditionally used for small groups because it was breezy and had very few mosquitos and good views. It typically was a great fishing spot, so it was perfect for our purposes. The waters along the shoreline where we docked were shallow, allowing us to easily get in and out of the canoe without getting our gear wet. Nick Football, the Elder on the trip, also noticed that there was an abundance of dry wood and deadfall on the island that could be used to make a fire. Everyone disembarked and started exploring the island for the perfect campsite.

Once my tent was set up, I joined a group that already had a fire going and were preparing dinner. Nick was sharing stories of his own excursions in the area and the challenges he had faced. I listened in awe. He had a personal connection to the area and so much experience traveling for hunting, fishing, and archeological studies. After a generous helping of spaghetti — the evening's meal, I joined a few of the other paddlers to fish from the shoreline. Despite Nick's stories of bountiful fish in this lake, none of us were successful. I re-joined John B and the others at the fire.

"The damage to the land that you saw back at the hydro site when we first launched the canoes might explain why you were not able to catch anything except a couple of jackfish. There is too much silt in the water," John B explained. I thought back to the damaged landscape we saw at the beginning of the day. This direct and destructive consequence of colonization would mostly go unnoticed, but it has had a huge impact on those traveling on the land and engaging in traditional activities. At one time, the Tłı̨chǫ could rely on the land to provide them with everything they need to survive. Today, paddlers must bring food supplies because what was once taken for granted cannot be relied upon anymore.

The next morning, it was my canoe team's turn make a meal. Typically, one canoe group will prepare the meal for the entire group with the responsibility shifting to another group for the next meal. With only two canoes on this trip, it meant responsibility for one to two meals each day. My fellow paddlers and I all shared the tasks equally. While Ginger, John B and I started gathering firewood, the others got water and started assembling the pots and pans for our

breakfast of eggs, bacon, tea and bannock. We all participated in the cooking and in less than an hour everyone was fed, breakfast was cleaned up and we were packing our stuff and getting ready for the day's paddle. My arms ached from the previous day of paddling and my legs were stiff from sitting in the canoe for over ten hours, but I was anxiously anticipating another day on the water.

Nick led us in a prayer in the same format that John B had the day before. The weather was good and by mid-day we reached a spot on the mainland that had historically been a popular campsite. As the other canoe prepared lunch, the rest of us explored the site being careful not to disturb anything but eager to find evidence of its historic use. John B found a quartz arrowhead, and after everyone had a chance to look at it, he put it back where he found it, gently pushing into the ground so it would remain in its rightful place for future travelers to find. After lunch, we set off again. After a few hours of paddling, we took a quick break to watch two jackfish in a battle while the current pushed us down the lake. It was a spectacular site, the two fish, with their fins and tails rising out of the water and slapping the surface, struggling with one another as we floated by.

About mid-afternoon, we reached the south end of Strutt Lake where we would have to disembark and hoteh (portage) our belongings and the canoes to the launch point on Slemon Lake. The hoteh was approximately one km long which was about the average length in that area. There were other portages on traditional trails that were upwards of five km or more. However, this particular hoteh had a reputation of being difficult despite its shorter length.

"Although this isn't a long trail, you will find yourself constantly looking for relief," John B said. "You will just want to get to the other side — your feet will get wet. You will be walking around the water and the mosquitos will be in hoards because it is so boggy. This trail is "kinda in-land" and the trees are taller here because you are right next to the river. The thing about being next to the river is that bears, otters, and eagles all feed on the fish from this river. They will drag the fish from the river to the shore and eat them. The fish remains will be left and over time the minerals go into the landscape. Because the animals eat so much here, they also poop around the area a lot — that is why the trees are always bigger beside the rivers – the land is fertilized. But just keep going, it is not as long as it seems."

When we reached the shore, everyone began quickly unloading all the supplies from the boats so the men could get a head start on portaging the canoes. The canoes are portaged using

an overhead lift-and-carry method. The canoes had been outfitted with special yokes, but it was still incredibly challenging as the terrain tended to be rough and uneven making it difficult to stay coordinated.

The men hoisted the vessels onto their shoulders and headed down the path. I watched them as they started off and got my first glimpse of the partially boggy trail that was our path from Strutt Lake to Slemon Lake. I was a bit apprehensive about the walk, but I didn't let the stories discourage my ambitious spirits. I hoisted my ǫhchì onto my back, securing the strap across my forehead and started marching down the trail. Walking down the lumpy path, feeling the burden my body was taking from the gear I was packing, I reflected on the past day and a half of my trip.

