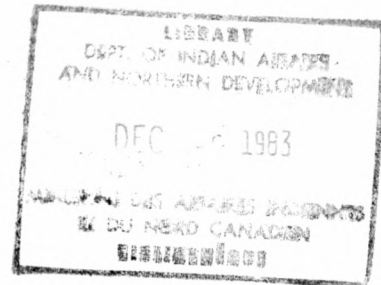


CONFIDENTIAL

IBNWT LAND CLAIM

Handbook for the
Northern Claims Group

November 1977



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AGREEMENT IN PRINCIPLE

BETWEEN

THE DENE NATION

AND

HER MAJESTY THE QUEEN,
in right of Canada.

WHEREAS prior to the coming
of the Europeans, the Dene, the
Aboriginal people of the Mackenzie
Valley, have lived on their traditional
lands since time immemorial.....

INTRODUCTION

We the Dene have lived on our traditional lands since before any man can remember. Our land is the cradle of Dene Civilization and has nourished our people for thousands upon thousands of years. Through these thousands of years, we the Dene, a nation of people, have decided for ourselves how we live. We developed our own values and our own understanding of the world. We developed our own languages and our own laws, our actions were based on our understanding of the world. For thousands of years, we have been a nation determining our own destiny.

More recently, our nation has undergone difficult and threatening times. Non-Dene with different values, different languages, different laws, have come onto our lands. Rather than living with us in peace, these non-Dene have tried to force us to think, act and become non-Dene. Rather than recognizing our right to our own land, non-Dene have taken resources from our land for their own profit. Rather than recognize our national right to self-determination, non-Dene have judged us to be inferior, and tried to control us.

In 1899 and 1921, our nation made two treaties with the non-Dene. For our forefathers, the treaties were an agreement with the non-Dene whereby we would live in peace and mutual respect, whereby our right to continued self-determination would be guaranteed. In Dene society, men related to men by agreement. We understood that a man was measured by how he kept his word. The agreement that our forefathers made verbally with the Government of Canada was that our right to self-determination shall never be violated "...as long as the world does not change, as long as the sun continues, as long as the river continues to flow, as long as this land shall last." It was not until the late 1960's that we became aware of the meaning of the written versions of Treaties 8 and 11.

By fraud, the written versions contained conditions never agreed to by our forefathers:

"...the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King and His Successors for ever, all their rights, titles, and privileges whatsoever to the lands included within the following limits..."

From this fraud, for over half a century, the Government of Canada has proceeded to consciously and continuously undermine our nation. The Government of Canada has imposed whatever laws it has deemed necessary to exploit the resources of our land. We have been seen as obstructions to this exploitation and have been increasingly pressured to assimilate into the very system which exploits our lands and undermines our rights as a people.

In truth, what has happened is a process much worse than just the theft of our land and our resources. What has happened is the theft of our humanity, the theft of us as a people, the theft of our right to be. This process began even before the treaties, with the explorers, fur-traders, and missionaries. Over the past few years it has been accelerated and intensified with the hunger to exploit our lands. This process is colonization. The Government of Canada and its agent, the Territorial Government, along with transnational Corporations, are the colonizers. Over the years, and at present, they have been allies in the common cause of changing us to fit their definition of mankind.

We have decided that this must stop. We have decided that we must now work for our decolonization. We have decided to once again become the subjects of our own development, rather than the objects of someone else's decisions.

It is over half a century since the time of the first treaties between our nation and non-Dene. Now, both the Government of Canada and the Dene Nation are seeking to make a new agreement, a treaty which will be respected and lasting for both parties.

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

This means that we must have our own exclusive political jurisdiction within Canada. We must have our own political institutions through which we both govern ourselves internally as we choose, and continue to present our collective interests externally to the rest of Canada. Only with our own exclusive political jurisdiction can we meet these requirements. Unless these requirements are met, it is meaningless to talk to the Dene as a people, or Dene Culture, being a continuing reality. Any other arrangement would be genocide.

Our right to self-government within the Confederation of Canada must be the basis of our new agreement with the Federal Government. Basic to that right is the recognition to exclusive Dene political jurisdiction over areas of primary importance to our life as a people.

History and Rights of the Dene

In 1899 and 1921 our forefathers saw fit to enter into treaties 8 and 11 with the Dominion of Canada. We did so in an effort to protect our interests from the continuing invasion of non-Dene. Our forefathers saw a need to obtain assurance from the non-Dene government, whom they felt was responsible for the actions of non-Dene on Dene lands, that the security of our way of life would not be undermined, that our right to continue to lead our chosen way of life and govern our own affairs would not be challenged.

We learned shortly after the making of those treaties that those we negotiated with were breaking their word. Since then nearly every term of the agreement we entered into so solemnly has been broken by the non-Dene.

We have recently come to grips with the implications of living in a world in which men make decisions not by agreement but by manipulation of power. The lesson of the Treaties and the lesson of our experience since that time is that our rights will not be adequately protected by assurances of non-Dene institutions, be they corporations or the Federal Government. Our rights will only be protected by the assertion of those rights by ourselves. This lesson, above all, has made it clear that we must govern ourselves through our own exclusive institutions and must have the ability not simply to negotiate an agreement, once and for all, with the Federal Government, but an ability to negotiate the terms of all activities affecting our interests long into the future. This is why recognition, not extinguishment, of rights in the form of an exclusive Dene jurisdiction or government is the first principle of our position.

We cannot understand how anyone could seriously suggest that we would consider negotiating the extinguishment of our rights. What we insist upon is a departure from the tradition in Canada that rights must be extinguished. We want our property rights to our land recognized and preserved, not extinguished. Such recognition of Aboriginal land has happened elsewhere in the world and we cannot see why it cannot happen here.

However, our rights are more than property rights. We have important human rights recognized in International Laws, such as the right to self-determination as a people.

Our struggle, like oppressed and colonized people everywhere, is the assertion of the right to recognition and self-determination as people. Our demands are the recognition and protection of those important human rights which have been secured by other peoples. We are a nation of the fourth world, the world of aboriginal peoples within the framework of independent, nation states.

This is not separatism. It means self-reliance and self-determination as people within Canada. It means a reclarification of our rights and a negotiation of our place in confederation in the context of a Dene Government. We know that this is in the spirit of the Canadian constitution and that there is no reason why the tradition of extinguishment has to be followed. We can never agree to the extinguishment of ourselves as a people.

There are other lessons to be learned from the Dene experience of the last fifty years. The right of self-determination has many aspects. Constitutional recognition, that is, recognition of the right of the Dene to govern themselves through institutions of their choosing, would be insufficient to ensure Dene independence and the development of the Dene as a people. Colonialism is not simply a matter of political control but it also a matter of economic and social relationships. The truth of this observation is borne out by the experience of formerly colonial Third World countries.

Achievement of political independence in the absence of any restructuring of colonial economic relationships has led to the continuation of a much more subtle, but very real, economic neo-colonialism. Resource development continues under foreign initiative and control, making the local economy dependent on decisions made by and large in accordance with external interests. Far more important, the ownership and control of resources by external interests leads to the economic surplus attributable to these resources being drained out of the country for reinvestment elsewhere. It is this loss of economic surplus which most severely undermines the ability of underdeveloped areas to become self-determining.

In the early days, the fur trade was the main basis of the relationship between Dene and non-Dene. The traders depended on us for their survival, both in terms of food and for the fur which kept them in business. In turn, we became dependent on the traders for our traps, some basic provisions and other essentials such as guns and axes.

As long as the traders were dependent on our people for food and fur we were treated with respect, with recognition. However, improvements in transportation allowed the traders to import their food supplies. Meanwhile, in spite of the Treaties, the government allowed non-Dene trappers to enter the North. The non-Dene trappers had no long-term interest in the fur-bearing animals and quickly set about depleting the areas he trapped, much the same way mining companies and oil companies today remove forever the birthright of the Dene in the non-renewable resource sector. Both of these events changed the relationship between our people and non-Dene. The traders no longer depended on provisions supplied by us, while the non-Dene trappers depleted our fur-bearing animals.

Finally, when the bottom fell out of the fur market and prices fell, we were left high and dry. We had started from a position of equals and were now left in a state of considerable need.

The main lesson we learned from this experience was that participation in the market economy is not enough. We must have control in order to ensure that our relationship with the non-Dene remains one between equals rather than one of dependency.

While the fur trade drained away the economic surplus, created by the hard work of Dene trappers, to be used to build the economic empire of the Hudson's Bay Company elsewhere in Canada and in such racist economies as that of South African controlled Namibia, the fur trade did not demand that we give up our land. While our people became increasingly dependent on the non-Dene economy, the fur trade did not result in the tremendous influx of non-Dene brought about by the exploitation of non-renewable resources on our land.

For the mining companies, oil companies, and prospectors, ownership of the land was indeed an important consideration. This is what motivated the Federal Government to negotiate treaties, to remove the Dene interest in the land in order to make it available to the developers. Because of our trust in verbal agreements and our trust in a government with which we had little experience, we realized this all too late.

The development of the non-renewable resource sector - the gold mines at Yellowknife, the oil field at Norman Wells, the mines at Port Radium and Echo Bay, the lead-zinc mine at Pine Point, the gas field at Pointed Mountain, and the massive exploration effort of this century - resulted in an influx of non-Dene settlers, under the auspice of the Federal Government and its local colonial establishment, the Government of the Northwest Territories. The assumption of racial and cultural superiority, so necessary to justify this abrogation of our national rights led to the imposition of a non-Dene educational system, non-Dene religious hierarchy, non-Dene political institutions and host of other non-Dene authorities, not least important of which were those concerned with housing, health and social assistance.

For instance, instead of providing the tools with which to overcome colonialism, our most pressing problem, the so-called "education" system was based on assumptions that provide the underpinnings of colonialism - racial superiority, elitism, the capitalist ethic, authoritarianism and so forth.

In the political sphere, the assumption of racial and cultural superiority led to the imposition of non-Dene political institutions which completely ignored our tradition of decision-making by consensus and government by agreement. Our attempts to employ these non-Dene institutions to achieve our aims have proven futile.

It is the nature of colonial government that it focuses on symptoms of the colonial relationship without ever questioning the cause. The result is an ever increasing colonial bureaucracy whose relationship to the colonized must be founded on assumptions of superiority in order to justify its continuation. The failure of colonial development programs and the growth of the welfare bureaucracy are implicit in continuing colonial relationships. From our point of view, perhaps the most destructive efforts of the colonial bureaucracy involve the recruitment of Dene to exercise a neo-colonial role as welfare officers, classroom assistants, special constables, settlement secretaries and entrepreneurs. The result of such programs is the creation of a small

neo-colonial elite who benefit from a continuing colonial relationship.

It would be easy to detail further examples of the colonial implications of non-renewable resource development in the N.W.T., but this is not the intention. It is important to recognize only that colonialism crept upon our people who, without previous experience, had no way of predicting the consequences. Today, with considerable colonial experience behind us, we are turning out attention and efforts to decolonization - coming to terms with the effect of colonialism in our lives and planning action to regain control over our destiny.

It must also be noted that the heavy concentration on the colonial development of non-renewable resources has made it extremely difficult for us to maintain our traditional land-based activities. The renewable resource sector has been undermined by the unbridled exploitation of non-renewable resources. This subversion has resulted from environmental impact (eg. arsenic pollution of Yellowknife Bay, and flooding of lands around Pine Point Mine), the drainage of economic surplus from the region, the influx of transients and settlers, and the coercion which forced us into permanent settlements, to name only a few causes.

The lessons of this period of our history suggest the need for a concerted effort at decolonization to undo the destructive effects of colonial experience. Furthermore, the experience with non-renewable resource development has convinced us that we must have control over decisions concerning further developments on our land, not only to set the conditions which will control the impact of such activities but also to reap the benefits which the right of ownership entails. Millions of dollars in economic rents, or super profits have left the N.W.T. to be invested elsewhere by the companies concerned. These rents should have remained to support our development objectives.

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. Our purpose is to bring to an end such colonialism and to re-establish a process and experience of development for the Dene nation as a whole. As such, we believe the conditions that govern the development of individuals will determine the conditions for the development of the whole Dene community. This has always been our belief.

The Dene and Non-Dene

The Dene are in a struggle for their basic human rights. The experience of colonialism is an experience of dehumanization and exploitation. The struggle to decolonize is therefore a humanizing struggle, a struggle to regain the ability to be free and productive human beings.

While the Dene have certain Aboriginal Rights not shared by non-Dene, the basic human struggle is shared by all who are working for a world not based on man's exploitation of man. It is therefore contradictory for us not to deal with how the Dene struggle affects the rights of others.

Almost all non-Dene who have come to our land have come directly or indirectly as the agents of institutions seeking some form of control over us. The Government of Canada must bear full responsibility for having encouraged and misled such people into believing that they had the right to exploit our land and to colonize us as a people. Our new agreement with the Federal Government will mean that such colonizing forces shall stop.

Nevertheless, the reality is that there are now many non-Dene in our land, and what we seek is a peaceful relationship with these people, based on recognition of our right and their right to self-determination.

Because most non-Dene live in a few concentrated urban centres, to assist the Federal Government in its responsibilities towards these people, we are willing to allow such centres to exist outside the jurisdiction of Dene institutions. In return, the Federal Government must agree to establish new communities for the Dene of such centres, as the Dene involved may choose.

It is the Federal Government which is ultimately responsible for the presence of non-Dene in our land. Because of this, the Federal Government represents the non-Dene interest in the negotiations for a new agreement. It is impossible for bodies such as the Territorial Council to be a part of the negotiating process, as this would imply that non-Dene in the North have a legitimate interest separate from the Federal Government. This is not the case. The priority of the Dene Right to negotiate directly with the Federal Government must first be recognized.

Why an Agreement in Principle?

The written version of the first treaties represents a non-negotiated agreement. Essentially, the written version of the treaties is a unilateral declaration of the Federal Government's position which it has since attempted to impose without agreement on the Dene.

In seeking a new agreement, it is assumed that both parties have an interest in reaching a truly negotiated understanding rather than a unilateral imposition of terms by one party on the other.

There are several aspects involved in such a negotiated agreement which should be made explicit. The term "negotiation" describes a situation where two or more parties come together to represent their interest to each other in the hope of reaching an agreement which will benefit both of them. Negotiation can only take place between free and responsible interests. The word cannot be used to describe a situation:

- a) where force or threat is used to reach "agreement".
- b) where an "agreement" is not desirable or of benefit to one of the parties.
- c) where one party has all the power and the other has none.
- d) where one party defines for the other what their position is.

Thus, for the Federal Government to suggest that it is prepared to "negotiate" only if the purpose of negotiations is the extinguishment of Dene rights is a cynical contradiction. Obviously, it is not of benefit to the Dene to negotiate the extinction of their interest. In fact, it is doubtful that the term "negotiations" could ever be applied to a situation where one party seeks to extinguish the rights of the other.

In the written version of the original treaties, the Federal Government's position was extinguishment of rights. The James Bay settlement and the Federal proposal to the Yukon Council of Indians suggest that that position may not have changed very much over the past half-century. Therefore, in order that the Government of Canada and the Dene Nation can seriously begin to negotiate a new agreement, the Dene are now proposing that agreement first be reached on the principles and purpose of negotiations. Such an Agreement in Principle will establish explicitly the common assumptions on which further negotiations will be based.

The advantages of this are several:

- 1) It will ensure that a minimum of time and energy will be wasted in pointless "negotiations" to no common purpose.
- 2) It will reduce the uncertainty for the public at large regarding the parameters of the negotiations and the possible subsequent agreement.
- 3) The signing of this Agreement in Principle will reassure all Dene that their negotiators are not agreeing to extinguishment. This will assure the membership's confidence in their negotiators and will allow the negotiators to proceed with maximum efficiency towards reaching final agreement..

The Agreement in Principle specifies the principles which the Dene consider to be an essential basis for further negotiations. The Signing of the Agreement in Principle will represent a progressive step in that both the Dene and the Federal Government will have reached agreement on the basis for further negotiations. It is in the interest of the Dene, the Federal Government, and the General Public that negotiations proceed as quickly as possible towards a final agreement.

The history of the North American Indian has been a brutal history of dehumanization. For non-native society, the relationship to be negotiated with the Dene Nation represents the last chance to reach a just and honorable agreement. For the native people, this negotiation represents the first chance to achieve the recognition of our basic human rights.

1976

AGREEMENT IN PRINCIPLE

BETWEEN:

THE DENE NATION

-- and --

**HER MAJESTY THE
QUEEN, in right of Canada.**

WHEREAS prior to the coming of the Europeans the Dene, the aboriginal people of the Mackenzie valley, have lived on their traditional lands since time immemorial;

AND WHEREAS the Dene have certain property rights to their traditional lands;

AND WHEREAS Europeans and other non-Dene have settled upon and undertaken developments upon the traditional lands of the Dene without an agreement or treaty between the Dene and non-Dene Canadians;

AND WHEREAS confusion exists as to the meaning of Treaties 8 and 11;

AND WHEREAS there are in International Law certain political, human and universal rights such as the rights to self-determination, non-discrimination, and enjoyment of culture which are witnessed in the practice of nations and international instruments such as the United Nations' Declaration of Human Rights;

AND WHEREAS the Dene have survived as a people;

AND WHEREAS both the Dene and the Government of Canada have expressed a desire to see clarification of the rights of the Dene and the negotiation of a new agreement or treaty between the Dene and other Canadians at the earliest possible occasion;

IT IS THEREFORE AGREED between the Dene and the Government of Canada that negotiations do commence forthwith to resolve the aforesaid according to the following principles:

1. The Dene have the right to recognition, self-determination, and on-going growth and development as a People and as a Nation.

2. The Dene, as aboriginal people, have a special status under the Constitution of Canada.

3. The Dene, as aboriginal people, have the right to retain ownership of so much of their traditional lands, and under such terms, as to ensure their independence and self-reliance, traditionally, economically and socially, and the maintenance of whatever other rights they have, whether specified in this agreement or not.

4. The definition of the Dene is the right of the Dene. The Dene know who they are.

5. The Dene have the right to practice and preserve their languages, traditions, customs and values.

6. The Dene have the right to develop their own institutions and enjoy their rights as a People in the framework of their own institutions.

7. There will therefore be within Confederation, a Dene Government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of either the Government of Canada or the Government of the Northwest Territories.

8. The Government of Canada hereafter in the exercise of matters within its jurisdiction (and following a settlement with the Dene) will:

- (a) abandon the "last frontier" mentality and all attempts to colonize and settle Dene lands; and
- (b) do everything in its power to assist in the recognition, survival, and development of the Dene as a People.

9. The Government of Canada will finance the establishment of new Dene communities in cases where existing communities are inhabited by significant numbers of non-Dene and a significant proportion of the Dene community wishes to re-establish themselves elsewhere.

10. The Dene will be compensated by the Government of Canada for past use of Dene land by non-Dene.

11. Within six months of the signing of this agreement negotiations will commence for a final agreement or treaty, and within six months of the signing of the final agreement, legislation incorporating the terms of the final agreement will be submitted to Parliament.

12. It is recognized and accepted that negotiations must allow for the on-going involvement of all Dene.

13. In the interim period between the signing of this agreement and the passing of legislation by Parliament, the parties hereto will not take any actions which violate either the terms or the spirit of this agreement.

AND WHEREAS the Dene recognize that there are non-Dene who have come to live among the Dene and the Dene wish to be fair to them;

AND WHEREAS both the Dene and the Government of Canada wish to recognize and respect the rights of the non-Dene;

AND WHEREAS the Dene recognize that while Territorial Council and municipal councils are governments in the non-Dene tradition, the non-Dene have the right to evolve more democratic forms of institutions based on democracy and equality and the representation of the interests of the masses of non-Dene, not an elite;

IT IS THEREFORE AGREED that the following principles are recognized by the Dene and the Government of Canada:

14. The Dene agree that non-Dene have the right to self-determination and the use and development of their own institutions; and the Dene pledge their support to the non-Dene in the pursuit of their rights.

15. The Government of Canada will establish a regime to compensate all non-Dene who suffer hardship because of, or non-Dene who wish to leave the Northwest Territories because they are unable to adjust to, changes ensuring the viability of the principles herein contained and particularly measures introduced to guarantee the recognition, self-determination, and development of the Dene as a People.

16. The Dene agree that all non-Dene holding lands in estate fee simple as of October 15, 1976 will not be deprived of their property rights, but after that date all lands will be subject to the terms of this agreement.