Traveling the old trails and listening to the old stories helped me to understand the impact colonization had on the Tłı̨chǫ people, their way of life and their deep connection to the land. I had heard years earlier at an annual Assembly that the Tłı̨chǫ Treaty was an extension of Tłı̨chǫ history that was embedded in the landscape. The Treaty attempts to undo the impacts of colonization and strengthen the Tłı̨chǫ yatıí (language), culture and way of life. Although this was only a very brief experience, I was starting to understand the Tłı̨chǫ history a little bit more.

I was able to experience what it was to be connected to their rugged landscape, to hear first-hand the teachings and wisdom embedded in the landscape and to witness the practices and values that come from being on the land. Although I will never fully understand the Tłı̨chǫ history and identity, on that walk across the portage, I came to the realization that the goals of self-government were not about certainty or jurisdictional authority, it was about reconnecting the Tłı̨chǫ to who they were so they could freely decide who they wanted to be in the future. It is so much more then defining obligations and rights — it is about the Tłı̨chǫ having the space, the time and the resources (both material and intellectual) to discover and celebrate who they were and determine who they will be.

Once everything was transported over the portage, a few of us did some fishing while the others started a fire to prepare lunch. After only a few casts, I got a bite on my line like I had never felt before. Mark, who was fishing alongside me, set down his rod and came over to help me reel the fish in. It was a jackfish — bigger than any I had caught before! Once we got it on shore, we brought it to Nick who filleted it and cooked it over the fire for the group's lunch.

Figure 18: Photograph of the Northern Pike (also known as jackfish) that I caught on the canoe trip

After our lunch, we set off on Slemon Lake. It wasn't long before John commented that the calm weather we had enjoyed up to this point was about to change.

"How can you tell? It is still completely calm," I asked.

"When you are sitting in the comfort of your home, you don't notice but the weather changes often and it changes quickly. When you are on the land, you watch closely for these things. I can tell the weather is about to change; we need to move out of the center of the lake and paddle along the shoreline," John B replied.

John B steered our canoe to the western shoreline, the second canoe following close behind us. Within minutes of reaching the relative safety of the somewhat sheltered shoreline, the wind picked up, rocking our boat. We were confronted by a strong northerly wind and waves large enough to make handling the canoes a challenge. I started to panic, worried that the winds would capsize our canoe, but I was reassured when John B called out from behind me,

"Everyone just keep paddling and we will be fine. I'm going to turn the boat slightly, so we are paddling into the wind instead of it coming across our boat."

Everyone in the canoe went quiet as paddling demanded our full concentration. The only sound that could be heard was the wind, the paddles hitting the water and the laboured breathing of my canoe mates as we did our best to push against the forceful winds. Occasionally, my eyes were drawn toward the white-capped waves stretching into the horizon before us, but I tried to focus on the task at hand and paddled with all my determination and strength.

I'm not sure how long it went on for, it seemed like forever; but eventually, John B steered the boat towards an island and said we had arrived at our campsite for the night. Everyone was relieved to be off the water and quickly began setting up camp and making dinner. We also set up a large blue tarp that would be our washroom facility on the island.

The evening feast consisted of baked potatoes, carrots and steaks cooked over charcoals. After dinner, Nick told us stories about the island. The island was a popular place for people from Wekweètì, my son Alex's home community. Nick told me stories of Alex's grandfather Alexis Arrowmaker and other Wekweètì people who camped on the island for days at a time, on their way to and from Wekweètì, waiting for the weather to clear or to dress a moose. After dinner and stories, a few of us headed into the chilly water for a swim and a bath. As the night drew to a close, I sat on the shoreline looking out across the lake, the landscape clearly silhouetted in the background. As I watched the now calm waters and the scattered clouds drift past, I imagined Alex's ancestors going on this very same trip.

The next morning was the same as the others. After an efficiently prepared breakfast, packing of the canoes and prayers, we were off again. It was the hottest day yet and the heat taxed our already fatigued bodies. The mosquitoes were out in full force and vicious — the assault by these tiny creatures is difficult to articulate and comprehend but they were so punishing, we adopted to take lunch in our boats rather than go to the shoreline to eat. Bathroom breaks were infrequent and very, very quick.

We entered Russel Lake by late afternoon. We knew we would be paddling until late in the evening to reach Behchokǫ̀. Thankfully, as the sun moved closer to the horizon, the heat and the mosquitos subsided and we quietly settled in, paddling in unison to get us to our final destination. It was close to 11:00 p.m. when we rounded the island and saw Behchokǫ̀ in the distance.

As we got closer, I could see Alex on the shoreline awaiting my arrival. Tears welled up in my eyes, but I didn't cry. I could feel a sense of pride rising in me and I felt so fortunate to have Alex there to celebrate my accomplishment as I finished my journey. As I paddled those last twenty minutes or so, I reflected on the journey I had taken over the past few days. Just imagine…. we did not have topographic maps and navigational charts to guide our trip — we had the luxury of Elders who had learned these waters and the ways of survival from their ancestors. They understood the intricacies and challenges of being on the land better than any guidebook or excursion company. They had a connection to the land and to the place that extended beyond history books and memories. Knowing this was profound!

Coming from rural Saskatchewan and having grown up on a farm, I understood the connection to place. I had great pride in being raised on the farm that my great grandfather had homesteaded in the early 1900s. However, this trip and the knowledge and appreciation for the land that I gained was far greater, far deeper than I had ever comprehended before. I had walked over the trails of Alex's ancestors and gained a greater understanding of their history, their way of life and who they were as a Nation.

Chapter Six – Summary & Conclusion: Looking to the Future & UNDRIP

This work set out to critique the increasingly common place assumption that Canada's implementation of self-government is correcting injustices of the past and resulting in a renewed, government to government relationship with Indigenous peoples founded on mutual respect and recognition. Instead of realizing these promises, self-government is yet another attempt to extinguish unique Indigenous cultures and ways of life. Although the rhetoric has changed, promises under self-government, and the nation-to-nation relationship have done little to change the historic relationship between Indigenous peoples and the state, one that has been characterized by oppression and domination. Rather than overt racism as seen in earlier versions of Canada's relationship with Indigenous peoples, now the bureaucratic processes and overly legalistic negotiations are designed to deprive Indigenous peoples of their lands and self-determining authority, impose western governance structures and values and marginalize Indigenous economies. In other words, modern treaties are little more than a change in practice with no real departure from the underlying assumptions that informed the negotiation of the original treaties and entrench non-Indigenous economic and political interest in Indigenous governance. Canadian values, institutions, and rituals prevail in the implementation of self-government and the attempted extinguishment of Indigenous culture and ways of life seems to have no reprieve under this model.

At first glance, the oppression may not be obvious, and those who identify it as so are often dismissed with explanations that the actions are insignificant and don't result in any damage to language, culture and way of life. However, the continual onslaught through policy, process and legal arrangements has profoundly negative consequences on Indigenous peoples' efforts to protect their unique languages, cultures, and ways of life. Furthermore, it signifies a much more pervasive foundation of institutional racism and racialized injustice. Nothing has changed because Canada's motivations have not changed. Canada's aggressive desire to open Indigenous lands to development, its premium on capitalism, and its relentless need to define progress, development and success reflect western values and is a direct challenge and attempt to subvert Indigenous concepts of sharing, communal ownership, redistribution of resource surpluses and their focus on community and leaving no one behind. This work reveals that despite promises of change, Canada's relationship with Indigenous people has over time, been a continuation of progressive attempts to instill western capitalist values in Indigenous

communities. As seen in the case study of the Tłı̨chǫ, this is not only an attack on their traditional economic and social relations, but it also threatens their culture and way of life.

Oppression, Domination and Securing ownership of the land

To demonstrate how the relationship between the Tłı̨chǫ and Canada and the GNWT was inherently colonial and characterized by domination and oppression, I drew on Tłı̨chǫ knowledge of their historic social, political, and economic life. Tłı̨chǫ history tells us that Tłı̨chǫ culture and way of life have always been intimately interconnected to their lands and their landscape. Traditional Tłı̨chǫ communities were characterized by organization around small, self-sufficient groups who sustained themselves from the land. As nomadic peoples, they moved with the seasons to harvest renewable resources found on the land such as fish, small game, moose and, most importantly ekwǫ̀ (caribou). Land was communally owned and shared as necessary. Within small self-sufficient groups, labour was organized along age and sex lines with all members of the community contributing to the well-being of the group. Cooperative labour was important for hunting and in women's work, and sharing was a core value that ensured everyone enjoyed in the times of prosperity while in times of shortage, everyone had the minimum needed for survival.

Education was the responsibility of family units and small groups. Children were taught practical and relevant knowledge and skills for their survival through observation and experience. Tłı̨chǫ history was shared through storytelling and travel. Each era of Tłı̨chǫ history contains a significant relationship that was marked by conflict. From this resolution of conflict emerges values, principles and rules that are preserved and recorded on the land through placenames and stories associated with place names. The values of co-existence, peace, respect and unity that emerge from this history are experienced through traveling on the land and sharing the narratives associated with the place names. Travel and storytelling are unique devices used to preserve Tłı̨chǫ knowledge and history and provides a medium to pass on their collective experience and wisdom to future generations.