IN WITNESS WHEREOF, Her Majesty and the Dene through their representatives have hereunto set their hands this day of , AD 1976.

FOR HER MAJESTY

FOR THE DENE

The Dene Declaration

We the Dene of the N.W.T. insist on the right to be regarded by ourselves and the world as a nation.

Our struggle is for the recognition of the Dene Nation by the Government and people of Canada and the peoples and governments of the world.

As once Europe was the exclusive homeland of the European peoples, Africa the exclusive homeland of the African peoples, the New World, North and South America, was the exclusive homeland of Aboriginal peoples of the New World, the Amerindian and the Inuit.

The New World like other parts of the world has suffered the experience of colonialism and imperialism. Other peoples have occupied the land — often with force — and foreign governments have imposed themselves on our people. Ancient civilizations and ways of life have been destroyed.

Colonialism and imperialism is now dead or dying. Recent years have witnessed the birth of new nations or rebirth of old nations out of the ashes of colonialism.

As Europe is the place where you will find European countries with European governments for European peoples, now also you will find in Africa and Asia the existence of African and Asian countries with African and Asian governments for the African and Asian peoples.

The African and Asian peoples — the peoples of the Third World — have fought for and won the right to self-determination, the right to recognition as distinct peoples and the recognition of themselves as nations.

But in the New World the Native peoples have not fared so well. Even in countries in South America where the Native peoples are the vast majority of the population **there is not one country which has Amerindian government for the Amerindian peoples.**

Nowhere in the New World have the Native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as Nations.

While the Native people of Canada are a minority in their homeland, the native people of the N.W.T., the Dene and the Inuit, are a majority of the population of the N.W.T.

The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the government of the Dene. The Government of the N.W.T. is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene.

What we the Dene are struggling for is the recognition of the Dene Nation by the governments and peoples of the world.

And while there are realities we are forced to submit to, such as the existence of a country called Canada, we insist on the right to self-determination as a distinct people and the recognition of the Dene Nation.

We the Dene are part of the Fourth World. And as the peoples and Nations of the world have come to recognize the existence and rights of those peoples who make up the Third World the day must come and will come when the nations of the Fourth World will come to be recognized and respected. The challenge to the Dene and the world is to find the way for the recognition of the Dene Nation.

Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and a nation.

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement for the Dene Nation.

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DRAFT
DENE DECLARATION
FOR DISCUSSION
PURPOSES ONLY

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Introduction

1. The situation, historically and today, has been to the disadvantage of the Dene Nation. Industry and government have said one thing to the people and done another. It is time for us to speak the truth.
2. Take, for example, the Treaties. The Indian people signed the Treaties in good faith, believing them to be no more than treaties of peace and friendship. When we had doubts and refused to sign, the Government was not above forging signatures. Since that time the Government has said that the Treaties were land cession treaties, and absurdly insisted that we sold our land for \$5 a year each.
3. Our land, first slowly and now more rapidly, has been overrun by explorers, traders, developers and government officials. They are the agents of a European system, and they have come to exploit the land and resources for the betterment of the few who control industry and big business. The nature of the industrial culture that increasingly penetrates the North is such that a few will profit while the majority of the people, whether native or white, are kept powerless.
4. In the beginning our people saw little harm in letting the early explorers and traders come to the North, for the goods that they brought somewhat compensated for their being here. But more and more people came. The level of interference with the old ways increased. We can no longer let things go on because very shortly we will not be able to live off the land as we have from time immemorial.

5. We no longer have any alternative but to take over control of developments in the North. We must have the right to decide not only when development occurs, but what kind of development takes place and for whose benefit.

6. Since the coming of the whiteman, and industrial development, the Dene have been encouraged to join in his system of competition. But this nation has withstood the pressure. We have not adopted this alien system that puts one person against another because we have our own ways of sharing wealth and resources. Always we have taken care of the young, the old and the disadvantaged. We intend to maintain our sharing and egalitarian society.

7. We are a nation, a people with a long history and a whole culture, a culture which has survived the invasion of our land. Although this is a fact of which all of us are aware - since we are the people of the Dene nation - we still must make this statement because others do not know or admit of our existence as a nation.

8. We make this statement because some of our young, being educated in a foreign educational system, are getting confused and are unaware of how they can contribute to our people. Also, some of our people who are becoming involved with industry and government are slowly coming to believe in their ways and are forgetting where they came from. They need clear direction.

9. We have lost control of our own lands. The present legal system, the Territorial and Federal Government systems, the educational system, the industrial economy - all are foreign and oppressive in their present forms. Real power lies with a handful of large companies who operate with the full co-operation of both the Territorial and Federal governments.

10. These same companies operate in other parts of the world, in the poor countries known as the Third World. The companies go in and exploit the non-renewable resources of these countries

to serve the purpose of making profits for themselves and providing resources to the already rich and developed countries. Some of the people in the poor country get jobs, but they are locked into a factory system and a consumer society where they are powerless and where they have to strive to better themselves as individuals rather than work for the benefit of the masses of people.

11. There are many lessons for the Dene to learn from the development of the Third World countries. As colonies of the imperial powers, they everywhere failed to develop. Their prospects necessarily improved to the extent that they were successful in gaining independence. But even after formal political independence, many have had trouble developing because the power of the so-called multinational corporations, with their base in a small number of highly developed industrial societies, has denied their genuine economic independence. Only with tremendous effort from the people can an economy independent from outside controls be built.

12. Our situation in the North is the same as that of the peoples of the Third World who were until recently subjugated. As aboriginal people within a white society, we are a part of the Fourth World. We have been made Canadians by decree and not by our free choice.

13. Understandably our first choice would be to be once again a sovereign people. But we are realistic and know the whiteman is powerful. At the same time, we native people are still the majority within the North. We are in a unique situation in North America and we should take advantage of our situation before it is too late.

14. Our survival as a people compels us to assert our right to maximum independence within Canada. We must develop our own economy and must acquire political independence for the Dene nation within the Canadian constitution. We must be able to govern our own lands and resources.

15. [Thus our land claim must include not only the surface of the land, but the animals, the fish, the birds, the rivers and streams and the minerals underneath.] [And, most important of all, we must have our own system of government by which we can control and develop our land for our benefit.]
16. Our aboriginal rights are meaningless if they do not mean the exclusive right to hunt, fish and trap. And that right, in turn, will have little meaning in the long-run unless Indian people are allowed to stop the damage to their land that results from present unplanned developments.
17. Where developments, as in mining, have already taken place, or for future development which we would be prepared to tolerate, we are entitled, as owners of the land, to receive royalties. These royalties could be paid out of the profits of the companies and need be no burden on the Canadian people. We would, in turn, use these royalties to fund community economic development that will last after the companies have exhausted the non-renewable resources.
18. We must develop plans to start our own economy at the community level. The present colonial pattern of development attempts to integrate us into a wage economy, as employees of companies over which we have no control. We want to strengthen our traditional land-based economy and at the same time create viable enterprises in the communities under the collective control of Indian people. That way our young people will have the chance to remain in the community rather than always having to move away, and even risk losing their identity, to find employment.
19. We must become involved in the education of our children in communities where Dene are in the majority. Local schools must be controlled by our people. In cases like Yellowknife, or hostels, where we are not the majority, we must have involvement -- or start our own schools.

20. Where outside governments have a continuing role after a land settlement, there must be a clear recognition of our rights as a distinct people, particularly at the local level. For example, native communities must have very clear powers with respect to control of alcohol.

21. In the communities, power should lie with the band council and, in the future, with the Dene Council.

22. Territorial Council must operate in such a way as not to infringe native rights. The same must be true if the day should come when a white majority in the North successfully demands provincial status.

23. Without in anyway abrogating our rights as the original inhabitants of the land, we recognize that non-native residents of the North who choose to make the North their home and respect our rights are themselves entitled to greater rights, in territorial and local elections, than are those who are merely transients.

24. Our own native organizations must themselves evolve so as to be able in due course to assume these new functions. In their operations and structures, they must become examples of our ideals.

25. To achieve all of this will not be easy. There is much work ahead of us, internally and externally. It will take effort from all the communities. A united effort is required on all issues involving the step-by-step achievement of our long term goals of maximum independence for the Dene Nation. Unless we are united among ourselves, we have little hope of winning a struggle so difficult as the one we are now engaged in.

26. We must unite our people at all levels -- between communities, between families, between Treaty, non-status and Metis, between young and old, between the traditionalists and the non-traditionalists, between regions, between tribes, between men and women. We must be prepared to identify and deal with enemies within as well as enemies without.

27. We must have strong leadership supported by the communities. It is the duty of leadership to lead the way for development of the people and to support directions. But the leadership must always listen to the people and be prepared to build on creative energy of the people. It must always be accountable to the people through open and honest dialogue.
28. Although a united front is expected and required from all the communities on issues that have been sanctioned at general assemblies and have survived deliberation at the community level, this does not at all mean that people must remain quiet about those things that are remiss. Quite the contrary. Community people must make it their responsibility to confront our leadership either at the local level or at its highest level in those cases where justice has not prevailed. The more people demonstrate their true feelings and desires to the leadership, the greater the ability of the leadership to avoid errors and to implement what is in priority with local needs and desires.
29. With strong leadership, we must have clear ideals and goals for our people. The people's true needs and desires must be reflected in the goals and action. Communities must be thoroughly involved at every level of this total development. At no time should any goal or action be beyond thorough examination and not fit the ideals of the nation. Goals and ideals should be revised by the people as situations change requiring new directions.
30. Externally, we must again become a people making our own history. We must become actors, not just be acted upon by companies and government. The highway, proposed pipeline and dams, indeed, even the layout of our communities -- all are other people's plans to which we have been allowed at best only to react. We must become actors, planners, in control of development within our communities and our land. We must develop our own plans for development that will benefit our communities and all our people.
31. To be able to make our own history is to be able to mould our

own future, to build the new Indian society of the North that preserves the best of our past and our traditions while enabling us to grow and develop as a whole people. We want to build a society in which there is equality of all Dene people, and a society free of exploitative relationships between people. We are not opposed to change, but it must be on our terms under our control. To assert that right is to assume a great task, one at which we cannot afford to fail.

32. We know that there are powerful forces arranged against us. That is why we have not hesitated to appeal to others to support us in our just struggle. We ask that there be no major developments, like a pipeline, before a land settlement acceptable to us. We ask that we be allowed, in negotiating, with the government toward a land settlement, to put forward our demands as they stand. We ask that our rights as a people for self-determination within Canada be respected.

33. The great majority of people in Canada, are like ourselves in being relatively powerless in the face of big companies and by governments. In the face of our assertion of our rights, the choice that others must make is between ourselves, on the other hand, and the outside developers that are increasingly accountable to no-one, on the other hand. By joining us in our struggle people can begin as well to liberate themselves.

34. We the Dene, must all work together to a successful land claims settlement. This will be a big achievement in itself. It then becomes the means to achieve our real needs. Those needs are a land base and the political controls to determine what happens on our land. Above all, independence within Canada.

EXAMPLES OF
SPECIFIC DECLARATIONS

DECLARATION ON DEVELOPMENT

1. What other people may call development is not necessarily development for Indian people. Only Dene people can say what development means for the Dene nation. For example, many people say that the Mackenzie Valley Pipeline is "development", but this is not true for the Dene people. The pipeline may not only damage our land, but it might destroy our way of life as a nation. True development can only strengthen our nation and our way of life.

2. The people of the African country Tanzania were, like the Dene people, also invaded by a white colonial government. Today they are independent and they say this about development:

"Any action which does not increase the people's say in determining their own affairs or running their own lives is not development and holds them down, even if the action brings them a little better health and a little more bread."

In other words, we cannot call development any activity which takes away control from our people. True development must give us more control and greater independence.

3. True development means growth in Indian communities...not only economic development but cultural, social, political and spiritual development...and the sum of these is greater than the parts.

4. True development means building on the past, by strengthening traditional pursuits, by drawing on the community's experience, and by building on traditional skills.

5. True development means that development is implemented in a way that fits the Indian way of doing things (which is not the same as the government's way or the companies' way).

6. True development means a process which unites and builds up the community's sense of self and the sense of self of all its members.

7. True development means development by the community rather than by outsiders. It means development by the community as a whole wherever possible, rather than by individuals within the community for their own benefit.

8. True development means not participating, even as workers, in activities you cannot control. If such developments go ahead anyway (such as large resource developments), Indian people, as owners of the resource should benefit from royalties, and the political rights of Indian people (which would be threatened by an influx of white workers) would be protected by entrenching them as part of the land settlement.
9. True development means learning by doing so that development becomes an on-going, self-reinforcing process.
10. True development means getting expertise when it is needed in the form of short-term technical assistance without giving up ownership (even of the joint venture variety).
11. True development means communities cooperating with each other, regionally, and in the Mackenzie District as a whole (unity means power).
12. True development means long-term planning and setting priorities (since it's impossible to do everything).
13. True development means keeping our egalitarian and sharing society.
14. True development means setting an example for Canada.

DECLARATION ON ROLE OF NATIVE ORGANIZATIONS

The following should be the most important goals of our organizations:

1. To re-establish control of our independent Dene confederacy.
2. To assert the common identity of our people - Dene concept.
3. To obtain for every Dene community an adequate economic base to preserve its independence.
4. To be a vehicle for providing the solid support of the Dene people to band councils, Metis locals, and other Dene groups in their efforts in social, cultural, educational, spiritual, and economic development. To speak as one voice for the Dene people on major political issues, and work with other native organizations.
5. To fight racism,
 - by helping to overcome the ignorance in white society with regard to Dene peoples
 - by working to overcome economic inequality
 - by overcoming cultural and political domination through strengthening Dene culture and independence.
6. To be an example of our ideals in operations and structure.
7. To create a continuing dialogue between leadership and the Dene people, so that all benefit and develop using each others understanding and experience.
8. To establish ties, to support, and cooperate with other movements and efforts which contribute to the goal of independence and freedom for all people.
9. To build a society in which there is equality of all Dene people, and a Society free of exploitative relationships between people.

We can best achieve these goals in the following ways:

1. By making a good land settlement our first priority.
2. By abolishing colonial controls. This means forcing the government to recognize the authority of our chosen political structures, whether the Band Council/Metis Local or Indian Brotherhood/Metis Association. It also means involving ourselves only in developments we can control. Finally, it means reducing our dependence on government funding, because this kind of funding gives the government too much control.
3. By political and cultural education. It is the duty of leaders and people to learn about our nation and about the nature of the rest of the world - e.g. the oil companies, Canadian Society, colonialism. We should not keep our ideas to ourselves but meet with each other to discuss and exchange our understandings. This kind of dialogue contributes to true development.
4. By building a communal economy where the benefits of development are shared by the whole community according to need and where no individual benefits at the expense of his community.
5. By cooperation and sharing between communities in economic development.
6. By improving communication amongst our people: between leaders and people, between communities, between individuals.
7. By keeping maximum control in the hands of each community while maintaining a strong united front to the outside world.
8. By reducing inequalities amongst our people, especially in our organizations. By creating democratic and egalitarian organizations of our own and rejecting the white way with a boss at the top with all the control and workers at the bottom with no control.
9. By eliminating discrimination because of age or sex. Young and old, man and woman must participate as equals in rebuilding our nation.

STATEMENT ON STRATEGY AND ORGANIZING

FOR ACHIEVEMENT OF OUR GOALS

1. Our goal is maximum independence and self-determination of the Dene Nation within the Country of Canada through a just and equitable land settlement.
2. The struggle for achieving our goals involves organizing and strategy on two fronts: The external front and the internal front.
3. Our struggle is like a war, but a peaceful one. On each front there is an enemy. On each front there are allies.
4. On the external front the enemy is those not a part of the Dene Nation who resist and deny the achievement of our goals such as the government and other people who do not want to see the recognition and self-determination of the Dene Nation.
5. On the internal front the biggest enemy is ourselves, our disunity and lack of organization.
6. There are also Dene who are the enemy. There are Dene who would betray and are betraying their brothers in the struggle for their goal. These are Dene who work for the enemy against their brothers. These are traitors to the cause of the Dene Nation. We must learn to identify such persons.

7. There are also Dene who hold back the cause by forgetting who the real enemy is. These are Dene who prefer to fight amongst themselves rather than against the real enemy.
8. There are Dene who have not yet learned who the real enemy is. It is the duty and responsibility of Dene who have learned to recognize the real enemy to educate their brothers.
9. The struggle involves then the simultaneous battle on two fronts, internally and externally. While we organize and plan to build a strong organization and unity of all our people we must also organize and plan to defeat the enemy without.
10. Organizing and planning on the internal front means building unity and strength. It means breaking down that which divides us and educating our people and organizing so as to defeat the enemy without.
11. In fighting the enemy without we must at all costs keep a united front whatever our differences. We must always keep our differences to ourselves and solve our differences amongst ourselves. We must never fight amongst ourselves before the enemy.
12. We must accept that there now are real differences amongst us and always will be differences. But if we remain committed to our goal our differences will not defeat us. If we constantly remember that defeating the enemy is more important than our differences, we can solve the problems created by our differences.

13. Our differences are real. The most serious differences are between the Treaties versus the Non-Treaty and Metis and between the young and the old.
14. As long as we remember that there are differences between Indian and Metis, but that it is more important to remain united against the enemy than to fight amongst ourselves, we will be in a position to solve our differences ourselves.
15. The old people are our strength and wisdom. They are our roots to our history, tradition and cultures.
16. The young people bring energy and knowledge of the enemy to the struggle. They are the link to the future.
17. But the experience of the young people is much different to that of the old people. Often the old people do not understand and respect the young people.
- Often the young people do not understand the old people. What we must always strive for is an understanding and respect of the young for the old and the old for the young.
- Without that understanding and respect, we will fail, for the past will become separated from the future.
18. In fighting the enemy on the external front we must always remember that the way of the European is different from that of the Dene.
19. We must always remember that the situation is constantly changing. Each one of us must bear the burden of keeping ourselves informed on each change so that we can easily adapt and change our strategies so as to defeat the enemy.

LIST OF RESEARCH STUDIES UNDERTAKEN AND COMPLETED BY
INDIAN BROTHERHOOD OF THE N.W.T.

Literature Search of Department of Indian Affairs by Anne Forrest
(May, 1974)

An Evaluation of the Alaska Native Claims Settlement Act by
Anne Forrest (March, 1976)

Recent Land Use By The Great Bear Lake Indians by Scott Rushforth
(January, 1976)

Some Aspects of the Political Economy of the Mackenzie Land Claim
by Arvin Jelliss (April, 1975)

Estimates of Past and Future Rents and Rent Distribution Associated
with the Production of Crude Oil at Norman Wells, N.W.T. by
Arvin Jelliss (December, 1975)

Estimates of Past and Future Rents and Rent Distribution Associated
With Currently Operating Mines in the Northwest Territories by
Arvin Jelliss (August, 1975)

Estimates of Past and Future Rents and Rent Distribution Associated
with the Production of Natural Gas at Pointed Mountain, N.W.T. by
Arvin Jelliss (December, 1975)

Geology of Minerals on Indian Lands Van Meurs Associates Ltd.
(September, 1975) CONFIDENTIAL

Geology of Minerals on Indian Lands, Part 2, Van Meurs Associates
Ltd. (November, 1975) CONFIDENTIAL

Geology of Petroleum and Coal Deposits in Indian Lands, Van Meurs
Associates Ltd. (November, 1975) CONFIDENTIAL

Petroleum, Coal and Mineral Resources in Indian Lands: Conclusions,
Van Meurs Associates Ltd. (November, 1975) CONFIDENTIAL

Geology of Minerals on Indian Lands, Tables and Figures, Van Meurs
Associates Ltd. (November, 1975) CONFIDENTIAL

Kutchin Place Names Study: Ft. McPherson - maps and legend by
John Ritter, (1974-75)

The Impact of the Proposed Mackenzie Valley Gas Pipeline on Housing
in Inuvik and Fort Simpson by Louise Clarke, (April, 1975)

Report and Maps on Dene Land Use and Occupancy: A 30% Sample of
All Active Trappers by Community by Research Staff of the Indian
Brotherhood and Metis Association (to be completed Summer, 1976)

Collection of trapping data and renewable resource information
for Environment Canada Land Use Information Map Series, 1974-76.