Despite the attempted disruption to the Tłı̨chǫ's connection to their lands, when settlement in permanent communities was encouraged, there continued to be a strong connection to the land. The location for Wekweètì, Whatì, Gamètì were chosen based on access to renewable resources and communities were formed based on historical land used by small groups and families. The Behchokǫ̀ location was informed by history as well as it was a

traditional place of gathering and trading. Land-based values of self-sufficiency, sharing and a high regard for personal autonomy continued and found a contemporary expression in communities even as their ability to rely on the land diminished.

This connection to place and the unique values inherent in Tłı̨chǫ culture are not easily understood and despite the extended length of time I have worked, lived, and traveled with the Tłı̨chǫ, I can only say that I am only beginning to appreciate the depth of the connection to the land and the sincerity of the values of sharing and caring for one another. It goes beyond knowing and understanding a place and extends beyond our temporal reckoning. The values of cooperative labour, sharing, respect for autonomy and communal land ownership go beyond that of the neighborly connections we have with one another in towns and cities across Canada. It more resembles a familial relationship that is characterized by caring and nurturing and extends to all Tłı̨chǫ, friend and foe and all inhabitants of the land. These values are echoed in their Constitution that sets out that the Tłı̨chǫ "respect the interconnection of all living things," have a "responsibility to serve for all time as custodians of our lands", and "respect [...] individual rights and freedoms and believe that they go hand in hand with the responsibility to preserve and protect the Tłı̨chǫ." [395]

This deep connection to place and cultural difference did not fit with Canada's desire to become a nation of its own, one that, as years passed, needed to amass more land, resources and wealth. The historic relationship between Indigenous peoples and Canada has been at the center of much of the contemporary scholarship on Indigenous self-government in the past thirty years. These scholars have increasingly brought attention to the fact that the relationship with Canada and other colonial powers, is one that is characterized by dispossessing Indigenous peoples of the lands and self-determining authority, the imposition of foreign governance structures, and external definitions of progress and success. For the Tłı̨chǫ, this oppression and domination began with the signing of Treaty 11 and continued as the GNWT assumed further control over Tłı̨chǫ lives. This attempted domination of Tłı̨chǫ lands, resources and economic and social life marginalized the Tłı̨chǫ economy and threatened Tłı̨chǫ language, culture, and way of life.

In the late 19th century, the north was flooded with white trappers and free traders, upsetting the subsistence and trading economy of the Tłı̨chǫ and resulting in poverty and

[395] Tłı̨chǫ Constitution, pg 2.

hardship. Despite pleas from settlers who witnessed the struggles of the Tłįchǫ, Canada did not intervene until the promise of gold and petroleum changed their view of the north from that of a wasteland to a new frontier.

With the discovery of oil at Fort Norman in 1920, Canada moved quickly to enter into treaties with all the Dene up and down the Mackenzie River using trusted and respected members of the community as negotiators. They reached Behchokǫ̀ in August of 1921 where they were met with resistance by the respected Tłįchǫ leader Chief Mǫwhì. Initially, Mǫwhì refused to sign the treaty, but he was persuaded when it was promised that the treaty would help the Tłįchǫ and would protect the lands and resources central to Tłįchǫ ways of life and Tłįchǫ economic sustainability. Despite these promises and assurances, there was no real negotiation.

Treaty 11 was written in Ottawa and its sole purpose was to create unrestricted access to Tłįchǫ lands so Canada could exploit its resources. The implementation of the treaty demonstrates that Canada saw the treaty as a formality because there was no effort to improve the lives of the Tłįchǫ or to protect their resources. Rather than uphold the promise that the Tłįchǫ would be able to continue to live their way of life "as long as this land shall last," even more trappers, and now prospectors, came north putting more strain on the already depleted natural resources that the Tłįchǫ relied on for physical and cultural survival. By the late 1920s, the Northern non-renewable resource economy was booming while the Tłįchǫ's economy was crashing, and they were pushed to near extinction by disease and poverty.

These changes coincided with the development of western education and residential schools. The Canadian Government passed laws requiring students to attend school. The quality of education in the first church run schools was very poor and focused on converting the Tłįchǫ to Christianity and replacing their traditional way of life with one that reflected the rest of Canadian society. Students were essentially labourers who supported the operation of the schools. They were taught Canadian values and Canadian standards for homemaking and hygiene. As is well known, the atrocities of residential schools have been extensively documented and need not be retold here. This made it difficult for Tłįchǫ children to travel on the land and attain the experiential knowledge and Tłįchǫ history that went along with travel. This marked the first retreat of full-time life on the land as the Tłįchǫ began setting in permeant communities at least for part of the year.

The exploitation of non-renewable resources and expansion of western education continued throughout the 1940s and 1950s. Attempts to recover renewable resources came in the form of hunting and trapping regulations imposed on the Tłı̨chǫ. These new laws completely ignored their treaty rights. Lawmakers ignorant to Tłı̨chǫ practices of communal ownership, cooperative labour, and collective production, developed legislation that made it difficult for the Tłı̨chǫ to survive. More schools were built in the north and the federal government took over responsibility for education. As more Tłı̨chǫ families moved off the land, enticed by promises of security through social assistance and wage labour, more Tłı̨chǫ children were schooled in western education.

After demands from settlers in the north for local self-government, the Government of the Northwest Territories' (GNWT) administrative and political bodies were moved to the north in 1967. In time the Government, which was being developed without the input of the Tłı̨chǫ and other Indigenous nations in the north, carved out its own jurisdictions over health, education, social services, and municipal functions. Schools adopted the Alberta curriculum and students had to pass Alberta Departmental Exams. Health and social services policies were set by the predominately non-Indigenous leaders based in Yellowknife. Municipal bodies with elected mayors and councils were set up in each of the Tłı̨chǫ communities, a direct challenge to the traditional forms of leadership already present in the communities.

The result of this oppression and domination was a crippled Indigenous economy as gaming laws prevented traditional social economic organization. The pressures on renewable resources of which the Tłı̨chǫ depended upon – both direct pressures from non-Indigenous hunters and trappers and the negative cumulative effect of industry and development on resources – made for a precarious subsistence economy. The Tłı̨chǫ turned to wage labour and government assistance to shape an existence but resources from the cash economy are not designed to be shared in the same way (though they still are in many ways). Because Tłı̨chǫ identity is so closely connected to the land and their traditional economy, this attack threatened this culture and way of life – undermining those who were pillars of strength in Tłı̨chǫ culture and reducing them to an accumulate of needs through the eyes of western society.

My conceptualization of this domination and oppression as seen in the dispossession of Tłı̨chǫ peoples' lands and political authority was necessitated by Canada's reliance on the capitalist mode of production. Karl Marx's writings on primitive accumulation help us to

understand the connection between capitalism and land. Marx's theory of primitive accumulation is the historical process of divorcing the producer from the means of production, through often crude and violent means, that ultimately results in total control of the means of production and the producers. The numbered treaties did just this. Lands that once provided the Tłįchǫ everything they needed to survive, were transformed into mines and oil fields. The Tłįchǫ resisted but non-renewable resource development reduced the productive capacity of the land thus making a life sustained by the land difficult. Canada followed up by passing hunting and trapping regulations and laws requiring Tłįchǫ children to attend school, that further removed the Tłįchǫ from the land. Removed from the lands, the Tłįchǫ were left with no choice but to sell their labour to survive. Since Tłįchǫ identity and culture and so closely tied to the land, removing them from their lands and marginalizing their subsistence economy was an attack on their culture and way of life.

Further Remove Tłįchǫ people from the land and instill Western Values in Community Life

After securing ownership of the lands, Canada next had to move forward on more permanently removing Indigenous peoples from their lands. But Canada's attempted domination and oppression of Indigenous peoples did not go unnoticed and led to an Indigenous resistance movement requiring them to take a more nuanced approach than the racist policies of the 19th and early 20th century. As discussed in Chapter 1, the Federal Government's "Statement of the Government of Canada on Indian Policy, 1969" was a catalyst that mobilized the contemporary Indigenous self-determination movement across the country. At the time, the Dene of the NWT were faced with a pipeline that would carry natural gas across their territory from the Beaufort Sea to northern Alberta that they felt could threaten their cultural heritage and identity. The Indian Brotherhood of the NWT was formed to uphold the rights and interests of the Dene. They registered a land caveat against most of the NWT. It was an expression of the Indigenous rights and an attempt to stop the construction of the pipeline. Although the caveat was defeated, it brought attention to the question of land claims and self-government. An inquiry into the potential environmental and social impact of the pipeline was led by Justice Thomas Berger. He recommended a ten-year moratorium on the construction of the pipeline to allow land claims and self-government agreements to be settled**.** The following year, the Dene made a proposal to the Government and people of the Canada for exclusive political jurisdiction over Denendeh and

areas of primary importance to the Dene. This started the negotiations that would eventually lead to land claim and self-government agreements in the north.