Renewable Resource Potentials for Alternative Development in the
Mackenzie River Region by R. Ruttan and J. T'Seleie (May, 1976)

VOLUME IV: DENE NATION AND DENE DECLARATION

G. Barnaby. The Dene Political System and G. Kurszewski and G. Cheezie, Political Genocide. pp. 8-17

These two articles emphasize that the Dene are seeking political as well as land rights. In the first article by Barnaby, the territorial legislative structure is criticized as being unresponsive to native needs and in the paper on Political Genocide, the authors are critical of the municipal government, using Fort Smith as the example. Both articles are concerned with these imposed non-Dene political structures and are especially critical of how such institutions overlook the consensus approach used by the Dene to reach decisions.

S. Kakfwi, Education and Colonialism: A Dene View and B. Overvold, Education and Colonialism: A Dene View. pp. 14-29

The central point in these two brief papers is that the education system, imposed on the Dene "domesticates" the Dene and makes him ill-equipped to fit into either a non-native or native lifestyle. An alternative education system has to be developed by the Dene and rooted in Dene tradition.

W. Bean. Colonial Political Institutions in the Northwest Territories. pp. 31-73

This paper, based on the author's personal experience as an administrator and an analysis of position papers by the territorial government's Local Government Department, is highly critical of efforts to encourage political development in the North.

The local government municipal council model is not appropriate to the North because the model is based on a southern municipal council model. Thus, the parliamentary procedure of majority rule contradicts the consensus pattern of the Dene and the decision-making apparatus is directed at solving problems in cultures where property rights are relevant, not in a native culture which emphasizes communal land rights.

• This political development program is another example of the colonial nature of the territorial government, a government which apparently is not interested in encouraging the political development of the Dene but is rather more interested in the control and frustration of Dene development.

J. Saul. Nation and Nationalism in The Third World. pp. 75-88

A general analysis of nationalism as a tool for development in the third world. Although the author says that "no attempt will be made to apply (his) findings to the Dene nation", he does make some brief observations on the northern situation - the coherence of the Dene, in terms of history, territory and culture, strengthens the Dene claim to nationhood; this claim to nationhood is a necessary, though not sufficient condition, to political and economic autonomy.

G. Manuel. The Dene Declaration and the Fourth World. pp. 89-104

The paper emphasizes that the main principle of land claims is that Indian title and aboriginal rights are not to be sold or extinguished and hence is highly critical of the James Bay settlement as a model for future negotiations.

VOLUME V: DENE DEVELOPMENT

Peter Puxley. Colonialism or Development? The Meaning of Development. pp. 5-3

The essential argument is that underdevelopment in the North should not be attributed to the marginal conditions of the North itself, but rather should be viewed as the result of the colonial nature of the relationships between the North and the society of the southern areas. Therefore, analysis and resolution of the issues presently confronting the North should be aimed at understanding the complex nature of colonialism.

The Dene reject the proposal that they should extinguish their land rights because such an acceptance would be characteristic of colonial relationships which forces one culture to relate to another on terms unilaterally defined by the dominant culture. Since development can be defined as a process of "development out of" rather than development by " then it is not possible for development to occur in the North if it is determined by forces outside the North. Hence it is necessary for the Dene to assume political control in order to redirect the direction of their development.

Since colonialism (which could be defined as a process directed towards the ends and profits of a dominant culture) has so conditioned the attitudes of both colonizers and the colonized then the issue of Dene rights has to be seen in its fullest context as initially allowing the Dene to undertake decolonization through the imposition of independent Dene structures and secondly, the planning of appropriate development paths.

Mel Watkins. The Meaning of Underdevelopment. pp. 37-70

The basic point is that large scale resource developments as is contemplated by the oil and gas industry will have a minimal impact on the local economy of Northern Canada. Utilizing the "staples approach", Watkins argues that the income and employment effects of such developments have been and will continue to be limited in the context of a northern economy. The other benefit from large-scale resource development - the economic rent, does not accrue to the northern economy because the owners of capital reside outside

the region and any rent collected by the Crown is not now directly transferred to the northern economy. Hence, rather than encouraging development, such large-scale projects have led to underdevelopment of the North, especially in respect to the native population who have not participated in what little income and employment benefits have been created.

If one assumes that non-renewable exploitation will continue then the objective for the future should be the creation of a two-sector economy which is of benefit to the Dene. This two-sector economy would be the basis of an "alternative development" strategy in which the non-renewable resource sector would be under white ownership but subject to Dene control and the renewable resource sector would be owned and controlled by the Dene. The control of the non-renewable resource sector would enable the Dene to impose environmental restrictions on such development as well as allowing for a significant amount of economic rent to accrue to the Dene to enable them to develop the renewable resource sector. The land claims process provides an opportunity for an institutional rearrangement which will be supportive of an "alternative development" strategy.

Robert A. Ruttan and John T'Seleie. Renewable Resource Potentials for Alternative Development in the Mackenzie River Region

Based on a survey of the renewable resources (including the fisheries, wildlife and forestry resources) of the Mackenzie River region, the authors state that the total renewable resource base will be able to sustain the economy of the Dene for generations to come. This assertion is made even though the authors admit that these resources have been imperfectly evaluated in certain cases.

This renewable resource base will however only be viable if a number of criteria are strictly adhered to, including, the right of the native people to control the land and its renewable resources and the right to apply economic profits from non-renewable resource development to the renewable resource sector. The retention of these rights will determine the success of the "alternative development" strategy outlined earlier in volume five.

VOLUME VI: ROYALTIES AND RENTS FROM DENE LAND

Arvin D. Jelliss. Natural Resources of Projects, Economic Rents and Native Peoples' Development in the Mackenzie District. pp. 1-20

Due to the short-term income and employment effects of large-scale natural resource projects, the only long-term benefits of such development are associated with the appropriation of and utilization of the economic rent (defined as the revenue accruing to the project after the deduction of all costs of production, including an adequate return to capital) derived from the resource. A study of mining and oil and gas producers in the Northwest Territories is indicative of the magnitude of this economic rent - \$296 million over the 1970-1974 study period.

Analysis of the Pointed Mountain Gas Project shows that significant amounts of economic rent were taken out of the North and indeed Canada. To prevent such a recurrence in future resource projects, the author recommends that it should be the policy of the federal government to ensure that the full value of economic rents flow to the N.W.T. and that rent collection mechanisms be revised to guarantee a more efficient collection of the rent and that its subsequent use be directed at improving the native economy.

John Helliwell. Pipelines and Land Claims: An Assessment of the Economic Interests of Northern Natives. pp. 21-31

The monetary implications of a pipeline through the Mackenzie Valley on native land claims is centered on the amount of economic rent or surplus available from alternative transportation routes.

It is estimated that if the Mackenzie Valley route rather than the Trans-Alaskan route is used for the movement of natural gas from Prudhoe Bay, there will be a transportation surplus of \$3.0 billion (1976) which could only be made available to native northerners through pipeline right-of-way charges.

If a significant portion of natural gas flowing through the Mackenzie Valley pipeline is from the Delta (i.e. 21 + cf), then the total economic rents available would be \$4.6 billion (1976). The amount of economic rent available to natives will depend initially upon the efficiencies of the rent collection regulations applicable at the time.

On an economic basis, deferral of the pipeline would likely benefit natives because it would allow time for the development of a more effective land claims settlement which would claim a significant amount of the economic rents available.

Andrew R. Thompson. Native Land Claims and Mineral Resource Implications. pp.32-58

The author argues that the peoples traditionally resident in a region are entitled to control and receive benefits from natural resource development. It is the natives who are the traditional residents in the North and as such it is the natives who enjoy the political claim to control and benefit from the natural resources in the region. This right based on international and British and Canadian constitutional law as well as the doctrine of aboriginal right, can be incorporated into a land claims settlement.

Classifying property rights into three categories, the right to sell; the right to manage; and the right to receive revenue from the land, the author describes ways in which property rights over natural resources can be conveyed to the native people under a land claims settlement, including outright transferral of land ownership to the natives, the participation by native people and industry in a joint venture arrangement which would give the native people some management control and the turning over to native people a portion of the economic rent received from natural resource projects.

VOLUME VII: COMPARATIVE EXPERIENCE

A. Forrest. Development and Land Rights: The Case of Alaska. pp. 1-18

Following a description of the forces leading to the Alaskan settlement and the terms of the settlement, the paper makes several observations including:

- (a) the settlement did not allow natives to expand their own ideas about economic alternatives and therefore leaves them tied in with the wage economy and the corporate structure of American Capitalism.
- (b) the settlement established a precedent that if natives are to sell their land, then the monies received will be substantial, although their land rights were extinguished.
- (c) the main innovation of the settlement are the development corporations although the initial objectives of these corporations are being compromised because monetary pressures force them to enter into joint ventures with non-native organizations.
- (d) given the development pressures, the settlement was probably the best the natives could have received. The natives of northern Canada therefore should resolve land claims before extensive development proceeds because such development is prejudicial to land claims because of these pressures.

T. Mills. A Global View of Aboriginal Land Rights Problems. pp. 19-35

The problems confronting natives of Northern Canada are common to all aboriginal peoples of the world in that they are confronted by colonial type institutions from dominant society. Following the presentation of a historical model of native/non-native contact including the stages of economic exploitation, demographic changes, treaty stage, and the contemporary confrontation stage, the paper concludes that the "Dene are people of the Fourth World with a special attachment to the land".

B. Richardson. Lessons from the James Bay Settlement. pp. 36-56

Following a description of the terms of settlement, the paper, although critical of many of the terms, concludes that because development was taking place at such a fast pace in the region, the natives had little option but to make the settlement they did. In fact there were many positive factors of the settlement including a guaranteed income for any Crees who wished to pursue subsistence hunting as a way of life.

The main lesson for the natives of the N.W.T. from the settlement is that once a project has started in a region, there is nothing that the natives can do to stop it and reassert the rights that the building of the project has violated.

T. Clarke, W. Smith, T. Drainin, L. Menez. Colonial Patterns of Resource Development. pp. 57-87

Following a description of the colonial pattern of resource developments which have taken place in the Amazon region of Brazil in the past 10 years, the paper lists some implications of these developments for the North including:

- (a) like the Amazon, the lands are essential to maintain a northern nature way of life.
- (b) like the Amazon, the natives of the North may also be excluded from making decisions on development.
- (c) the role of the government is also similar in that there is a conflict of interest between the protection of native interests while at the same time promoting the development of resources.

The paper concludes that the Dene must have control over development in the future and this could be achieved through a just land claims settlement.

S. Stanley. Alternative Economic Development Policies for Indian Communities pp. 88-136

The paper is a summary of an economic development study which took place in 7 American tribes from 1971-73. The paper makes no attempt to directly apply the findings to northern natives.

R. Laing. A Case Study in Colonialism. pp. 137-149

Through an analysis both of statements made by territorial economic development department officials and various position papers, the paper attempts to make a case that the department is a prime example of colonialism.

VOLUME VIII: ESTIMATES OF PAST AND FUTURE RENTS

This volume contains the raw economic data which supports the paper by Jelliss in Volume VI. As such it contains no substantive new information, and should be viewed essentially as an appendix to the paper in the earlier volume.

VOLUME IX: AN EVALUATION OF THE ALASKA CLAIMS SETTLEMENT ACT

In similar fashion, this volume is merely supportative to the article by Forrest in Volume VII and should likewise be viewed as an appendix to that paper.

EXEMPTED ROYAL PROCLAMATION 1763
A-A UPPER CANADA PRECONFEDERATION TREATIES

B ROBINSON-HURON TREATY 1850

C ROBINSON-SUPERIOR TREATY 1850

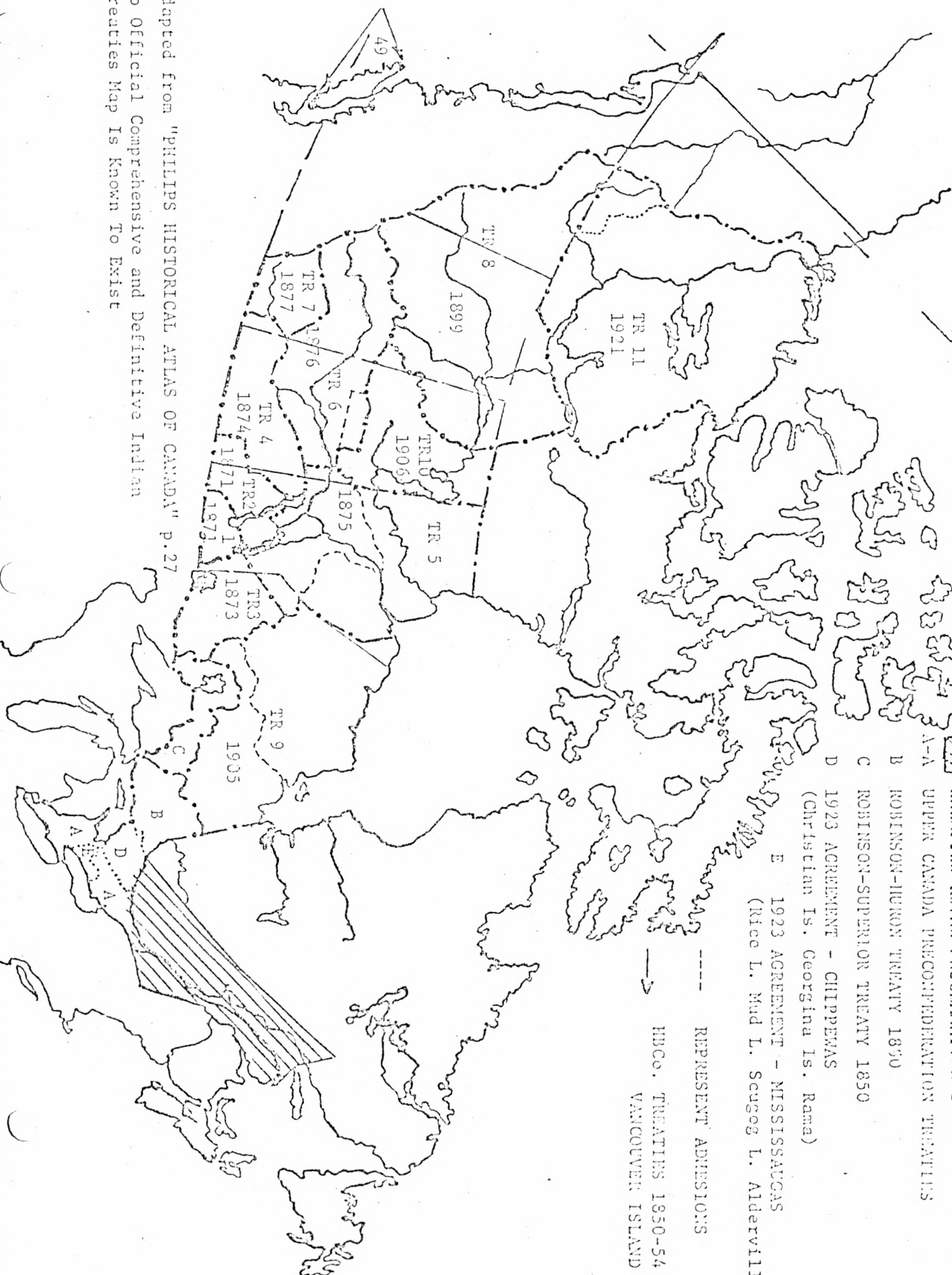
D 1923 AGREEMENT - CHIPPEWAS
(Christian Is. Georgina Is. Rama)

E 1923 AGREEMENT - MISSISSAUGAS
(Rice L. Mud L. Scugog L. Alderville)

REPRESENT ADHESIONS

HBCC. TREATIES 1850-54
VANCOUVER ISLAND

Adapted from "PHILIPS HISTORICAL ATLAS OF CANADA" p.27
No Official Comprehensive and Definitive Indian
Treaties Map Is Known To Exist



THE NORTHWEST TERRITORIES

- a) Indian Brotherhood of the N.W.T. (Status Indians) and
Métis Association of the N.W.T. (Métis and non-status
Indians)
-

The Northwest Territories covers some 1,300,000 square miles and has 34,000 inhabitants. Numbering about 11,000, the Inuit comprise thirty-three percent of the population of the N.W.T. and, as the Indians of the N.W.T. comprise almost twenty-one percent of the population, the Territories are unique in Canada in that native people form the voting majority.

The western portion of the Northwest Territories has traditionally been occupied by Indian people of the Athapaskan linguistic group. The Indians live in over twenty settlements and are members of sublinguistic groups which include the Dogrib, Slave, Chipewyan, Hareskin, and Loucheux. In 1899 the Indians living in the southern portion of the area signed Treaty #8 with the Federal Government, and in 1921 those living in the northern portion signed Treaty #11.

The Indian Brotherhood of the Northwest Territories (I.B.N.W.T.), formed in 1970, and the Métis Association of the Northwest Territories (M.A.N.W.T.), founded in 1973, have both claimed, however, that they have aboriginal rights to the land in the N.W.T. They claim that not only has the Federal Government not fulfilled its Treaty obligations, but that Treaties 8 and 11 were "merely peace treaties" and did not represent a surrender of their interest in the land. This view is not accepted by the Government.

In 1973, primarily as a result of increased resource exploitation and impending northern development, combined with the Indians' concern for what they considered their interest in the land, a caveat was applied for by the Brotherhood alleging such an interest. Judge Morrow of the Supreme Court of the N.W.T. upheld their right to file the caveat, subject to all appeals having been completed. Because of the widespread implications of the questioning of the validity of Treaties 8 and 11 in terms of the other Treaties in Canada, the Government appealed the case. In November, 1975, a majority of the Appeal Court of the N.W.T. decided in favour of the Attorney-General of Canada, stating that caveats could not be filed against unpatented Crown lands. On December 20, 1976, the Supreme Court of Canada confirmed the decision of the Court of Appeal.

In the meantime, the Federal Government agreed to enter into negotiations with the native people on the grounds that they had not received the compensation set out in the treaties. The Federal Government has been providing them with funds since that time to enable them to research their claim. It has also provided funds to assist them in generating input into the Mackenzie Valley Pipeline Inquiry, commissioned by the Federal Government in 1974 under Mr. Justice Thomas Berger to investigate the impact of a potential pipeline.

In July, 1974, following their first Joint General Assembly, the Indian Brotherhood and the Métis Association announced that a single land claim settlement would be sought for all native people (the "Dene") of the Mackenzie region, and demanded that the Federal Government formally recognize their aboriginal title over 450,000 square miles of the Valley ("Dene" is a word common to all the Indian Languages of the N.W.T., meaning "people").

A joint Indian-Métis land claims committee was charged with the task of initiating discussions with the Government.

Early in 1975 exploratory meetings were held between Federal officials and representatives of the Indian Brotherhood and the Métis Association to assess their respective positions and to facilitate the submission of a formal claim. In the summer of 1975, a Joint General Assembly of the two native groups passed a major resolution, the "Dene Declaration" and "Manifesto", which reasserted their interest in the land and asked for recognition by Canada and the world of a Dene "Nation". This concept was rejected by the Minister of Indian Affairs in a public statement made in Yellowknife on September 10, 1975.

As a result of a meeting of the Indian Brotherhood Directors in October, 1975, and a subsequent General Assembly on December 1, James Wah-shee resigned as President, leaving the leadership of the Brotherhood in the hands of Vice-President Richard Nerysoo and a group of Directors.

Because little progress had been made so far with regard to the land claim, a meeting was held at the urging of the Minister of Indian and Northern Affairs in February, 1976, between Indian Brotherhood and Métis Association representatives and Departmental officials under the chairmanship of Dr. Lloyd Barber, the Indian Claims Commissioner, to discuss the matter. As a result, the Dene Land Claims Negotiating Committee agreed to prepare a concrete claim proposal as its first priority and to submit it to the Federal Government by November 1, 1976. As part of the claim development process, two meetings

were held - on March 15 and June 1 - between the Special Government Representative for Comprehensive Claims (Mr. Digby Hunt), representatives of the N.W.T. Government, Departmental officials and members of the Dene Land Claims Negotiating Committee. Various issues peripheral to a land claim were discussed, but substantial progress failed to be made toward the development of a formal claim.