The Tłı̨chǫ were also pushing to make education more responsive to the needs of their children. After decades of children being taken out of the community to attend residential schools, in the early 1960's, Chief Jimmy Bruneau lobbied government to have a school built in his community where the children could learn from both cultures and where Tłı̨chǫ people could work in education. The result was the Rae Edzo School Society in 1969 and in 1972 an elementary school was built in Rae and became the only Indigenous run school in the territory.

By 1989 the Dogrib Division Board of Education was created, giving the community the opportunity to set direction for education that reflected the wishes of Tłı̨chǫ families and communities. Culturally based education was further integrated into the conventional curriculum. In 1997 the role of the board expanded to include health and social services and the Dogrib Community Services Board was formed. The board was recognized for its culturally relevant service delivery and community development approach.

The Tłı̨chǫ social and economic organization also shifted during this time-period. As outlined in Chapter 3, the late 1950's marks a time when the Tłı̨chǫ shifted their primary residence from the bush to town. Instead of complete reliance on the land for survival, the Tłı̨chǫ were now part of the cash economy in the form of government assistance and wage labour with the newly formed municipal councils. The Tłı̨chǫ continued to access the land and hunted, trapped and snared, but now it was more out of preference than necessity. With settlement in permanent communities, a new way of selecting leaders had to be utilized and in their first election in 1972, Alexi Arrowmaker was voted in as Grand Chief. Rather than a replacement of the subsistence economy and social organization by the new cash economy, a unique mixture of economic activity emerged whereby the contemporary modes were used to support traditional activities.

Though in each of these arenas Tłı̨chǫ resistance to Canadian values and control over their social lives can be seen but ultimately Canada and the GNWT refused to relinquish ultimate authority over Tłı̨chǫ lives and land, though it becomes more nuanced than earlier versions of oppression and domination. Kulchyski's writing on totalization helps us to understand why the state needs to impose western institutions, structures, and values on Indigenous communities. From their position of power, the state enacts various structures and institutions (education,

government assistance, economic development, municipal governments). Though they give some token measures of control to Indigenous communities, they ultimately continue to control these entities. Parceling out authorities bit by bit to Indigenous communities does nothing to undo the unjust oppression and domination. In delegating some authority in this way, they do not disrupt their position of power and ultimately, they create opportunities to further define the social life of Indigenous peoples. They continue to do this in such a way that supports their own objectives which is the continued removal of Indigenous peoples from their lands that leads to improved access to Indigenous lands and resources. Kulchyski explains that the state plays a critical role in totalization by endorsing the values that support capitalism through policy, programs and laws, with the ultimate goal of reinforcing the established order. [396]

Tłı̨chǫ Self-Government – Incorporating the dominate logic into Tłı̨chǫ governance

As has been documented, the Tłı̨chǫ and other Indigenous nations continue to resist the domination and oppression by Canada, and so the methods of the mid to late 20th century were not sustainable. Canada had to find a new medium to further impose western values in Indigenous communities and calls by Indigenous peoples to recognize their inherent right to self-government provided the perfect opportunity. Despite the rhetoric of a renewed relationship, self-government agreements provided the medium to further entrench western values into Indigenous communities through implementation.

Negotiation for land-claims and self-government for the Dene and Metis of the NWT continued throughout the 1970s and 1980s; however, they were eventually defeated in 1990 when the proposed agreement from Canada included an extinguishment clause and excluded self-government. Regional claims were pursued and the Gwich'in and Sahtu-Dene settled their claims in 1993. The Tłı̨chǫ submitted their claim and began self-government negotiations in 1992. The discovery of diamonds on their traditional territory motivated the Government of Canada and an Agreement in Principle was reached in 2000. Diamonds also brought the capitalist economy to the Tłı̨chǫ people. Although this meant some good paying jobs for Tłı̨chǫ citizens, due to impact benefit agreements, non-renewable resource development put pressure on

[396] Kulchyski, Like the Sound of a Drum, 265.

the natural resources central to the Tłı̨chǫ bush economy and there were new pressures to prepare Tłı̨chǫ citizens for mine work.