In July, a general election was held for a new executive of the Indian Brotherhood. Georges Erasmus was elected President and George Barnaby as Vice-President. Following the election, indications were that progress was continuing on the development and submission of a joint Indian-Métis claim to the Mackenzie Valley by November. However, on September 14, Métis Association President Rick Hardy stated publicly that the Métis could not accept the Dene Declaration as a basis for a claim proposal. He also emphasized that the Métis wanted to participate equally in the claim development and wanted a formal guarantee of Métis rights.

Federal Government representatives subsequently held informal and separate talks with the two native leaders, stressing the Government's unwillingness to consider two separate claims from two peoples so historically intermingled in the Valley, and restating its concern that negotiations get underway before any pipeline decision be made. During its meeting October 8-10, a Dene Assembly, which included some Métis, unanimously approved a proposed claim. Following a meeting of the Métis Association's general membership on October 14, however, Rick Hardy reiterated the Métis' previous objections and said that his Association would not join with the Brotherhood in presenting the claim submission on the grounds that "we cannot abide the concept of a nation within a nation".

On October 25, 1976, the Indian Brotherhood, without the participation of the Métis Association, formally presented a "Statement of Rights" and an "Agreement-in-Principle" to the Minister of Indian Affairs in Ottawa, calling for a "radical change in the historical relationship between aboriginal people and the people of Canada". The proposed Agreement sought the establishment, within Confederation, of a "Dene government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of either the Government of Canada or the Government of the Northwest Territories" and including such matters as land ownership; control over non-renewable resource development; protection of hunting, fishing and trapping rights; preservation of the Dene language and culture, and compensation for the "past use of Dene land by non-Dene".

Since then, a working group of Federal and Territorial Government officials has been studying the I.B.N.W.T. claim in order to prepare a general response to it. As part of this process, a clarification meeting, chaired by Indian Claims Commissioner Dr. Lloyd Barber, was held in Ottawa March 7, 1977 to discuss some of the principles and elements of the proposal. Subsequent meetings were held between the Minister of Indian Affairs and the I.B.N.W.T. on April 4 and May 7. The Federal Government's response is expected this summer.

In the meantime, the Métis Association decided to proceed with a separate land claim proposal, and received an interim loan from the Federal Government to do so. A co-ordinating committee on the land claim was set up and a claim proposal, in the form of a discussion paper, was subsequently presented to the Minister of Indian Affairs at a meeting April 4, 1977. It is now expected that a formal claim will be submitted sometime this fall.



TREATY No. 8

MADE JUNE 21, 1899

AND

ADHESIONS, REPORTS, ETC.

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TREATY No. 8

MADE JUNE 21, 1899

AND

ADHESIONS, REPORTS, ETC.

ORDER IN COUNCIL SETTING UP COMMISSION
FOR TREATY 8

P.C. No. 2749

On a report dated 30th November, 1898, from the Superintendent General of Indian Affairs, stating with reference to his report of the 18th June, 1898, upon which was based the Minute of Council approved on the 27th of the same month, authorizing the appointing of Commissioners to negotiate a treaty with the Indians occupying territory to the north of that already ceded and shown in pink on the attached map, that in that report it was set forth that the Commissioner of the North West Mounted Police had pointed out the desirability of steps being taken for the making of a treaty with the Indians occupying the proposed line of route from Edmonton to Pelly River; that he had intimated that these Indians, as well as the Beaver Indians of the Peace and Nelson Rivers, and the Sicamas and Nihames Indians, were inclined to be turbulent and were liable to give trouble to isolated parties of miners or traders who might be regarded by the Indians as interfering with what they considered their vested rights; and that he had stated that the situation was made more difficult by the presence of the numerous travellers who had come into the country and were scattered at various points between Lesser Slave Lake and Peace River.

The Minister further states that the view of the Commissioner of the North West Mounted Police as to the desirability of making a treaty with these Indians being concurred in by the Indian Commissioner, and the Minister being convinced that in the public interest it was necessary to take at the earliest possible date the suggested step, it was recommended that Commissioners be appointed with full power to negotiate a treaty. An Order in Council as above stated, issued accordingly; and the preliminary arrangements are now being made.

The Minister, in this connection, draws attention to the fact that that part of the territory marked "A" on the plan attached is within the boundaries of the Province of British Columbia, and that in the past no treaties such as have been made with the Indians of the North West have been made with any of the Indians whose habitat is west of the Mountains. An arrangement was come to in 1876 under which the British Columbia Government agreed to the setting aside by a Commission subject to the approval of that Government, of land which might be considered necessary for Indian reserves in different parts of the Province, and later on the agreement was varied so as to provide that the setting apart should be made by a Commissioner appointed by the Dominion Government whose allotment would be subject to the approval of the Commissioner of Lands and Works of the Province.

As the Indians to the west of the Mountains are quite distinct from those whose habitat is on the eastern side thereof, no difficulty ever arose in consequence of the different methods of dealing with the Indians on either side of the Mountains. But there can be no doubt that had the division line between the Indians been artificial instead of natural, such difference in treatment would have been fraught with grave danger and have been the fruitful source of much trouble to both the Dominion and the Provincial Governments.

The Minister submits that it will neither be politic nor practicable to exclude from the treaty Indians whose habitat is in the territory lying between the height of land and the eastern boundary of British Columbia, as they know nothing of the artificial boundary, and, being allied to the Indians of Athabasca, will look for the same treatment as is given to the Indians whose habitat is in that district.

Although the rule has been laid down by the Judicial Committee of the Privy Council that the Province benefitting by a surrender of Indian title should bear the burdens incident to that surrender, he the Minister after careful consideration does

not think it desirable that any demand should be made upon the Province of British Columbia for any money payment in connection with the proposed treaty.

That from the information in possession of the Department of Indian Affairs it is not at present clear whether it will be necessary to set apart any land for a reserve or reserves for Indians in that part of the Province of British Columbia which will be covered by the proposed treaty, but if the Commissioners should find it necessary to agree to the setting apart of any reserve or reserves in that territory, the Minister is of opinion that the same may properly be set aside under the agreement of 1876 already referred to.

As it is in the interest of the Province of British Columbia, as well as in that of the Dominion, that the country to be treated for should be thrown open to development and the lives and property of those who may enter therein safeguarded by the making of provision which will remove all hostile feeling from the minds of the Indians and lead them to peacefully acquiesce in the changing conditions, he the Minister would suggest that the Government of British Columbia be apprised of the intention to negotiate the proposed treaty; and as it is of the utmost importance that the Commissioners should have full power to give such guarantees as may be found necessary in regard to the setting apart of land for reserves the Minister further recommends that the Government of British Columbia be asked to formally acquiesce in the action taken by Your Excellency's Government in the matter and to intimate its readiness to confirm any reserves which it may be found necessary to set apart within the portion of the Province already described.

- The Minister further recommends that a certified copy of this Minute, if approved, and of the map attached hereto be transmitted to the Lieutenant Governor of the Province of British Columbia for the information of his Government.

The Committee submit the same for Your Excellency's approval.

(sgd.) R. W. SCOTT.

REPORT OF COMMISSIONERS FOR TREATY No. 8

WINNIPEG, MANITOBA, 22nd September, 1899.

The Honourable
CLIFFORD SIFTON,
Superintendent General of Indian Affairs,
Ottawa.

SIR,—We have the honour to transmit herewith the treaty which, under the Commission issued to us on the 5th day of April last, we have made with the Indians of the provisional district of Athabasca and parts of the country adjacent thereto, as described in the treaty and shown on the map attached.

The date fixed for meeting the Indians at Lesser Slave Lake was the 8th of June, 1899. Owing, however, to unfavourable weather and lack of boatmen, we did not reach the point until the 19th. But one of the Commissioners—Mr. Ross—who went overland from Edmonton to the Lake, was fortunately present when the Indians first gathered. He was thus able to counteract the consequences of the delay and to expedite the work of the Commission by preliminary explanations of its objects.

We met the Indians on the 20th, and on the 21st the treaty was signed.

As the discussions at the different points followed on much the same lines, we shall confine ourselves to a general statement of their import. There was a marked absence of the old Indian style of oratory. Only among the Wood Crees were any formal speeches made, and these were brief. The Beaver Indians are taciturn. The Chipewyans confined themselves to asking questions and making brief arguments. They appeared to be more adept at cross-examination than at speech-making, and the Chief at Fort Chipewyan displayed considerable keenness of intellect and much practical sense in pressing the claims of his band. They all wanted as liberal, if not more liberal terms, than were granted to the Indians of the plains. Some expected to be fed by the Government after the making of treaty, and all asked for assistance in seasons of distress and urged that the old and indigent who were no longer able to hunt and trap and were consequently often in distress should be cared for by the Government. They requested that medicines be furnished. At Vermilion, Chipewyan and Smith's Landing, an earnest appeal was made for the services of a medical man. There was expressed at every point the fear that the making of the treaty would be followed by the curtailment of the hunting and fishing privileges, and many were impressed with the notion that the treaty would lead to taxation and enforced military service. They seemed desirous of securing educational advantages for their children, but stipulated that in the matter of schools there should be no interference with their religious beliefs.

We pointed out that the Government could not undertake to maintain Indians in idleness; that the same means of earning a livelihood would continue after the treaty as existed before it, and that the Indians would be expected to make use of them. We told them that the Government was always ready to

give relief in cases of actual destitution, and that in seasons of distress they would without any special stipulation in the treaty receive such assistance as it was usual to give in order to prevent starvation among Indians in any part of Canada; and we stated that the attention of the Government would be called to the need of some special provision being made for assisting the old and indigent who were unable to work and dependent on charity for the means of sustaining life. We promised that supplies of medicines would be put in the charge of persons selected by the Government at different points, and would be distributed free to those of the Indians who might require them. We explained that it would be practically impossible for the Government to arrange for regular medical attendance upon Indians so widely scattered over such an extensive territory. We assured them, however, that the Government would always be ready to avail itself of any opportunity of affording medical service just as it provided that the physician attached to the Commission should give free attendance to all Indians whom he might find in need of treatment as he passed through the country.

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to render it impossible to make a livelihood by such pursuits. But over and above the provision, we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it.

We assured them that the treaty would not lead to any forced interference with their mode of life, that it did not open the way to the imposition of any tax, and that there was no fear of enforced military service. We showed them that, whether treaty was made or not, they were subject to the law, bound to obey it, and liable to punishment for any infringements of it. We pointed out that the law was designed for the protection of all, and must be respected by all the inhabitants of the country, irrespective of colour or origin; and that, in requiring them to live at peace with white men who came into the country, and not to molest them in person or in property, it only required them to do what white men were required to do as to the Indians.

As to education, the Indians were assured that there was no need of any special stipulation, as it was the policy of the Government to provide in every part of the country, as far as circumstances would permit, for the education of Indian children, and that the law, which was as strong as a treaty, provided for non-interference with the religion of the Indians in schools maintained or assisted by the Government.

We should add that the chief of the Chipewyans of Fort Chipewyan asked that the Government should undertake to have a railway built into the country, as the cost of goods which the Indians require would be thereby cheapened and the prosperity of the country enhanced. He was told that the Commissioners had no authority to make any statement in the matter further than to say that his desire would be made known to the Government.

When we conferred, after the first meeting with the Indians at Lesser Slave Lake, we came to the conclusion that it would be best to make one treaty covering the whole of the territory ceded, and to take adhesions thereto from the Indians to be met at the other points rather than to make several separate treaties. The treaty was therefore so drawn as to provide three ways in which assistance

is to be given to the Indians, in order to accord with the conditions of the country and to meet the requirements of the Indians in the different parts of the territory.

In addition to the annuity, which we found it necessary to fix at the figures of Treaty Six, which covers adjacent territory, the treaty stipulates that assistance in the form of seed and implements and cattle will be given to those of the Indians who may take to farming, in the way of cattle and mowers to those who may devote themselves to cattle-raising, and that ammunition and twine will be given to those who continue to fish and hunt. The assistance in farming and ranching is only to be given when the Indians actually take to these pursuits, and it is not likely that for many years there will be a call for any considerable expenditure under these heads. The only Indians of the territory ceded who are likely to take to cattle-raising are those about Lesser Slave Lake and along the Peace River, where there is quite an extent of ranching country; and although there are stretches of cultivable land in those parts of the country, it is not probable that the Indians will, while present conditions obtain, engage in farming further than the raising of roots in a small way, as is now done to some extent. In the main the demand will be for ammunition and twine, as the great majority of the Indians will continue to hunt and fish for a livelihood. It does not appear likely that the conditions of the country on either side of the Athabasca and Slave Rivers or about Athabasca Lake will be so changed as to affect hunting or trapping, and it is safe to say that so long as the fur-bearing animals remain, the great bulk of the Indians will continue to hunt and to trap.

The Indians are given the option of taking reserves or land in severalty. As the extent of the country treated for made it impossible to define reserves or holdings, and as the Indians were not prepared to make selections, we confined ourselves to an undertaking to have reserves and holdings set apart in the future, and the Indians were satisfied with the promise that this would be done when required. There is no immediate necessity for the general laying out of reserves or the allotting of land. It will be quite time enough to do this as advancing settlement makes necessary the surveying of the land. Indeed, the Indians were generally averse to being placed on reserves. It would have been impossible to have made a treaty if we had not assured them that there was no intention of confining them to reserves. We had to very clearly explain to them that the provision for reserves and allotments of land were made for their protection, and to secure to them in perpetuity a fair portion of the land ceded, in the event of settlement advancing.

After making the treaty at Lesser Slave Lake it was decided that, in order to offset the delay already referred to, it would be necessary for the Commission to divide. Mr. Ross and Mr. McKenna accordingly set out for Fort St. John on the 22nd of June. The date appointed for meeting the Indians there was the 21st. When the decision to divide was come to, a special messenger was despatched to the Fort with a message to the Indians explaining the delay, advising them that Commissioners were travelling to meet them, and requesting them to wait at the Fort. Unfortunately the Indians had dispersed and gone to their hunting grounds before the messenger arrived and weeks before the date originally fixed for the meeting, and when the Commissioners got within some miles of St. John the messenger met them with a letter from the Hudson's Bay Company's officer there advising them that the Indians after consuming all their provisions, set off on the 1st June in four different bands and in as many different directions for the regular hunt; that there was not a man at St. John who knew the country and could carry word of the Commissioners' coming, and even if there were it would take three weeks or a month to get the Indians in. Of course there was nothing to do but return. It may be stated, however, that what happened was not altogether unforeseen. We had grave doubts of being able to get to St. John in time to meet the Indians, but as they were reported to be rather disturbed and ill-disposed on account of the actions of miners passing

through their country, it was thought that it would be well to show them that the Commissioners were prepared to go into their country, and that they had put forth every possible effort to keep the engagement made by the Government.

The Commissioners on their return from St. John met the Beaver Indian of Dunvegan on the 21st day of June and secured their adhesion to the treaty. They then proceeded to Fort Chipewyan and to Smith's Landing on the Slave River and secured the adhesion of the Cree and Chipewyan Indians at these points on the 13th and 17th days of July respectively.

In the meantime Mr. Laird met the Cree and Beaver Indians at Peace River Landing and Vermilion, and secured their adhesion on the 1st and 8th days of July respectively. He then proceeded to Fond du Lac on Lake Athabasca, and obtained the adhesion of the Chipewyan Indians there on the 25th and 27th days of July.

After treating with the Indians at Smith, Mr. Ross and Mr. McKenna found it necessary to separate in order to make sure of meeting the Indians at Wabiscow on the date fixed. Mr. McKenna accordingly went to Fort McMurray, where he secured the adhesion of the Chipewyan and Cree Indians on the 4th day of August, and Mr. Ross proceeded to Wabiscow, where he obtained the adhesion of the Cree Indians on the 14th day of August.

The Indians with whom we treated differ in many respects from the Indians of the organized territories. They indulge in neither paint nor feathers, and never clothe themselves in blankets. Their dress is of the ordinary style and many of them were well clothed. In the summer they live in teepees, but many of them have log houses in which they live in winter. The Cree language is the chief language of trade, and some of the Beavers and Chipewyans speak it in addition to their own tongues. All the Indians we met were with rare exceptions professing Christians, and showed evidences of the work which missionaries have carried on among them for many years. A few of them have had their children avail themselves of the advantages afforded by boarding schools established at different missions. None of the tribes appear to have any very definite organization. They are held together mainly by the language bond. The chiefs and headmen are simply the most efficient hunters and trappers. They are not law-makers and leaders in the sense that the chiefs and headmen of the plains and of old Canada were. The tribes have no very distinctive characteristics, and as far as we could learn no traditions of any import. The Wood Crees are an off-shoot of the Crees of the South. The Beaver Indians bear some resemblance to the Indians west of the mountains. The Chipewyans are physically the superior tribe. The Beavers have apparently suffered most from scrofula and phthisis, and there are marks of these diseases more or less among all the tribes.

Although in manners and dress the Indians of the North are much further advanced in civilization than other Indians were when treaties were made with them, they stand as much in need of the protection afforded by the law to aborigines as do any other Indians of the country, and are as fit subjects for the paternal care of the Government.

It may be pointed out that hunting in the North differs from hunting as it was on the plains in that the Indians hunt in a wooded country and instead of moving in bands go individually or in family groups.

Our journey from point to point was so hurried that we are not in a position to give any description of the country ceded which would be of value. But we may say that about Lesser Slave Lake there are stretches of country which appear well suited for ranching and mixed farming; that on both sides of the Peace River there are extensive prairies and some well wooded country; that at Vermilion, on the Peace, two settlers have successfully carried on mixed

farming on a pretty extensive scale for several years, and that the appearance of the cultivated fields of the Mission there in July showed that cereals and roots were as well advanced as in any portion of the organized territories. The country along the Athabasca River is well wooded and there are miles of tar-saturated banks. But as far as our restricted view of the Lake Athabasca and Slave River country enabled us to judge, its wealth, apart from possible mineral development, consists exclusively in its fisheries and furs.

In going from Peace River Crossing to St. John, the trail which is being constructed under the supervision of the Territorial Government from moneys provided by Parliament was passed over. It was found to be well located. The grading and bridge work is of a permanent character, and the road is sure to be an important factor in the development of the country.

We desire to express our high appreciation of the valuable and most willing service rendered by Inspector Snyder and the corps of police under him, and at the same time to testify to the efficient manner in which the members of our staff performed their several duties. The presence of a medical man was much appreciated by the Indians, and Dr. West, the physician to the Commission, was most assiduous in attending to the great number of Indians who sought his services. We would add that the Very Reverend Father Lacombe, who was attached to the Commission, zealously assisted us in treating with the Crees.

The actual number of Indians paid was:—

7 Chiefs at \$32.....	\$ 224 00
23 Headmen at \$22.....	506 00
2,187 Indians at \$12.....	26,244 00
	<hr/>
	\$ 26,974 00

A detailed statement of the Indians treated with and of the money paid is appended.

We have the honour to be, sir,

Your obedient servants,

DAVID LAIRD,

J. H. ROSS,

J. A. J. McKENNA.

Indian Treaty Commissioners.

STATEMENT of Indians paid Annuity and Gratuity Moneys in Treaty No. 8,
during 1899.

	Chiefs.	Headmen.	Other Indians.	Cash Paid each Band. \$ cts.	Total Cash Paid. \$ cts.
LESSER SLAVE LAKE					
<i>Keenoostayo's Band (Crees)—</i>					
Chief at \$32.....	1			32 00	
Headmen at \$22.....		4		88 00	
Other Indians at \$12.....			241	2,892 00	
					3,012 00
<i>Captain's Band (Crees)—</i>					
Headman.....		1		22 00	
Other Indians.....			22	264 00	
					286 00
PEACE RIVER LANDING.					
<i>Duncan Tastawit's Band (Crees and Beavers)—</i>					
Headman.....		1		22 00	
Other Indians.....			46	552 00	
					574 00
VERMILION.					
<i>Ambrose Tete-Noire's Band (Beavers)—</i>					
Chief.....	1			32 00	
Headman.....		1		22 00	
Other Indians.....			148	1,776 00	
					1,830 00
<i>Tall Cree Band (Crees)—</i>					
Headman.....		1		22 00	
Other Indians.....			64	768 00	
					790 00
DUNVEGAN.					
<i>Beaver Band—</i>					
Headman.....		1		22 00	
Other Indians.....			33	396 00	
					418 00
RED RIVER POST, PEACE RIVER.					
<i>Crees paid as part of Band—Cree Band at Vermilion—</i>					
Indians.....			66	792 00	
					792 00
FORT CHIPEWYAN.					
<i>Chippewyan Band—</i>					
Chief.....	1			32 00	
Headmen.....		2		44 00	
Other Indians.....			407	4,884 00	
					4,960 00
<i>Cree Band—</i>					
Chief.....	1			32 00	
Headmen.....		2		44 00	
Other Indians.....			183	2,196 00	
					2,272 00
SMITH'S LANDING.					
<i>Chippewyan Band—</i>					
Chief.....	1			32 00	
Headmen.....		2		44 00	
Other Indians.....			280	3,360 00	
					3,436 00
FOND DU LAC.					
<i>Chippewyan Band—</i>					
Chief.....	1			32 00	
Headmen.....		2		44 00	
Other Indians.....			376	4,512 00	
					4,588 00

STATEMENT of Indians paid Annuity and Gratuity, &c.—*Concluded.*

	Chiefs.	Headmen.	Other Indians.	Cash Paid each Band.	Total Cash Paid.
				\$ cts.	\$ cts.
FORT McMURRAY.					
<i>Cree and Chipewyan Bands—</i>					
Headmen.....		2		44 00	
Other Indians.....			130	1,560 00	1,604 00
WARISCOW.					
<i>Cree Band—</i>					
Chief.....	1			32 00	
Headmen.....		4		88 00	
Other Indians.....			191	2,292 00	2,412 00
Total.....	7	23	2,187		26,974 00

SUMMARY.