On August 5, 2005, the Tłı̨chǫ Treaty became effective, ushering in a new era of political organization for the Tłı̨chǫ. The Tłı̨chǫ Treaty transferred ownership of 39,000 km^2 of land to the Tłı̨chǫ and self-governing powers. For the Tłı̨chǫ, it was a mechanism to protect and promote their language, culture and way of life. For Canada, it achieved certainty with regard to lands and resources and a new relationship with Indigenous peoples. Like other land-claim and self-government agreements of its time, the Tłı̨chǫ Treaty included an economic measures chapter. This chapter commits Canada and the GNWT to take such measures as necessary to support the traditional economy of the Tłı̨chǫ First Nation and support economic development by supporting business development, providing training and encouraging employment of Tłı̨chǫ citizens in the public service and public agencies. Chapter three outlines the implementation efforts and challenges encountered in realizing the promises of the economic measures chapter of the Tłı̨chǫ Treaty.

The Tłı̨chǫ Treaty also has sub-agreements, one, the Intergovernmental Services Agreement, was discussed in Chapter five. The ISA, provided for the creation of the Tłı̨chǫ Community Services Agency – a unique collaboration of the Government of the Northwest Territories and the Tłı̨chǫ Government for the delivery of education, health and social services. The ISA allows for a Tłı̨chǫ plan and cultural coordinator that are intended to be further protections for Tłı̨chǫ language, culture and way of life.

This work demonstrates that in implementing the agreement, in particular the ISA and economic measures chapter, the GNWT and Canada continue to advance the dominant, imperial, hegemonic logic through defining key terms and defining what is considered progress and success. Despite the economic measures chapter and the ISA being extensions of the Tłı̨chǫ's inherent right to self-government, they continue to advance the interests of the state. However, now, instead of it being externally imposed dominance and oppression, self-government agreements make it appear that it is Indigenous controlled, thereby legitimatizing the actions taken. This has incredibly negative consequences on Indigenous peoples as it is a direct attack on the culture and way of life. The historical injustices, perpetuated through institutional racism and racialized injustice continue today as the pattern of unequal political relations has never been disrupted and continues to be informed by Canada's aggressive desire to open Indigenous lands

to development and western definitions of progress, development and success. The domination and oppression of Indigenous peoples has persevered under self-government, and though now more internalized, it is still an attack on their culture and way of life resulting in the continued marginalization of Indigenous peoples in Canada.

However, the onslaught has not been completely successful. All the materialistic, economic, and self-important might of Canada has not succeeded in silencing Indigenous peoples or eradicating their way of life. Just like the traveller who must learn to navigate the harsh elements they encounter on their journey, Indigenous cultures, peoples, and their values continue to persist and increasingly thrive. Many Indigenous peoples have been humbled, discouraged, and overwhelmed, but they continue to emerge with a steadfast commitment to success despite the obstacles. Like many oppressed communities' the Tłı̨chǫ have adapted, sometimes going underground to avoid open confrontation, other times trying to work within the Canadian system to protect their rights. Against this background of perpetuation of power and entrenchment of control, Canada is about to enter a new era of Indigenous relations which are to be guided by yet another legal instrument, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

UNDRIP – A new way forward?

UNDRIP, passed in 2007 with an overwhelming vote of 144 states in favor to four against, was promoted as a milestone achievement towards the re-empowerment of Indigenous peoples. Canada was one of the four countries to vote against UNDRIP; however, since that time, their position has changed. First endorsed by the Harper Conservatives in 2010 as an *aspirational* document, with the election of the Liberal Government in 2015, Canada stepped away from this constrained view of the Declaration. Less than a year after the election, Northern Affairs Minister Carolyn Bennet announced that Canada was "fully adopting [the Declaration] and working to implement it within the laws of Canada." [397] On June 21, 2021, this commitment was formally recognized when Parliament passed the United Nations Declaration on the Rights

[397] Tim Fontaine. "Canada removing objector status to UN Declaration on the Rights of Indigenous Peoples." CBC New May 8, 2016. https://www.cbc.ca/news/indigenous/canada-position-un-declaration-indigenous-peoples-1.3572777 [Access April 6, 2022].

of Indigenous Peoples Act, legislation which requires that Canadian law reflect the standards set out in UNDRIP.