7 Chiefs at \$32.....	\$ 224 00
23 Headmen at \$22.....	506 00
2,187 Other Indians at \$12.....	26,224 00
2,217.....	\$ 26,974 00

Certified correct,

DAVID LAIRD,
J. H. ROSS,
J. A. J. McKENNA.

Indian Treaty Commissioners.

WINNIPEG, MAN., September 22, 1899.

TREATY No. 8.

ARTICLES OF A TREATY made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand eight hundred and ninety-nine, between Her most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners the Honourable David Laird, of Winnipeg, Manitoba, Indian Commissioner for the said Province and the Northwest Territories; James Andrew Joseph McKenna, of Ottawa, Ontario, Esquire, and the Honourable James Hamilton Ross, of Regina, in the Northwest Territories, of the one part; and the Cree, Beaver, Chipewyan and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, hereunto subscribed, of the other part:—

WHEREAS, the Indians inhabiting the territory hereinafter defined have, pursuant to notice given by the Honourable Superintendent General of Indian Affairs in the year 1898, been convened to meet a Commission representing Her Majesty's Government of the Dominion of Canada at certain places in the said territory in this present year 1899, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS, the said Indians have been notified and informed by Her Majesty's said Commission that it is Her desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to Her

Majesty may seem meet, a tract of country bounded and described as herein after mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty, and arrange with them, so that there may be peace and good will between them and Her Majesty's other subjects, and that Her Indian people may know and be assured of what allowances they are to count upon and receive from Her Majesty's bounty and benevolence.

AND WHEREAS, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by Her Majesty's Commissioners to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several Chiefs and Headmen who have subscribed hereto.

AND WHEREAS, the said Commissioners have proceeded to negotiate a treaty with the Cree, Beaver, Chipewyan and other Indians, inhabiting the district hereinafter defined and described, and the same has been agreed upon and concluded by the respective bands at the dates mentioned hereunder, the said Indians DO HEREBY CEDE, RELEASE, SURRENDER AND YIELD UP to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever, to the lands included within the following limits, that is to say:—

Commencing at the source of the main branch of the Red Deer River in Alberta, thence due west to the central range of the Rocky Mountains, thence northwesterly along the said range to the point where it intersects the 60th parallel of north latitude, thence east along said parallel to the point where it intersects Hay River, thence northeasterly down said river to the south shore of Great Slave Lake, thence along the said shore northeasterly (and including such rights to the islands in said lakes as the Indians mentioned in the treaty may possess), and thence easterly and northeasterly along the south shores of Christie's Bay and McLeod's Bay to old Fort Reliance near the mouth of Lockhart's River, thence southeasterly in a straight line to and including Black Lake, thence southwesterly up the stream from Cree Lake, thence including said lake southwesterly along the height of land between the Athabasca and Churchill Rivers to where it intersects the northern boundary of Treaty Six, and along the said boundary easterly, northerly and southwesterly, to the place of commencement.

AND ALSO the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Northwest Territories, British Columbia, or in any other portion of the Dominion of Canada.

TO HAVE AND TO HOLD the same to Her Majesty the Queen and Her successors for ever.

And Her Majesty the Queen HEREBY AGREES with the said Indians that they shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, acting under the authority of Her Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for such bands as desire reserves, the same not to exceed in all one square mile for each family of five for such number of families as may elect to reside on reserves, or in that proportion for larger or smaller families; and for such families or individual Indians as may prefer to live apart from band reserves,

Her Majesty undertakes to provide land in severalty to the extent of 160 acres to each Indian, the land to be conveyed with a proviso as to non-alienation without the consent of the Governor General in Council of Canada, the selection of such reserves, and lands in severalty, to be made in the manner following, namely, the Superintendent General of Indian Affairs shall depute and send a suitable person to determine and set apart such reserves and lands, after consulting with the Indians concerned as to the locality which may be found suitable and open for selection.

Provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as She may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by Her Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained.

It is further agreed between Her Majesty and Her said Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians, and in extinguishment of all their past claims, She hereby, through Her Commissioners, agrees to make each Chief a present of thirty-two dollars in cash, to each Headman twenty-two dollars, and to every other Indian of whatever age, of the families represented at the time and place of payment, twelve dollars.

Her Majesty also agrees that next year, and annually afterwards for ever, She will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, to each Chief twenty-five dollars, each Headman, not to exceed four to a large Band and two to a small Band, fifteen dollars, and to every other Indian, of whatever age, five dollars, the same, unless there be some exceptional reason, to be paid only to heads of families for those belonging thereto.

FURTHER, Her Majesty agrees that each Chief, after signing the treaty, shall receive a silver medal and a suitable flag; and next year, and every third year thereafter, each Chief and Headman shall receive a suitable suit of clothing.

FURTHER, Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty's Government of Canada may seem advisable.

FURTHER, Her Majesty agrees to supply each Chief of a Band that selects a reserve, for the use of that Band, ten axes, five hand-saws, five augers, one grindstone, and the necessary files and whetstones.

FURTHER, Her Majesty agrees that each Band that elects to take a reserve and cultivate the soil, shall, as soon as convenient after such reserve is set aside and settled upon, and the Band has signified its choice and is prepared to break up the soil, receive two hoes, one spade, one scythe and two hay forks for every family so settled, and for every three families one plough and one harrow, and to the Chief, for the use of his Band, two horses or a yoke of oxen, and for each Band potatoes, barley, oats and wheat (if such seed be suited to the locality of the reserve), to plant the land actually broken up, and provisions for one month in the spring for several years while planting such seeds; and to every family one cow, and every Chief one bull, and one mowing-machine and one reaper

for the use of his Band when it is ready for them; for such families as prefer to raise stock instead of cultivating the soil, every family of five persons, two cows, and every Chief two bulls and two mowing-machines when ready for their use, and a like proportion for smaller or larger families. The aforesaid articles, machines and cattle to be given one for all for the encouragement of agriculture and stock raising; and for such Bands as prefer to continue hunting and fishing, as much ammunition and twine for making nets annually as will amount in value to one dollar per head of the families so engaged in hunting and fishing.

And the undersigned Cree, Beaver, Chipewyan and other Indian Chiefs and Headmen, on their own behalf and on behalf of all the Indians whom they represent, DO HEREBY SOLEMNLY PROMISE and engage to strictly observe this Treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen.

THEY PROMISE AND ENGAGE that they will, in all respects, obey and abide by the law; that they will maintain peace between each other, and between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians, half-breeds or whites, this year inhabiting and hereafter to inhabit any part of the said ceded territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract or any part thereof, and that they will assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty or infringing the law in force in the country so ceded.

IN WITNESS WHEREOF Her Majesty's said Commissioners and the Cree Chief and Headmen of Lesser Slave Lake and the adjacent territory, HAVE HEREUNTO SET THEIR HANDS at Lesser Slave Lake on the twenty-first day of June, in the year herein first above written.

Signed by the parties hereto, in the presence of the undersigned witnesses, the same having been first explained to the Indians by Albert Tate and Samuel Cunningham, Interpreters.

Father A. LACOMBE,
GEO. HOLMES,
†E. GROUARD, O.M.I.
W. G. WHITE,
JAMES WALKER,
J. ARTHUR COTÉ,
A. E. SNYDER, Insp. N.W.M.P.,
H. B. ROUND,
HARRISON S. YOUNG,
J. F. PRUD'HOMME,
J. W. MARTIN,
C. MAIR,
H. A. CONROY,
PIERRE DESCHAMBEAULT,
J. H. PICARD,
RICHARD SECORD,
M. McCAULEY.

DAVID LAIRD, *Treaty Commissioner*,
J. A. J. McKENNA, *Treaty Commissioner*,
J. H. ROSS, *Treaty Commissioner*,
his
KEE NOO SHAY OO x Chief,
mark
his
MOOSTOOS x Headman,
mark
his
FELIX GIROUX x Headman,
mark
his
WEE CHEE WAY SIS x Headman,
mark
his
CHARLES NEE SUE TA SIS x Headman,
mark
his
CAPTAIN x Headman, from Sturgeon
mark Lake.

In witness whereof the Chairman of Her Majesty's Commissioners and the Headman of the Indians of Peace River Landing and the adjacent territory, in

behalf of himself and the Indians whom he represents, have hereunto set their hands at the said Peace River Landing on the first day of July in the year of Our Lord one thousand eight hundred and ninety-nine.

Signed by the parties hereto, in the presence of the undersigned witnesses, the same having been first explained to the Indians by Father A. Lacombe and John Boucher, interpreters.

DAVID LAIRD, *Chairman of Indian Treaty Commissioners,*
his
DUNCAN x TASTAOOSTS, *Headman of Crees*
mark

A. LACOMBE,
†E. GROUARD, O.M.I., Ev. d'Ibora,
GEO. HOLMES,
HENRY MCCORRISTER,
K. F. ANDERSON, Sgt., N.W.M.P.
PIERRE DESCHAMBEAULT,
H. A. CONROY,
T. A. BRICK,
HARRISON S. YOUNG,
J. W. MARTIN,
DAVID CURRY.

In witness whereof the Chairman of Her Majesty's Commissioners and the Chief and Headmen of the Beaver and Headman of the Crees and other Indians of Vermilion and the adjacent territory, in behalf of themselves and the Indians whom they represent, have hereunto set their hands at Vermilion on the eighth day of July, in the year of our Lord one thousand eight hundred and ninety-nine.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by Father A. Lacombe and John Bourassa, Interpreters.

DAVID LAIRD,
Chairman of Indian Treaty Coms.,
his
AMBROSE x TETE NOIRE, *Chief Beaver Indians.*
mark
his
PIERROT x FOURNIER, *Headman Beaver Indians.*
mark
his *Headman*
KUIS KUIS KOW CA POOHOO x *Cree*
mark *Indians.*

A. LACOMBE,
†E. GROUARD, O.M.I., Ev. d'Ibora,
MALCOLM SCOTT,
F. D. WILSON, H. B. Co.,
H. A. CONROY,
PIERRE DESCHAMBEAULT,
HARRISON S. YOUNG,
J. W. MARTIN,
A. P. CLARKE,
CHAS. H. STUART WADE,
K. F. ANDERSON, Sgt., N.W.M.P.

In witness whereof the Chairman of Her Majesty's Treaty Commissioners and the Chief and Headman of the Chipewyan Indians of Fond du Lac (Lake Athabasca) and the adjacent territory, in behalf of themselves and the Indians whom they represent, have hereunto set their hands at the said Fond du Lac on the twenty-fifth and twenty-seventh days of July, in the year of Our Lord one thousand eight hundred and ninety-nine.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by Pierre Deschambeault, Reverend Father Douceur and Louis Robillard, Interpreters.

DAVID LAIRD,
Chairman of Indian Treaty Coms.,
his
LAURENT x DZIEDDIN, Headman,
mark
his
TOUSSAINT x Headman,
mark

(The number accepting treaty being larger than at first expected, a Chief was allowed, who signed the treaty on the 27th July before the same witnesses to signatures of the Commissioner and Headman on the 25th.)

his
MAURICE x PICHE, Chief of Band.
mark
Witness, H. S. YOUNG.

G. BREYNAT, O.M.I.,
HARRISON S. YOUNG,
PIERRE DESCHAMBEAULT,
WILLIAM HENRY BURKE,
BATHURST F. COOPER,
GERMAIN MERCREDI,
his
LOUIS x ROBILLARD,
mark
K. F. ANDERSON, Sgt., N.W.M.P.

The Beaver Indians of Dunvegan having met on this sixth day of July, in this present year 1899, Her Majesty's Commissioners, the Honourable James Hamilton Ross and James Andrew Joseph McKenna, Esquire, and having had explained to then the terms of the Treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first day of June, in the year herein first above written, do join in the cession made by the said Treaty, and agree to adhere to the terms thereof in consideration of the undertakings made therein.

In witness whereof Her Majesty's said Commissioners and the Headman of the said Beaver Indians have hereunto set their hands at Dunvegan on this sixth day of July, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses, after the same had been read and explained to the Indians by the Reverend Joseph Le Treste and Peter Gunn, Interpreters.

J. H. ROSS,
J. A. J. MCKENNA, } Commissioners,
his
NATOOSSES x Headman,
mark

A. E. SNYDER, Insp. N.W.M.P.
J. LE TRESTE,
PETER GUNN,
F. J. FITZGERALD.

The Chipewyan Indians of Athabasca River, Birch River, Peace River, Slave River and Gull River, and the Cree Indians of Gull River and Deep Lake, having met at Fort Chipewyan on this thirteenth day of July, in this present year 1899, Her Majesty's Commissioners, the Honourable James Hamilton Ross and James Andrew Joseph McKenna, Esquire, and having had explained to them the terms of the Treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first

day of June, in the year herein first above written, do join in the cession made by the said Treaty, and agree to adhere to the terms thereof in consideration of the undertakings made therein.

In witness whereof Her Majesty's said Commissioners and the Chiefs and Headmen of the said Chipewyan and Cree Indians have hereunto set their hands at Fort Chipewyan on this thirteenth day of July, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read and explained to the Indians by Peter Mercredi, Chipewyan Interpreter, and George Drever, Cree Interpreter.

A. E. SNYDER, *Insp., N.W.M.P.*,
P. MERCREDI,
GEO. DREVER,
L. M. LE DOUSSAL,
A. DE CHAMBOUR, O.M.I.
H. B. ROUND,
GABRIEL BREYNAT, O.M.I.,
COLIN FRASER,
F. J. FITZGERALD,
B. F. COOPER,
H. W. McLAREN,

J. H. ROSS,	}	<i>Treaty Commissioners,</i>
J. A. J. McKENNA,		
his		
ALEX. x LAVIOLETTE, <i>Chipewyan Chief,</i>		
mark		
his		
JULIEN x RATFAT,	}	<i>Chipewyan Headmen,</i>
mark		
his		
SEPT. x HEEZELL,		
mark		
his		
JUSTIN x MARTIN, <i>Cree Chief,</i>		
mark		
his		
ANT. x TACCARROO,	}	<i>Cree Headmen.</i>
mark		
his		
THOMAS x GIBBOT,		
mark		

The Chipewyan Indians of Slave River and the country thereabouts having met at Smith's Landing on this seventeenth day of July, in this present year 1899, Her Majesty's Commissioners, the Honourable James Hamilton Ross and James Andrew Joseph McKenna, Esquire, and having had explained to them the terms of the Treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country, set their hands on the twenty-first day of June, in the year herein first above written, do join in the cession made by the said Treaty, and agree to adhere to the terms thereof in consideration of the undertakings made therein.

In witness whereof Her Majesty's said Commissioners and the Chief and Headmen of the said Chipewyan Indians have hereunto set their hands at Smith's Landing, on this seventeenth day of July, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read and explained to the Indians by John Trindle, Interpreter.

A. E. SNYDER, *Insp. N.W.M.P.*,
H. B. ROUND,
J. H. REID,
JAS. HALY,
JOHN TRINDLE,
F. J. FITZGERALD,
WM. McCLELLAND,
JOHN SUTHERLAND.

J. H. ROSS,	}	<i>Treaty Commissioners,</i>
J. A. J. McKENNA,		
his		
PIERRE x SQUIRREL, <i>Chief,</i>		
mark		
his		
MICHAEL x MAMDRILLE, <i>Headman,</i>		
mark		
his		
WILLIAM x KISCORRAY, <i>Headman,</i>		
mark		

The Chipewyan and Cree Indians of Fort McMurray and the country thereabouts, having met at Fort McMurray, on this fourth day of August, in this present year 1899, Her Majesty's Commissioner, James Andrew Joseph McKenna, Esquire, and having had explained to them the terms of the Treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first day of June, in the year herein first above written, do join in the cession made by the said Treaty and agree to adhere to the terms thereof in consideration of the undertakings made therein.

In witness whereof Her Majesty's said Commissioner and the Headmen of the said Chipewyan and Cree Indians have hereunto set their hands at Fort McMurray, on this fourth day of August, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read and explained to the Indians by the Rev. Father Lacombe and T. M. Clarke, Interpreters

A. LACOMBE, *O.M.I.*,
ARTHUR J. WARWICK,
T. M. CLARKE,
J. W. MARTIN,
F. J. FITZGERALD,
M. J. H. VERNON.

J. A. J. MCKENNA, *Treaty Commissioner*,
his
ADAM x BOUCHER, *Chipewyan Headman*,
mark
his
SEAPOTAKINUM x CREE, *Cree Headman*,
mark

The Indians of Wapiscow and the country thereabouts having met at Wapiscow Lake on this fourteenth day of August, in this present year 1899, Her Majesty's Commissioner, the Honourable James Hamilton Ross, and having had explained to them the terms of the Treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first day of June in the year herein first above written, do join in the cession made by the said Treaty and agree to the terms thereof in consideration of the undertakings made therein.

In witness whereof Her Majesty's said Commissioner and the Chief and Headmen of the Indians have hereunto set their hands at Wapiscow Lake, on this fourteenth day of August, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read and explained to the Indians by Alexander Kennedy.

A. E. SNYDER, *Insp. N.W.M.P.*,
CHARLES RILEY WEAVER,
J. B. HENRI GIROUX, *O.M.I., P.M.*,
MURDOCH JOHNSTON,
C. FALHER, *O.M.I.*,
ALEX. KENNEDY, *Interpreter*,
H. A. CONROY,
(Signature in Cree character).
JOHN MCLEOD,
M. R. JOHNSTON.

J. H. ROSS, *Treaty Commissioner*,
his
JOSEPH x KAPUSEKONEW, *Chief*,
mark
his
JOSEPH x ANSEY, *Headman*,
mark
his
WAPOOSE x HEADMAN,
mark
his
MICHAEL x ANSEY, *Headman*,
mark
his
LOUISA x BEAVER, *Headman*,
mark

ORDER IN COUNCIL

RATIFYING TREATY No. 8.

EXTRACT from a Report of the Committee of the Honourable the Privy Council,
approved by His Excellency on the 20th February, 1900.

On a Memorandum dated 8th February, 1900, from the Superintendent General of Indian Affairs, submitting for Your Excellency's consideration the accompanying Treaty made by the Commissioners, the Honourable David Laird, James Andrew Joseph McKenna, Esquire, and the Honourable James Hamilton Ross, who were appointed to negotiate the same, with the Cree, Beaver, Chipewyan and other Indians inhabiting the territory,—as fully defined in the Treaty—lying within and adjacent to the Provisional District of Athabasca.

The Minister recommends that the Treaty referred to be approved, and that the duplicate thereof, which is also submitted herewith, be kept of record in the Privy Council and the original returned to the Department of Indian Affairs.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

The Honourable
The Superintendent General of Indian Affairs.

REPORT OF COMMISSIONER FOR TREATY No. 8.

DEPARTMENT OF INDIAN AFFAIRS,

OTTAWA, December 11, 1900.

The Honourable
The Superintendent General of Indian Affairs,
Ottawa.

SIR,—I beg to report having, in pursuance of the commissions entrusted to me by you, visited the territory covered by Treaty No. 8, and all the posts from Fort St. John, on the Upper Peace River in the west, to Fort Resolution on Great Slave lake in the north. During that visit, acting as your commissioner for the purpose, formal adhesions to treaty were taken from certain Indian inhabitants of the ceded territory belonging to eight bands who were not treated with last year, annuities were paid to all treaty Indians, and business of a general character was transacted with and for them; acting as a commissioner to receive and hear half-breed claims, over three hundred and fifty cases were dealt with; and acting magisterially as a commissioner of Dominion police and a justice of the peace for the Territories, nineteen cases of crime and misdemeanour were disposed of. Separate reports touching upon half-breed claims, public order and minor Indian matters are being submitted.

My commission to take adhesions to Treaty Eight was designed to enable me to treat with the Indians of Fort St. John in the Upper Peace river, and the various bands on Great Slave lake that trade at Fort Resolution, to the end of bringing them into treaty relations with Her Majesty's government.

There came to meet me, however, in addition to these, two bands of Indians, undoubted inhabitants of the tract covered by Treaty No. 8, with whom I was not empowered to deal, one of Crees from Sturgeon lake and one of Slaves from the Upper Hay river. Both of these desired to enter into treaty, and it became necessary to decide whether they, after having come from distant points to meet one whom they looked upon as a representative of the government, were to be dismissed non-plussed and dissatisfied, or to be allowed to give in their adhesions. It being impossible to communicate with the department, and as the title of these people to the benefits of the treaty was beyond question, the conclusion was unhesitatingly adopted that it was my duty to assume responsibility and concede those benefits to them. The instruments embodying their adhesions are submitted herewith together with those I was empowered to take, which contain the adhesions of certain of the Indians of Fort St. John and the whole of those of Fort Resolution on Great Slave lake, whose hunting grounds lie within treaty limits. It is hoped that you will approve this assumption of responsibility, and that the sanction of His Excellency in Council will be extended to all the adhesions.

Last year 2,217 Indians were paid. This year 3,323 claimed the annuity, an increase of 1,106, or almost fifty per cent. Of this increased number 248 belong to or have now joined, bands treated with in 1899, and 858 to the following bands which remained undealt with in that year, namely, Crees of Sturgeon lake; Beavers of Fort St. John; Slaves of Upper Hay river, who trade at Vermilion; and the Dogribs, Yellowknives, Chipewyans and Slaves of Lower Hay river, who trade at Fort Resolution. Some Caribooeaters, belonging to the country

east of Smith's Landing on Great Slave river, also came into treaty, but they were incorporated with the Chipewyan band of Smith's Landing, being allied thereto. Six new chiefs were recognized.

As was reported by your commissioners last year, there is little disposition on the part of most of the northern Indians to settle down upon land or to ask to have reserves set apart. Dealing, under your instructions, with demands for land, two small provisional reserves were laid out at Lesser Slave Lake for Kinoday's band, and fifteen or sixteen applications were registered for land in severalty by Indians who have already, to some extent, taken to agriculture.

It appears that this disinclination to adopt agriculture as a means of livelihood is not unwisely entertained, for the more congenial occupations of hunting and fishing are still open, and agriculture is not only arduous to those untrained to it, but in many districts it as yet remains untried. A consequence of this preference of old pursuits is that the government will not be called upon for years to make those expenditures which are entailed by the treaty when the Indians take to the soil for subsistence.

The health of the Indians in the district seems to vary with the times. When game is plentiful it is good; when scarce, it is bad. The want of rabbits along the Peace and Hay rivers caused suffering to the Beavers and Slaves in part of the western portion of the territory last winter; but, in the eastern portion, the Chipewyans were unusually well off, cariboo being plentiful. At Fond du Lac, it was said, there was less disease than for many years. No such loss of life from starvation as has often characterized northern winters was reported, and the measures for relieving sick and destitute Indians planned by the commissioners last year, operated well and alleviated distress in many deserving cases. Dr. Edwards, who accompanied me, gave advice and dispensed medicine to a large number of Indians and vaccinated many. Great appreciation of his services was manifested.

At nearly all the important points the chiefs and more intelligent men who were present at the making of treaty last year, asked for extended explanations of its terms, in order that those of their bands who had failed to grasp its true meaning might be enlightened, and that those who were coming into treaty for the first time might fully understand what they were doing. In the course of the councils held for this purpose, it was possible to eradicate any little misunderstanding that had arisen in the minds of the more intelligent, and great pains were taken to give such explanations as seemed most likely to prevent any possibility of misunderstandings in future.

Each of the many appointments made was punctually kept, a fact which appeared to give great satisfaction to both the traders and the Indians.

Appended is a summary of the bands paid, showing the admissions to treaty permitted this year.

There yet remains a number of persons leading an Indian life in the country north of Lesser Slave lake, who have not accepted treaty as Indians, or scrip as half-breeds, but this is not so much through indisposition to do so as because they live at points distant from those visited, and are not pressed by want. The Indians of all parts of the territory who have not yet been paid annuity probably number about 500 exclusive of those in the extreme northwestern portion, but as most, if not all, of this number belong to bands that have already joined in the treaty, the Indian title to the tract it covers may be fairly regarded as being extinguished.

Most respectfully submitting this report,

I have, &c.,

J. A. MACRAE,

Commissioner.

No. 1. Adhesion of Sturgeon Lake band.
No. 2. Adhesion of part of the Beavers of Fort St. John.
No. 3. Adhesion of Slaves of Upper Hay River.
No. 4. Adhesion of Dogribs of Great Slave Lake.
Chipewyans of Great Slave Lake.
Yellowknives of Great Slave Lake.
Slaves of Lower Hay River or Great Slave Lake.

No. 6. Map showing the distribution of Indians in the territory covered by Treaty No. 8, and the extent of that territory.

In witness whereof, the said James Ansdell Maerae, Esquire, and the Headmen of the said Cree Indians, have hereunto set their hands at Lesser Slave Lake, on this the eighth day of June in the year first above written.

ALBERT TATE,
PETER GUNN,
GEO. HOLMES,
MYLES O'C. MAC DERMOT,
W. J. O'DONNELL,
A. CHEESBROUGH, *Const.*
R. FIELD, *Const.*

J. A. MACRAE,
his
MEE-SOO-KAM-IN-OO-KA-POW x,
mark
his
WILLIAM x PEE-YU-TAY-WEE-TUM
mark
his
MEEK-COO x MOOSO-OS,
mark
his
ALEXIS x PA-PASS-CHAY,
mark
his
THE x CAPTAIN,
mark

In witness whereof, Her Majesty's said Commissioner, and the following of the said Beaver Indians, have hereunto set their hands, at Fort St. John, on this the thirtieth day of May, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses, after the same had been read and explained to the Indians by John Shaw, Interpreter.

JOHN SHAW, *Interpreter*,
W. J. O'DONNELL.

J. A. MACRAE, *Commissioner*,
his
MUCKITHAY x
mark
his
AGINAA x
mark
his
DISLISICI x
mark
his
TACHEA x
mark
his
APPAN x
mark
his
ATTACHIE x
mark
his
ALLALIE x
mark
his
YATSOOSE x
mark

The Slave Indians of Hay river and the country thereabouts, having met at Vermilion, on this twenty-third day of June, in this present year 1900, Her Majesty's Commissioner, James Ansdell Macrae, Esquire, and having explained to them the terms of the treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first day of June, in the year 1899, do join in the cessions made by the said treaty, and agree to adhere to the terms thereof in consideration of the undertakings made therein.

In witness whereof, Her Majesty's said Commissioner and the Chief and principal men of the said Slave Indians, have hereunto set their hands, at Vermilion, on this twenty-third day of June, in the year 1900.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read and explained to the Indians by Louis Cardinal.

his
LOUIS x CARDINAL,
mark

Witness: G. ARTHUR BALL
ALFRED SPEECHLY WHITE,
ISAIE GAGNON,
GEO. KNAPP,
H. J. LAROQUE,

his
MARTIN x OUELETTE,
mark

Witness: G. ARTHUR BALL
WILLIAM LETENDRE.

J. A. MACRAE, *Commissioner*,
his
ALEXIS x TATATECHAY,
mark
his
FRANCOIS x TCHATEE,
mark
his
GIROUX x NAHDAYYAH,
mark
his
KOKA x
mark
his
KACHWEESALA x
mark

The Indians inhabiting the south shore of Great Slave Lake, between the mouth of Hay river and old Fort Reliance, near the mouth of Lockheart's river, and territory adjacent thereto, on the mainland or on the islands of the said lake, having met at Fort Resolution, on this twenty-fifth day of July, in the present year 1900, Her Majesty's Commissioner, James Ansdell Macrae, Esquire, and having had explained to them the terms of the treaty unto which the Chief and Headmen of the Indians of Lesser Slave Lake and adjacent country set their hands on the twenty-first day of June, 1899, do join in the cession made by the said treaty, and agree to adhere to the terms thereof, in consideration of the undertakings made therein.

In witness whereof, Her Majesty's said Commissioner and the Chief and Headmen of the said Indians have hereunto set their hands, at Fort Resolution, on the twenty-fifth day of July, in the year herein first above written.

Signed by the parties thereto in the presence of the undersigned witnesses after the same had been read over and explained to the Indians by Rev. Father Dupirer, W. R. Norn, A. Mercredi.

L. DUPIRER, O.M.I.,
W. R. NORN,
ALÉXANDRE MERCREDI,
THOS. J. MARSH,
F. C. GAUDET,
(The mark of Michel Mandeville),
[Indian characters.]
CHARLIE NORN,
RICHARD FIELD.

Witness:

T. C. RAE,
OLIVER MERCREDI,
J. S. CAMSELL.

J. A. MACRAE, *Commissioner,*

his
DRIED x GEESE, *Chief,*
mark

his
WAY-MI-AH x *H.M.,*
mark

his
CRAP-WA-TEE x *H.M.,*
mark

For the Dog Rihs.

his
SNUFF x *Chief,*
mark

his
TZIN-TU x *H.M.,*
mark

his
ATE-EE-ZEN x *H.M.,*
mark

For the Yellow Knives.

his
SUNRISE x *H.M.,*
mark

his
LAMELISE x *H.M.,*
mark

For the Slaves of Hay River.

his
LOUISON x ANTHAY, *Chief,*
mark

his
OLIVER x AJJERICON,
mark

his
VITAL () LAMOËLLE,
sign

his
PAULETTE () CHANDELLE,
sign

For the Chipewyans.

TREATY No. 8

STATEMENT showing the number of Indians who joined Treaty No. 8 in 1900 and received annuity and gratuity—the bands treated with for the first time being denoted by italics (annuities paid to those dealt with previously are not shown).

Band.	Whereabouts.	Chiefs.	Head-men.	Indians.	Cash paid.
					\$ cts.
Crees (Kinoosayo's).....	Lesser Slave Lake.....			10	120 00
Crees.....	Sturgeon Lake.....	1	1	93	1,170 00
Crees (Testawit's).....	Peace River Crossing.....			20	240 00
Beavers.....	Fort St. John.....			46	552 00
Beavers.....	Fort Dunvegan.....	1		74	920 00
Beavers (Tete Noire's).....	Fort Vermilion.....			18	216 00
Slaves of Upper Hay River.....	".....	1	2	175	2,176 00
Crees (Tall Cree's).....	".....			43	516 00
Little Red River.....	Little Red River.....			9	108 00
Chipewyans.....	Fort Chipewyan.....			1	12 00
Crees.....	".....			1	12 00
Chipewyans.....	Smith's Landing.....		1	35	452 00
Chipewyans.....	Fort Resolution.....	1	1	111	1,386 00
Yellowknives.....	".....	1	2	191	2,368 00
Dogribs.....	".....	1	2	119	1,504 00
Slaves of Lower Hay River.....	".....		1	103	1,258 00
Chipewyans (Maurice's).....	Fond du Lac (Lake Athabasca).....			65	780 00
Crees.....	Fort McMurray.....			30	360 00
Stragglers.....	".....			17	204 00
Crees.....	Wabiscow.....			39	468 00
Crees.....	Whitefish Lake.....			2	24 00
Crees.....	Trout Lake.....			1	12 00
		6	10	1,203	14,858 00

SUMMARY.

Total admitted in 1899.....	2,217
" 1900.....	1,218
Total of Indian annuitants under Treaty No. 8.....	3,323

Certified correct,

J. A. MACRAE,
Commissioner.

ORDER IN COUNCIL

RATIFYING ADHESIONS TO TREATY NO. 8.

EXTRACT from a Report of the Committee of the Honourable the Privy Council approved His Excellency on January 3, 1901.

On a report dated December 22, 1900, from the Superintendent General of Indian Affairs referring to the Order in Council of February 20, 1900, approving of the Treaty known as Treaty No. 8, made in 1899, with the Cree, Beaver, Chipewyan and other Indians inhabiting the territory lying within and adjacent to the Provisional District of Athabaska, and stating that as the Commissioners who negotiated the treaty above mentioned, were unable last year to meet the Indians of Fort St. John and Fort Resolution, it was necessary to appoint a Commissioner during the season of 1900 to take the adhesion of the Indians in those localities and on March 2, 1900, James Ansdell Macrae, Esquire, was commissioned by Order in Council to obtain such adhesions.

The Minister submits herewith the report of Mr. Commissioner Macrae, accompanied by the following documents:—

- No. 1. Adhesion of Sturgeon Lake Band.
- No. 2. Adhesion of part of the Beavers of Fort St. John.
- No. 3. Adhesion of Slaves of Upper Hay River.
- No. 4. Adhesion of Dogribs of Great Slave Lake.
 - Adhesion of Chipewyans of Great Slave Lake.
 - Adhesion of Yellowknives of Great Slave Lake.
 - Adhesion of Slaves of Lower Hay River or Great Slave Lake.
- No. 5. Statement of the number of Indians admitted to Treaty this year (1900).

The Minister recommends that for the reasons stated in Mr. Macrae's report, all the adhesions taken by him be approved by Your Excellency in Council and that the original adhesions be returned to the Department of Indian Affairs and the duplicates thereof kept on record in the Privy Council Office.

The Committee submit the same for Your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

The Honourable

The Superintendent General of Indian Affairs.

Department of Indian Affairs

— 1800 —

MAP showing the Territory
ceded under treaty No. 8,
and the Indian tribes therein.

Scale: 100 miles to an inch.



④

TREATY No. 11

(JUNE 27, 1921)

AND

ADHESION

(JULY 17, 1922)

WITH REPORTS, ETC.

Reprinted from the edition of 1926 by

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1957

TREATY No. 11

(JUNE 27, 1921)

AND

ADHESION

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OTTAWA, 1957

REPORT OF THE COMMISSIONER FOR TREATY No. 11

OTTAWA, October 12, 1921.

D. C. SCOTT, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

SIR,—I have the honour to submit herewith the report on treaty made by me on authority granted by Order in Council, dated March 14, last, as Commissioner to negotiate a treaty with the Indians occupying the territory north of the 60th parallel and along the Mackenzie river and the Arctic ocean.

I left Edmonton on June 8, 1921, accompanied by Inspector W. B. Bruce, Constable Wood and Constable Campbell, of the Royal Canadian Mounted Police. Constable Campbell acted as my clerk for the summer.

Arriving at Fort McMurray on June 11, we left there on the 14th in a houseboat, the property of the Hudson's Bay Company, which company had made all arrangements for the transportation of the treaty party during the summer in the North.

We arrived at Fort Fitzgerald on June 18, crossed the portage to Fort Smith, and boarded the ss. *Mackenzie River* on June 20 for Fort Providence, at which place the first adhesion to Treaty 11 was to be taken. July 5 was the date set for the meeting of the Indians and myself to take place at Fort Providence, and, in order to arrive in good time, I thought it better for me and my party to proceed there by the ss. *Mackenzie River*, and let the houseboat take us up again at this point. The transportation of the houseboat across the portage at Fort Smith took several days.

On our arrival at Fort Providence, on June 20, I found the Indians were not at the post, as we were there before the date set for the meeting, so word was sent of my arrival, and the majority of the Providence Indians living at Willow Lake arrived on June 25, those at Trout Lake not till July 2. I had several meetings with them, and explained the terms of treaty. They were very apt in asking questions, and here, as in all the other posts where the treaty was signed, the questions asked and the difficulties encountered were much the same. The Indians seemed afraid, for one thing, that their liberty to hunt, trap and fish would be taken away or curtailed, but were assured by me that this would not be the case, and the Government will expect them to support themselves in their own way, and, in fact, that more twine for nets and more ammunition were given under the terms of this treaty than under any of the preceding ones; this went a long way to calm their fears. I also pointed out that any game laws made were to their advantage, and, whether they took treaty or not, they were subject to the laws of the Dominion. They also seemed afraid that they would be liable for military service if the treaty was signed, that they would be confined on the reserves, but, when told that they were exempt from military service, and that the reserves mentioned in the treaty would be of their own choosing, for their own use, and not for the white people, and that they would be free to come and go as they pleased, they were satisfied.

Practically all the bands dealt with wanted more provision for medical attendance at each post, schools for their children, and supplies for their old and destitute.

I pointed out that they were still able to make their own living, and that Dr. A. L. McDonald, of the Indian Department, was then with me, and that they could see him, and that he would attend them free if they wished, but that it was impossible for the Government to furnish regular medical attention, when they were occupying such a vast tract of territory. Schools were already established, and their children receiving free education, and supplies were left at each point for the sick and destitute.

The treaty was signed at Fort Providence on June 27, and the following were paid:—

1 Chief,
2 Headmen, and
255 others.

Our houseboat arrived on July 5, and we left Providence for Fort Simpson on the 7th, securing adhesion to the treaty there on July 11.

1 Chief,
2 Headmen, and
344 other Indians were paid.

Adhesions to the treaty were obtained at Fort Wrigley on July 13.

1 Headman, and
77 others were paid.

At Fort Norman on July 15,—

1 Chief,
2 Headmen, and
205 others were paid.

At Good Hope, July 21,—

1 Chief,
1 Headman, and
208 others were paid.

At Arctic Red River on July 26,—

1 Chief,
1 Headman, and
169 others were paid.

At Fort McPherson on July 28,—

1 Chief,
1 Headman, and
217 others were paid.

At Fort Rae on August 22,—

1 Chief,
2 Headmen, and
440 others were paid.

Practically all the Indians were dealt with at Fort Providence, Simpson, Wrigley, Arctic Red River and McPherson, and about 65 per cent at Fort Norman, Fort Good Hope and Rae, the remainder of these Indians having been at these posts in the spring and left word that they were willing to take treaty, but had to return to their hunting grounds for their summer's work.

At Fort Rae is the largest band of Indians, about 800, and this is the most inaccessible, being on the arm of Great Slave lake, difficulty in crossing this lake

being experienced, more especially in the late summer and fall on account of storms, our party being stormbound at Hay River for five days prior to crossing. These Indians hunt in every direction from the fort, some as far as 200 miles, and only come to the post in spring to trade their furs, so that, in future, I would suggest that this be the first post visited when making payments.

We crossed the lake from Hay River to Rae in the Hudson Bay schooner *Fort Rae*, leaving our houseboat to take us up at Resolution, from which place we went on August 25, arriving at Fort Smith on August 30, Fort McMurray and Edmonton in September.

I much regret that I was unable, owing to the lack of time, to visit Fort Liard, and secure adhesion to the treaty by the Indians at that point, although they had sent word to Fort Simpson of their willingness to accept the same. I considered it advisable to proceed to Great Slave Lake, and cross to Fort Rae at the first opportunity, as the season was getting late.

Dr. A. L. McDonald joined the party at Fort Providence, and accompanied it to Good Hope, at that place having to return to Fort Resolution on account of smallpox having been reported, which report, fortunately, proved untrue. He joined the party again at Hay River, and remained with it until arrival at his headquarters at Fort Smith.

I was very glad to be accompanied by His Lordship Bishop Breynat, O.M.I., who has considerable influence with the Indians in the North, and would like herè to express my appreciation of the help and hospitality accorded to me and my party in his missions, and I desire also to express my appreciation of the services rendered by Inspector Bruce, of the Royal Canadian Mounted Police, and by his party. Constables Woods and Campbell performed their duties in the most creditable manner.