Canada describes the Act as a roadmap for the Government of Canada and Indigenous peoples to work together to "implement the declaration based on lasting reconciliation, healing and cooperative relations." [398] Canada's recognition and commitment to implement UNDRIP could be meaningful considering there are many significant outcomes from the declaration. It is the first legal instrument to expressly recognize that Indigenous peoples have the right to self-determination. Article 3 states "Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development." [399] Article 26 acknowledges that Indigenous peoples have the right to "the land, territories and resources which they have traditionally owned" along with the right to "use, develop and control these lands." [400] The article also compels the state to "give legal recognition to these lands, territories and resources." [401]

How will these key articles interact with the Tłı̨chǫ Agreement and how might this change Canada's approach to the implementation of self-government? More research is necessary to fully understand UNDRIPs impact. UNDRIP certainly creates a bigger vision and agenda and the opportunity to create the conditions for greater autonomy for Indigenous peoples, but can this happen under the current structure that, so far, always bends to the overarching needs of capital and a totalizing state that operates in this manner regardless of the views of its agents? I would argue that it is unlikely. As we have seen throughout history, I expect that UNDRIP will be yet another legal instrument that consumes the resources and capacity of Indigenous governments but does little to advance the aspirations of Indigenous peoples. Given it is non-legally binding nature perhaps it does more damage than good. It creates a distraction and the

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[398] Canada. "Implementing the United Nations Declaration on the Rights of Indigenous Peoples Act. https://www.justice.gc.ca/eng/declaration/index.html [Accessed May 17, 2022].

[399] United Nations. "United Nations Declaration on the Rights of Indigenous Peoples" https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf [Accessed April 6, 2022]

[400]Ibid.

[401] Ibid.

promise of hope but unless there is a fundamental shift in Canada, I predict much will stay the same.

In the case of southern historic treaties, First Nations argue that the spirit and intent of the treaties were violated. They were not implemented in the manner that was anticipated would be so beneficial to treaty nations. It appears the same colonial pattern is largely repeating with respect to implementation of modern treaties. What are the implications for Indigenous peoples who have endured this profound struggle to free themselves from the power and domination of the Canadian state? How do Indigenous peoples protect their cultural survival when the Canadian state is continues to attack it even in this era of modern treaties? Indigenous cultures are not museum pieces or a collection of land-based activities, yet Canada cannot seem to see this. Although every reform helps and each triumph empowers Indigenous peoples, the historic wrong can only be righted by the restoration of Indigenous sovereignty on a sufficiently large piece of territory. Indigenous peoples need real autonomy, real control over their daily lives…not simply control within the constrained box of capitalist values. It is unlikely the federal and provincial/territorial government will relinquish meaningful control to Indigenous Nations, governments, and communities – it is not in their self-interest, it is not in the best interest of capitalism that defines Canadian life. It will have to be Indigenous peoples that assert their sovereignty themselves and continue to take the steps to protect their unique cultures and ways of life. With limited resources and capacity this will likely require Indigenous nations to shift their focus from getting the state to understand and respect their rights and instead looking inward and focusing on what they as Nations need to do for themselves.

To Canada and Canadians, self-government and its related concept of certainty over lands, resources and jurisdictions, cannot be the final destination if we truly want to achieve reconciliation. If we want to undo the harms caused by colonization, we need to implement an approach that honours the sovereignty of Indigenous nations and creates the space for Indigenous nations to freely determine their social, political, and economic futures. Treaties and Self-government does not do this; it only allows Indigenous Nations to develop within tightly prescribed institutions that reinforce Canadian and capitalist values. True reconciliation will be an on-going journey, where we seek to find ways to respect and reconcile the existence of two autonomous nations, bound together but independent, with their own distinct cultures and way of

life. As long as Canada and Canadians are unable to let go of the need to define and control Indigenous governments, lands and lives, there will never be reconciliation.

Pronunciation Guide

ʔı̨daàtı̨lı	eye-dah tea-li
Behchokǫ̀	bay-cho-ko
dzi'ke	
Ewaàghoa	Wh-wa-goo
Ezǫdzìtì	Eh-zod-ze-tea
Gamètì	gam-ma-tea
Hoòdoòdzo	hoo-do-zoe
Įdaà Trail	eye-dah
kweèt'ı̨ı̨	
Mǫwhì Gogha Dè Nı̨ı̨tłèè	mon-fwee go-ga de-neat-lay
Nı̨htłè k'ede k'àowo,"	
ǫhchì	
tahmii	
Tłı̨chǫ	tlee-chon
Wek'èezhìı	wey-keh-zi
Wekweètì	wek-way-tea
Whatì	what-tea
Yamǫǫ̀zha	
yatií	

Appendix A – Interviews completed by author

Grand Chief George Mackenzie - March 11, 2021
Tłı̨chǫ Executive Officer – Laura Duncan - March 11, 2021
Senior Advisor to Government – Celine Zoe - March 11, 2021
Chief Clifford Daniels of Behchokǫ̀ - March 10, 2021
Chief Alfonz Nitsiza of Whatì - March 10, 2021
Chief Adeline Football of Wekweètì - April 16, 2021
Chief Negotiator of the GNWT Patrick Scott - April 26, 2021

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