The actual number of Indians paid was:—

7 Chiefs at \$32 each	} \$ 488
12 Headmen at \$22 each		
and		
1,915 Indians at \$12 each.....		\$22,980

H. A. CONROY,
Commissioner, Treaty No. 11.

TREATY NUMBER ELEVEN

ARTICLES OF A TREATY made and concluded on the several dates mentioned therein in the year of Our Lord One thousand Nine hundred and Twenty-One, between His Most Gracious Majesty George V, King of Great Britain and Ireland and of the British Dominions beyond the Seas, by His Commissioner, Henry Anthony Conroy, Esquire, of the City of Ottawa, of the One Part, and the Slave, Dogrib, Loucheux, Hare and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, hereunto subscribed, of the other part:—

WHEREAS, the Indians inhabiting the territory hereinafter defined have been convened to meet a commissioner representing His Majesty's Government of the Dominion of Canada at certain places in the said territory in this present year of 1921, to deliberate upon certain matters of interest to His Most Gracious Majesty, of the one part, and the said Indians of the other.

AND WHEREAS, the said Indians have been notified and informed by His Majesty's said commissioner that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering and such other purposes as to His

Majesty may seem meet, a tract of country bounded and described as hereinafter set forth, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty, so that there may be peace and goodwill between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to expect and receive from His Majesty's bounty and benevolence.

AND WHEREAS, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by His Majesty's Commissioner, to name certain Chiefs and Headmen, who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and Headmen who have subscribed thereto.

AND WHEREAS the said Commissioner has proceeded to negotiate a treaty with the Slave, Dogrib, Loucheux, Hare and other Indians inhabiting the district hereinafter defined and described, which has been agreed upon and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King and His Successors forever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at the northwesterly corner of the territory ceded under the provisions of Treaty Number Eight; thence northeasterly along the height-of-land to the point where it intersects the boundary between the Yukon Territory and the Northwest Territories; thence northwesterly along the said boundary to the shore of the Arctic ocean; thence easterly along the said shore to the mouth of the Coppermine river; thence southerly and southeasterly along the left bank of the said river to Lake Gras by way of Point lake; thence along the southern shore of Lake Gras to a point situated northwest of the most western extremity of Aylmer lake; thence along the southern shore of Aylmer lake and following the right bank of the Lockhart river to Artillery lake; thence along the western shore of Artillery lake and following the right bank of the Lockhart river to the site of Old Fort Reliance where the said river enters Great Slave lake, this being the northeastern corner of the territory ceded under the provisions of Treaty Number Eight; thence westerly along the northern boundary of the said territory so ceded to the point of commencement; comprising an area of approximately three hundred and seventy-two thousand square miles.

AND ALSO, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in the Yukon Territory, the Northwest Territories or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His Successors forever.

AND His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the Country acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

AND His Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same not to exceed in all one square mile for each family of five, or in that proportion for larger or smaller families;

PROVIDED, however, that His Majesty reserves the right to deal with any settlers within the boundaries of any lands reserved for any band as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

It is further agreed between His Majesty and His Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by His Majesty's Government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And in order to show the satisfaction of His Majesty with the behaviour and good conduct of His Indian subjects, and in extinguishment of all their past claims hereinabove mentioned, He hereby, through his Commissioner, agrees to give to each Chief a present of thirty-two dollars in cash, to each Headman, twenty-two dollars, and to every other Indian of whatever age of the families represented, at the time and place of payment, twelve dollars.

HIS MAJESTY, also agrees that during the coming year, and annually thereafter, He will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, to each Chief twenty-five dollars, to each Headman fifteen dollars, and to every other Indian of whatever age five dollars, to be paid only to heads of families for the members thereof, it being provided for the purposes of this Treaty that each band having at least thirty members may have a Chief, and that in addition to a Chief, each band may have Councillors or Headmen in the proportion of two to each two hundred members of the band.

FURTHER, His Majesty agrees that each Chief shall receive once and for all a silver medal, a suitable flag and a copy of this Treaty for the use of his band; and during the coming year, and every third year thereafter, each Chief and Headman shall receive a suitable suit of clothing.

FURTHER, His Majesty agrees to pay the salaries of teachers to instruct the children of said Indians in such manner as His Majesty's Government may deem advisable.

FURTHER, His Majesty agrees to supply once and for all to each Chief of a band that selects a reserve, ten axes, five hand-saws, five augers, one grindstone, and the necessary files and whetstones for the use of the band.

FURTHER, His Majesty agrees that, each band shall receive once and for all equipment for hunting, fishing and trapping to the value of fifty dollars for each family of such band, and that there shall be distributed annually among the Indians equipment, such as twine for nets, ammunition and trapping to the value of three dollars per head for each Indian who continues to follow the vocation of hunting, fishing and trapping.

FURTHER, His Majesty agrees that, in the event of any of the Indians aforesaid being desirous of following agricultural pursuits, such Indians shall receive such assistance as is deemed necessary for that purpose.

AND the undersigned Slave, Dogrib, Loucheux, Hare and other Chiefs and Headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to strictly observe this Treaty, and also to conduct and behave themselves as good loyal subjects of His Majesty the King.

THEY promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between themselves and others of His Majesty's subjects, whether Indians, half-breeds or whites, now inhabiting and hereafter to inhabit any part of the said ceded territory; that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with, or trouble any person passing or travelling through the said tract or any part thereof, and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this Treaty, or infringing the law in force in the country so ceded.

IN WITNESS WHEREOF, His Majesty's said Commissioner and the said Chiefs and Headmen have herunto set their hands at the places and times set forth in the year herein first above written.

SIGNED AT PROVIDENCE on the twenty-seventh day of June, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

W. V. BRUCE, *Insp. R.C.M.P.*,

F. H. KITTO,

A. H. MILLER,

G. BREYNAT, O.M.I., *Bishop of Adr.,
Vic. Apost. of Mackenzie,*

J. A. R. BALSILIE.

H. A. CONROY, *Comm.*his
PAUL LAPOIN X *Chief,*
markhis
HARRY FRANCIS X *Headman,*
markhis
BAPTISTE SABOURINE X *Headman.*
mark

SIGNED at Simpson on the eleventh day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,
Vic. Apost. of Mackenzie,*

JOHN G. CORRY,

W. V. BRUCE, *Insp. R.C.M.P.*,

A. F. CAMSELL,

T. W. HARRIS.

H. A. CONROY, *Comm.*

(ANTOINE) 450

(KORWERGEN) 2 P.M.C.

his
BEDSEDIA X
mark

SIGNED at Wrigley on the thirteenth day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,
Vic. Apost. of Mackenzie,*W. V. BRUCE, *Insp. R.C.M.P.*,

A. L. McDONALD,

F. H. BACON.

H. A. CONROY, *Comm.*

(YENDO) 50

SIGNED at Norman on the fifteenth day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,*
Vic. Apost. of Mackenzie,
 W. V. BRUCE, *Insp. R.C.M.P.,*
 GEO. P. JOHNSTON,
 G. H. M. CAMPBELL, *Const. R.C.M.P.*

H. A. CONROY, *Comm.*

ALBERT WRIGHT,

his
 SAUL BLONDIN X
 mark

SIGNED at Good Hope on the twenty-first day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,*
Vic. Apost. of Mackenzie
 W. V. BRUCE, *Insp. R.C.M.P.*
 F. H. BACON,
 J. H. BRASHAR, *Cpl. R.C.M.P.*

H. A. CONROY, *Comm.*

his
 SIMEON X
 mark

his
 FRANCOIS X NATEGAL.
 mark

SIGNED at Arctic Red River on the twenty-sixth day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,*
Vic. Apost. of Mackenzie,
 W. V. BRUCE, *Insp. R.C.M.P.,*
 J. LECUYER, *Pr. O.M.I.*
 J. PARSONS.

H. A. CONROY, *Comm.*

his
 PAUL X
 mark

NIDE APHI,
 FABIEN-LALOO.

SIGNED at McPherson on the twenty-eighth day of July, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

W. V. BRUCE, *Insp. R.C.M.P.,*
 J. PARSONS,
 F. H. BACON,
 JAMES FIRTH.

H. A. CONROY, *Comm.*

JABY LALO,

JOHNNIE KIRAWCHIK.

SIGNED at Liard on the _____ day of _____, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

SIGNED at Rae on the twenty-second day of August, 1921, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,*
Vic. Apost. of Mackenzie,

W. J. O'DONNELL,

W. V. BRUCE, *Insp. R.C.M.P.,*

ED. HERON, H. B. Co.

CLAUDE WM. LAFOUNTAIN,

H. A. CONROY, *Comm.,*

his

MORPHY x
mark

his

JERMAIN x
mark

his

JOSUE x BEAULIEU.
mark

ORDER IN COUNCIL

RATIFYING TREATY No. 11

P.C. 3985

PRIVY COUNCIL CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA,

SATURDAY, the 22nd day of October, 1921.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Superintendent General of Indian Affairs submits herewith Treaty Number Eleven made, in accordance with the terms of Order in Council of 14th March, 1921 (P.C. 686), by Henry Anthony Conroy, Esquire, who was appointed a Commissioner by the said Order in Council, to negotiate with the Slave, Dogrib, Loucheux, Hare and other Indians for the cession by the said Indians to the Crown of all their rights, titles and privileges whatsoever in the territory north of the sixtieth parallel and along the Mackenzie river and the Arctic ocean in the Dominion of Canada.

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Superintendent General of Indian Affairs, is pleased to ratify the said Treaty Number Eleven, made and negotiated as hereinbefore recited, and the same is hereby ratified and confirmed accordingly.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The Honourable

The Superintendent General of Indian Affairs.

Owing to the death of Commissioner Conroy on April 27, 1922, and to the fact that he had not had an opportunity during the summer of 1921 of obtaining the adhesion to the Treaty by the Slave Indians of the Liard district, it was necessary to make other arrangements. Accordingly the authority of His Excellency the Governor General in Council was obtained for the appointment of T. W. Harris, Indian agent at Fort Simpson, N.W.T., as Commissioner to secure this adhesion.

Following is a copy of the Order in Council:—

P.C. 993

CERTIFIED COPY of a Report of the Committee of the Privy Council approved by His Excellency the Governor General on the 9th May, 1922

The Committee of the Privy Council have had before them a Report, dated 2nd May, 1922, from the Superintendent General of Indian Affairs, submitting,—with reference to Order in Council of the 14th March, 1921, under which Mr. H. A. Conroy, Inspector for Treaty No. 8, was authorized to act as Commissioner to negotiate a Treaty (known as Treaty No. 11) with the Indians occupying the territory north of the 60th parallel and along the Mackenzie river to the Arctic coast,—that owing to lack of time Mr. Conroy was unable to visit the Fort Liard Indians last year with a view to securing their adhesion to the treaty.

The Minister states that owing to Mr. Conroy's death, which occurred on the 27th April, 1922, it is essential that someone should be deputed to complete the treaty negotiations.

The Minister, therefore, recommends that Mr. T. W. Harris, Indian agent at Fort Simpson, N.W.T., be authorized to complete the work entrusted to the late Mr. Conroy in connection with the treaty above mentioned.

The Committee concur in the foregoing recommendation and submit the same for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The Honourable

The Superintendent General of Indian Affairs.

Accordingly Commissioner Harris, accompanied by His Lordship Bishop Breynat and Reverend Father Moisan, visited Fort Liard on July 17th. The terms of the treaty having been explained by the Commissioner, the Chief and Headmen, who had previously been elected, signed the treaty on behalf of the Indians as indicated in the following Indenture:—

SIGNED at Liard on the seventeenth day of July, 1922, by His Majesty's Commissioner and the Chiefs and Headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

WITNESSES:

(Sgd.)

G. BREYNAT, O.M.I., *Bishop of Adr.,
Vic. Ap. of Mackenzie*

F. MOISAN, O.M.I. *Ptrc.*
A. BORBIN, *Const. R.C.M.P.,*
JOSEPH BERRAULT, *Interpreter.*

(Sgd.)

THOMAS WILLIAM HARRIS, *Comm.*

his
THOMAS E. KINLA x *Chief,*
mark

his
JOSEPH FANTASQUR x *Headman,*
mark

his
DAVID CELIBETA x *Headman.*
mark

The Number of Indians paid was:—

1 Chief at \$32.....	\$	32
2 Headmen at \$22.....		44
147 Indians at \$12.....		1,764

ORDER IN COUNCIL

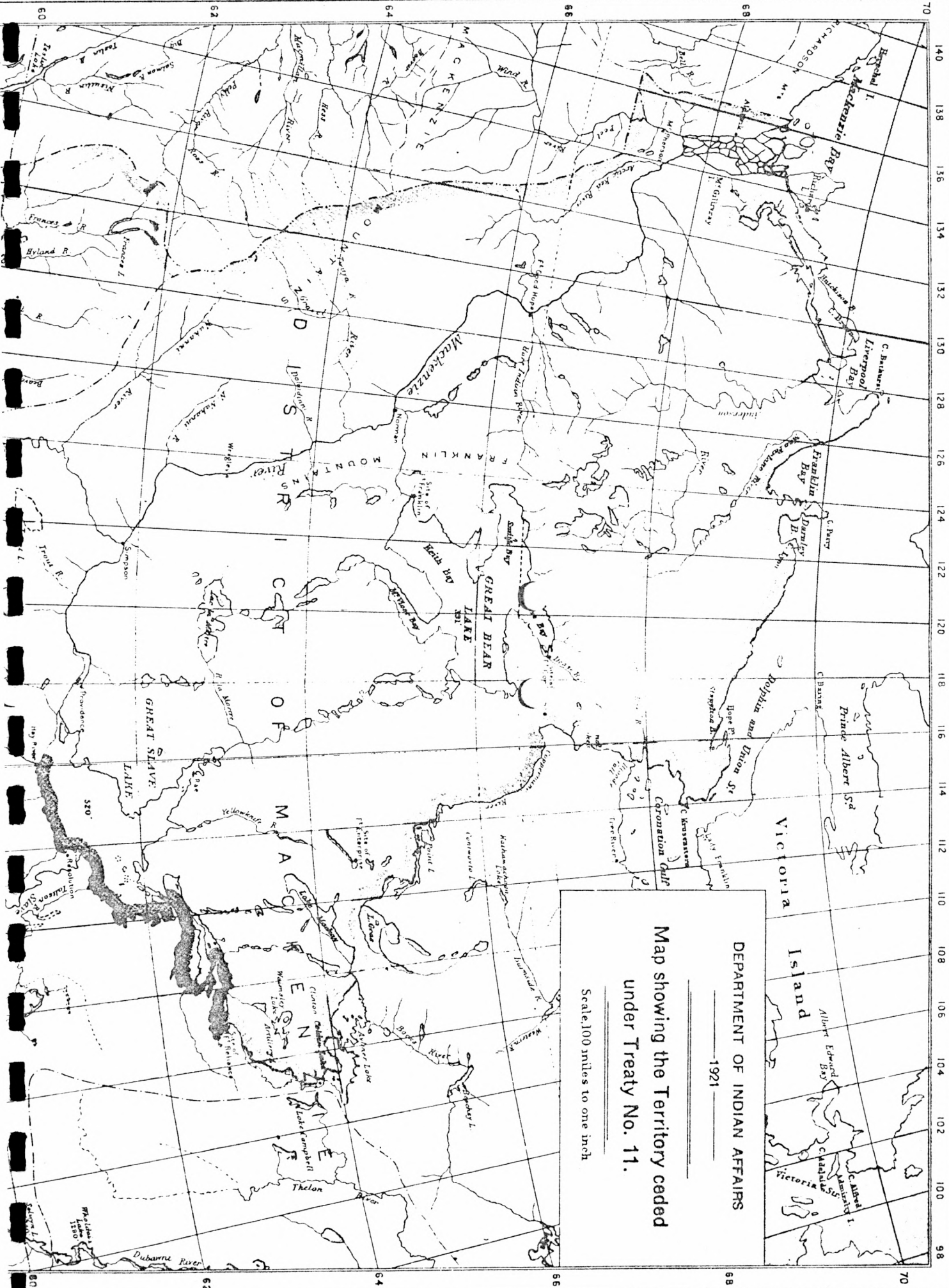
RATIFYING ADHESION TO TREATY No. 11

March 29, 1923.

The Committee of the Privy Council, on the recommendation of the Superintendent General of Indian Affairs, submit herewith for ratification and confirmation by Your Excellency in Council, an instrument, in duplicate, containing the adhesion to Treaty No. 11 of the Indians of Fort Liard taken the seventeenth day of July, 1922, by Mr. T. W. Harris, who was appointed by an Order of Your Excellency in Council of 9th May, 1922 (P.C. No. 993), as His Majesty's Commissioner to take the said adhesion; one copy of the instrument to be returned to the Department of Indian Affairs and the other to be kept on record in the Privy Council Office.

(Sgd.) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The Honourable
The Superintendent General of Indian Affairs.



DEPARTMENT OF INDIAN AFFAIRS
—1921—
Map showing the Territory ceded
under Treaty No. 11.
Scale, 100 miles to one inch

IN THE SUPREME COURT OF THE
NORTHWEST TERRITORIES

IN THE MATTER OF an Application by
Chief Francois Paulette et al to
lodge a certain Caveat with the
Registrar of Titles of the Land
Titles Office for the Northwest
Territories

REASONS FOR JUDGMENT OF THE HONOURABLE
MR. JUSTICE W. G. MORROW (No. 2)

PLEASE DELIVER TO
J. BENNETT,
MR. CINCEA'S
OFFICE.

- 56 -

CONCLUSIONS

To sum up my conclusions under the reference:

(1) I am satisfied that those who signed the caveat are present-day descendants of those distinct Indian groups who, organized in societies and using the land as their forefathers had done for centuries, have since time immemorial used the land embraced by the caveat as theirs. ✓

(2) I am satisfied that those same indigenous people as mentioned in (1) above are *prima facie* owners of the lands covered by the caveat -- that they have what is known as aboriginal rights. ✓x

(3) That there exists a clear constitutional obligation on the part of the Canadian Government to protect the legal rights of the indigenous peoples in the area covered by the caveat. ✓

Under the following cases were considered carefully: (4) That notwithstanding the language of the two Treaties there is sufficient doubt on the facts that aboriginal title was extinguished that such claim for title should be permitted to be put forward by the caveators. ✓x

(5) That the above purported claim for aboriginal rights constitutes an interest in land which can be protected by caveat under the *Land Titles Act*. x

(6) That the provisions of the *Land Titles Act* permit the filing or registering of a caveat such as is presented here even in the case of unpatented land. x

In answer to the reference to me by the Registrar I would answer that in my opinion he has a duty to lodge the caveat presented to him and enter same in the day book.

There will be an order directing the Government of Canada to pay the costs of the caveators to be taxed on one and one-half column 5, to include second counsel fee, and a special fee of \$500.00 to cover written argument.

The Federal Government will be required to pay the costs of D. Brand, *amicus curiae* on a solicitor and client basis.

There will be a direction that following the final appeal from this judgment, if any, that all tapes taken of the evidence by the Court reporters be turned over to the Public ARchives of Canada because of their possible historic value and interest.

The restraint on registration ordered by me on April 3, 1973, and referred to above, shall be removed and vacated as of this date, but all monies deposited or bonds posted for possible damages shall be retained pending final appeal, with the right to any person affected to apply to me for relief or further directions as that person may be advised.

By virtue of the provisions of the *Land Titles Act* any person or persons wrongfully and without reasonable cause filing or registering a caveat can be made responsible for any damages caused by such filing. I am not unaware of the vast area en-

compassed by the present caveat and by the possible damages which may or may not result from its filing. I am also not unmindful of the fact that the caveators and those for whom they act here, are probably unable to provide bonds of indemnity or pay damages if awarded against them. Accordingly, subject to whatever a higher court may say, I direct that until all possible appeals from this my judgment have been completed or the time for launching same has expired, the REgistrar shall be stayed from filing or registering the caveat. The registrar will be required however to keep a record of all transactions that may be registered or otherwise recorded in his office and in respect to unpatented Crown lands both Federal and Territorial, during the period of this stay, so as to provide the caveators with a record of what damages they may have suffered during the stay, this record to be turned over to them in the event this judgment is sustained.

I wish to conclude by thanking counsel for the caveators for their cooperation in enabling the hearing to be concluded so speedily and for their legal brief which has been most helpful. Counsel for the Territorial Government has assisted throughout and been most helpful in the furtherance of these proceedings. Finally I should observe that Mr. Brand in his role as *amicus curiae* with his ever penetrating mind has made my task much easier.


W. G. Morrow.

Yellowknife, N.W.T.

Counsel:

C. G. Sutton, Esq.,
G. Price, Esq.,
Dr. A. R. Thompson, Esq.,
D. Sanders, Esq.,

for the Caveators

D. Brand, Esq.,

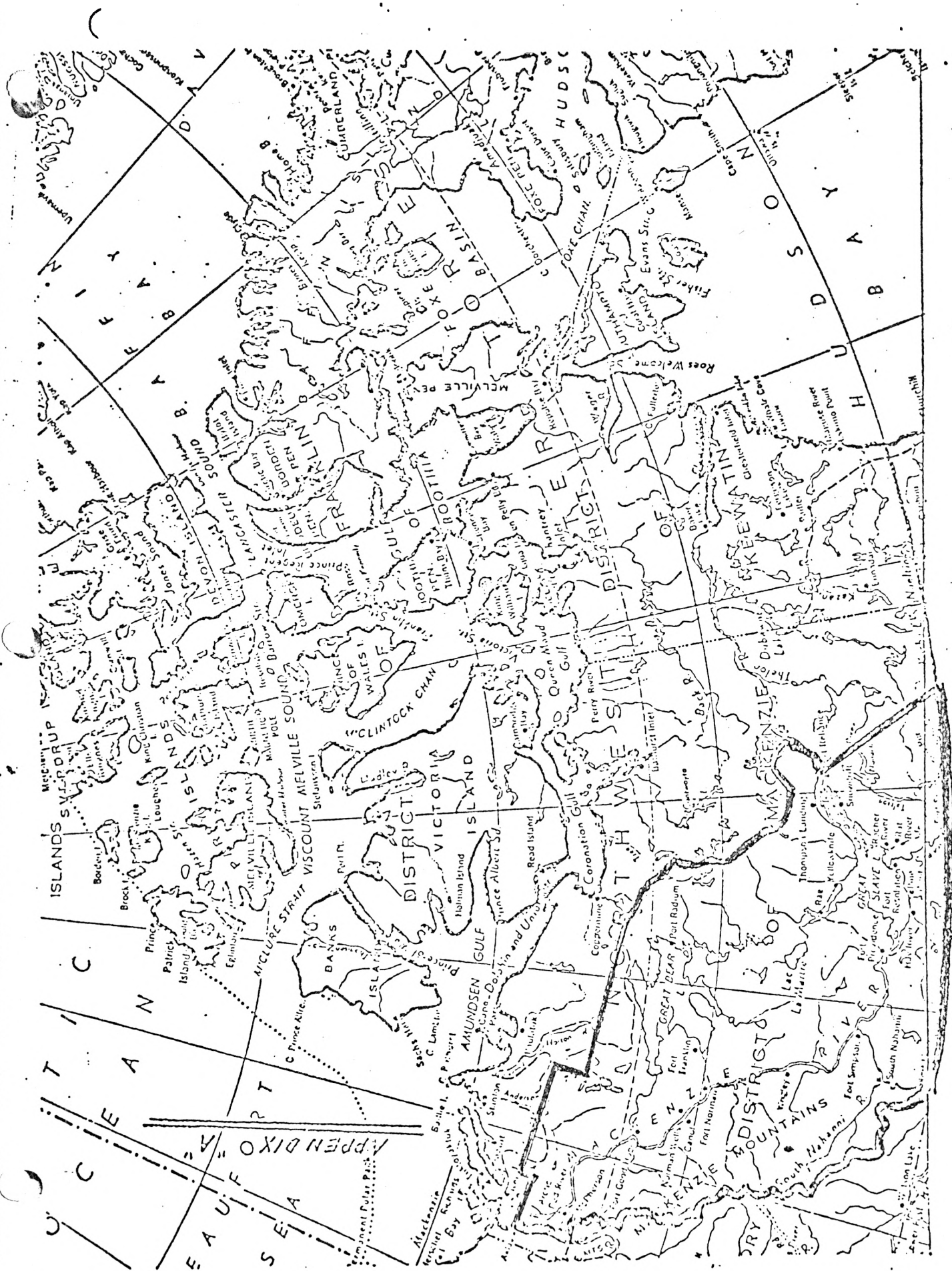
Amicus Curiae

F. G. Smith, Q.C., Esq.,
J. R. Slaven, Esq.,
M. Smith, Esq.,
Miss P. W. Flieger,

for the Territorial Government

T. B. Marsh, Esq.,
I. G. Whitehall, Esq.,

for the Department of Justice
(Present during May 14 and 15 only)



IBNWT Claim Submission

October 16, 1977

Format	Agreement in Principle
Parties	Her Majesty the Queen and the Dene nation
Process and Timing	<ul style="list-style-type: none">- negotiation- Agreement in Principle submitted Oct. 25, 1976- signing of Agreement in Principle, followed within six months by final agreement or treaty and followed within six months by submission of incorporating legislation to Parliament
Ratification	<ul style="list-style-type: none">- final agreement to be approved by all communities
Representation	<ul style="list-style-type: none">- submission is on behalf of the Dene in the NWT
Eligibility	<ul style="list-style-type: none">- the Dene will define the beneficiaries- the community will be final authority on who is eligible- eligibility criteria will <u>not</u> be based on blood quantum- no one of Dene heritage will be excluded
Enrollment	<ul style="list-style-type: none">- not mentioned
Rights	<ul style="list-style-type: none">- the Dene want a safeguard of any rights they have enjoyed so far, e.g. under Indian Act and any others agreed to
Treaties	<ul style="list-style-type: none">- the Dene and the Govt. of Canada have expressed a desire to see clarification of the rights of the Dene and negotiation of a new agreement or treaty

- | | |
|---------------------------------|---|
| Dene Nation | - the Dene have the right to recognition, self-determination and on-going growth and development as a People and as a Nation |
| Special Status | - as aboriginal people the Dene have a special status under the Constitution of Canada |
| Taxation | - not mentioned |
| Lands | <ul style="list-style-type: none">- the Dene have certain property rights to their traditional lands- as aboriginal people the Dene have the right to retain ownership of so much of their traditional lands, and under such terms, as to ensure their independence and self-reliance, traditionally, economically, and socially- the land area in question corresponds to Treaties 8 and 11 and the Caveat area. |
| Languages and Customs | - the Dene have the right to practice and preserve their languages, traditions, customs and values |
| Education | - not mentioned |
| Compensation and Economic Rents | <ul style="list-style-type: none">- the Dene will be compensated by the Govt. of Canada for past use of Dene land by non-Dene- the compensation may take the form of monies and economic rents |
| Hunting, Fishing, Trapping | - not mentioned, other than desire for community-based activities |
| Relocation | - the Govt. of Canada will finance the establishment of new Dene communities as requested |

Native
Corporations

- not mentioned

Local
Government

- not mentioned

Territorial
Government

- there will be within Confede-
ration, a Dene Government with
jurisdiction over a geographical
area and over subject matters
now within the jurisdiction of
either the Government of Canada
or the Government of NWT
- the present Territorial Government
will continue as the government of
the non-Dene

A Comparison of the IBNWT and Metis Claim Submission

	<u>IBNWT</u>	<u>Metis</u>
Format	Agreement in Principle	Proposed Agreement on Objectives
Parties	Her Majesty the Queen and the Dene Nation	Government of Canada and Aboriginal Peoples of Mackenzie Corridor
Process and Timing	<ul style="list-style-type: none"> - negotiation - Agreement in Principle submitted Oct. 25, 1976 - signing of Agreement in Principle, followed within six months by final agreement or treaty and followed within six months by submission of incorporating legislation to Parliament 	<ul style="list-style-type: none"> - negotiation immediately - "Agreement in Principle" submitted on Sept. 28, 1977 - clarification meetings to be followed by joint negotiations with Canada and IBNWT
Ratification	<ul style="list-style-type: none"> - final agreement to be approved by all communities 	<ul style="list-style-type: none"> - Board of Directors negotiates but Assembly approves
Representation	<ul style="list-style-type: none"> - submission in on behalf of the Dene in the NWT 	<ul style="list-style-type: none"> - submission is on behalf of all native peoples of the Mackenzie Corridor
Eligibility	<ul style="list-style-type: none"> - the Dene will define the beneficiaries - the community will be final authority on who is eligible - eligibility criteria will <u>not</u> be based on blood quantum - no one of Dene heritage will be excluded 	<ul style="list-style-type: none"> - the aboriginal peoples are in the best position to decide the doubtful cases of who is an aboriginal person
Enrollment	<ul style="list-style-type: none"> - not mentioned 	<ul style="list-style-type: none"> - not mentioned
Rights	<ul style="list-style-type: none"> - the Dene want a safeguard of any rights they have enjoyed so far, e.g. under Indian Act and any others agreed to 	<ul style="list-style-type: none"> - federal legislation should be initiated to guarantee the continued recognition of rights

- a negotiated agreement should not reduce government services and programs or adversely affect them or count services as new, additional resources
- Treaties
 - the Dene and the Govt. of Canada have expressed a desire to see clarification of the rights of the Dene and negotiation of a new agreement or treaty
 - not mentioned
- Dene Nation
 - the Dene have the right to recognition, self-determination and on-going growth and development as a People and as a Nation
 - not mentioned
- Special Status
 - as aboriginal people the Dene have a special status under the Constitution of Canada
 - not mentioned
- Taxation
 - not mentioned
 - similar tax concessions as made to non-profit corporations, Indian reserves and certain commercial ventures, should be made for certain lands and revenues as part of negotiated agreement
- Lands
 - the Dene have certain property rights to their traditional lands
 - as aboriginal people the Dene have the right to retain ownership of so much of their traditional lands, and under such terms, as to ensure their independence and self-reliance, traditionally, economically and socially
 - Metis are claiming the right to continue to use and enjoy the lands in the Mackenzie Corridor for hunting, fishing and trapping
 - they propose Federal legislation to protect title to these "aboriginal lands" against others who may in the future claim ownership to them
 - they propose a native veto over development of these

- the land area in question corresponds to Treaties 8 and 11 and the Caveat area
- lands (special federal legislation could override veto, with compensation)
- veto power is carried by a native land use board accountable to the "Senate"
- the board will carry out social, wildlife and environmental impact studies of proposed developments on "aboriginal lands" (studies will be basis for veto or compensation).
- Languages and Customs
 - the Dene have the right to practice and preserve their languages, traditions, customs and values
 - not mentioned
- Education
 - not mentioned
 - not mentioned
- Compensation and Economic Rents
 - the Dene will be compensated by the Govt. of Canada for past use of Dene land by non-Dene
 - there should be compensation monies for past harm with an advance payment for people over 55 years
 - the compensation may take the form of monies and economic rents
 - part of remaining compensation monies shall be used for a one-time payment for rest of the aboriginal peoples and other part invested in trust for future generations, with dividends from time to time
 - aboriginal peoples should have a share in exploited non-renewable resources through royalty on past and future revenues.
 - Heritage Fund should be managed as a renewable resource for future generations, for special educational, economic and cultural programs and programs to stabilize fishing, hunting and trapping (also for language, pension subsidies, employment, investment)

- | | | |
|----------------------------------|---|---|
| Hunting,
Fishing,
Trapping | - not mentioned, other than for community-based activities | <ul style="list-style-type: none">- the management of the Fund would be by the Mackenzie Native Council in trust- renewable resources (game, fish and timber) should be harvested on sustained-yield basis and protected against pollution- they propose effective management of resources in accordance with sound principles of conservation and adequate protection of environment- the authority for management and delegation should be delegated to native institutions for land use control |
| Relocation | - the Govt. of Canada will finance the establishment of new Dene communities as requested | <ul style="list-style-type: none">- not mentioned |
| Native
Corporations | - not mentioned | <ul style="list-style-type: none">- Mackenzie Native Council should be developed, similar to CYI to restore political unity among Mackenzie aboriginal peoples- first objective should be development, negotiation and settlement of land claims within Mackenzie Corridor |
| Local
Government | - not mentioned | <ul style="list-style-type: none">- local community councils with single voice through "Senate" to veto any rules or regulations adversely affecting "aboriginal lands"- "Senate" will have power to enact or initiate rules and regulations concerning harvesting and conserving renewable resources, and protecting the environment |

Territorial
Government

- there will be within Confederation, a Dene Government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of either the Government of Canada or the Government of the NWT
- they propose that Territorial Govt. be more responsive
- propose an increase in residency requirement for voting
- Territorial Govt. should receive more authority and jurisdiction from Federal Govt. to be responsive locally, and decentralize to regional and community authorities
- Territorial boundaries should be based on communication and transportation lines and common regional interests
- new Territorial Govt. to include NWT west of Saskatchewan-Manitoba border

March 14, 1977

Liz Snider

HIGHLIGHTS OF DISCUSSIONS AT FIRST CLARIFICATION MEETING
WITH THE I.B.N.W.T.

At the first clarification meeting between I.B.N.W.T. and government officials various issues were raised for discussion. However, it was decided that examination of the supporting documents would be confined to the agreement in principle only. The following comments and agreements were made concerning the issues and principles:

Issues	Dene Position	Government Position
1) Self-determination		compatible with federal claims policy
2) Improvement of communities		compatible with federal claims policy
3) lasting or final agreement	agreed to concept	agreed to concept
4) treaties	recognize they exist but not their validity	cannot agree with Dene view but willing to set differences aside in present negotiations
5) exclusive political jurisdiction	easiest point for agreement	most difficult concept for government
6) extinguishment	agreed to drop word "extinguishment" and will convey the essence through the contents in the agreement	seeking support and idea of Dene on means to achieve a lasting settlement without necessarily extinguishing aboriginal native rights. reword or redefine rights
7) scope of settlement	settlement to include Dene as represented by IBNWT "majority"	settlement to include all Dene of MacKenzie Valley
8) separate Dene government	still within Canada	Minister must go before cabinet for a decision
9) meeting with Minister	responsibility for setting up agenda	date for ministerial meeting to be set before IBNWT leave town
10) discrimination in land allotment in Fort Smith		Fournier to look into housing problem and follow up with a letter from himself or operations branch to Chief Cheezie

PREAMBLE TO PRINCIPLES	DENE POSITION	GOVERNMENT POSITION
1) WHEREAS prior to the coming of the Europeans the Dene, the aboriginal people of the Mackenzie Valley, have lived on their traditional lands since time immemorial;		- no comment
2) AND WHEREAS the Dene have certain property rights to their traditional lands;	- "all that is meant by this term is that the Dene expect land and property rights to be part of a final agreement."	- explanation of property rights needed.
3) AND WHEREAS Europeans and other non-Dene have settled upon and undertaken developments upon the traditional lands of the Dene without an agreement or treaty between the Dene and non-Dene Canadians;		- treaties to be discussed
4) AND WHEREAS confusion exists as to the meaning of Treaties 8 and 11;		- no comment
5) AND WHEREAS there are in International Law certain political, human and universal rights such as the rights to self-determination, non-discrimination, and enjoyment of culture which are witnessed in the practice of nations and international instruments such as the United Nations' Declaration of Human Rights;		- no comment
6) AND WHEREAS the Dene have survived as a people;		- some wording changes needed

PREAMBLE TO PRINCIPLES	DENE POSITION	GOVERNMENT POSITION
<p>7) AND WHEREAS both the Dene and the Government of Canada have expressed a desire to see clarification of the rights of the Dene and the negotiation of a new agreement or treaty between the Dene and other Canadians at the earliest possible occasion;</p>		<p>- no comment</p>
<p>8) IT IS THEREFORE AGREED between the Dene and the Government of Canada that negotiations do commence forthwith to resolve the aforesaid according to the following principles:</p>		<p>- no comment</p>
<p style="text-align: center;"><u>PRINCIPLES</u></p>		
<p>1. The Dene have the right to recognition, self-determination, and on-going growth and development as a People and as a Nation.</p>		<p>- concept of "special status" questioned</p>
<p>2. The Dene, as aboriginal people, have a special status under the Constitution of Canada.</p>	<p>-special status under Indian Act plus a redefinition of their status as they see it.</p>	
<p>3. The Dene, as aboriginal people, have the right to retain ownership of so much of their traditional lands, and under such terms, as to ensure their independence and self-reliance, traditionally, economically and socially, and the maintenance of whatever other rights they have, whether specified in this agreement or not.</p>	<p>-Dene need a land area large enough to ensure survival through traditional pursuits -rights include those provided for under the Indian Act as well as other rights covered in the agreement in principle and as future protection.</p>	<p>-lands referred to in principles are the same. (eg. principles #7 and #5)</p>
<p>4. The definition of the Dene is the right of the Dene. The Dene know who they are.</p>	<p>-no one of Dene heritage would be excluded</p>	<p>-eligibility to be discussed</p>
<p>5. The Dene have the right to practice and preserve their languages, traditions, customs and values.</p>		<p>-no comment</p>
<p>6. The Dene have the right to develop their own institutions and</p>		

PREAMBLE TO PRINCIPLES

enjoy their rights as a People in the framework of their own institutions.

7. There will therefore be within Confederation, a Dene Government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of either the Government of Canada or the Government of the Northwest Territories.

8. The Government of Canada hereafter in the exercise of matters within its jurisdiction (and following a settlement with the Dene) will:

- (a) abandon the "last frontier" mentality and all attempts to colonize and settle Dene lands; and
- (b) do everything in its power to assist in the recognition, survival, and development of the Dene as a People.

DENE POSITION

-Dene intend to negotiate to assume certain powers which are now under federal or territorial jurisdiction
-present Territorial government would continue as the government of the non-Dene
-Dene want agreement on the principle of the Dene taking over powers before entering into negotiations on the actual powers
-might eventually be no need for the INMWT to exist once a Dene government is set up.

GOVERNMENT POSITION

-some discussion required but as a broad principle could be accepted by the government.
-some discussion required
-most difficult for the Government to accept the concept of a separate Dene government without knowledge of its powers and structure
-can accept increased local government powers
responsibility for institutions and native development corporations
-support to allow and guarantee greater native participation in the present territorial government structures
-institutions of local or regional type to ensure development of the Dene culture.
-some discussion required

- (a) difficult for government to support because of its rhetorical nature.
- (b) fully supported by the government

PREAMBLE TO PRINCIPLES	DENE POSITION	GOVERNMENT POSITION
9. The Government of Canada will finance the establishment of new Dene communities in cases where existing communities are inhabited by significant numbers of non-Dene and a significant proportion of the Dene community wishes to re-establish themselves elsewhere.	<ul style="list-style-type: none"> -Dene of Ft. Simpson are considering relocation and other communities might follow. -a list of communities would be prepared by the Dene for the final agreement 	<ul style="list-style-type: none"> -some discussion required
10. The Dene will be compensated by the Government of Canada for past use of Dene land by non-Dene.	<ul style="list-style-type: none"> -basis, amount and form of calculation would be negotiated -non-renewable resources would be included 	<ul style="list-style-type: none"> -some discussion required -principle of compensation acceptable by the Government.
11. Within six months of the signing of this agreement negotiations will commence for a final agreement or treaty, and within six months of the signing of the final agreement, legislation incorporating the terms of the final agreement will be submitted to Parliament.		<ul style="list-style-type: none"> -some discussions of process required -the problem with time periods as outlined.
12. It is recognized and accepted that negotiations must allow for the on-going involvement of all Dene.	<ul style="list-style-type: none"> -final agreement must pass through all communities for acceptance. 	<ul style="list-style-type: none"> -no comment
13. In the interim period between the signing of this agreement and the passing of legislation by Parliament, the parties hereto will not take any actions which violate either the terms of the spirit of this agreement.	<ul style="list-style-type: none"> -Dene concerns, e.g. -Metis Association -the "last frontier" mentality -the Mackenzie Valley pipeline 	<ul style="list-style-type: none"> -some discussion required because of Government concerns, e.g. rights of third parties.
<p>AND WHEREAS the Dene recognize that there are non-Dene who have come to live among the Dene and the Dene wish to be fair to them;</p> <p>AND WHEREAS both the Dene and the Government of Canada wish to recognize and respect the rights of the non-Dene;</p> <p>AND WHEREAS the Dene recognize that while Territorial Council and Municipal councils are governments in the non-Dene tradition, the non-Dene have the right to evolve more democratic forms of institutions based on democracy and equality and the representation of the</p>	<ul style="list-style-type: none"> -Dene would make laws and non-Dene must obey them -Dene will continue to respect Federal Government as sovereign. 	<ul style="list-style-type: none"> -some discussion required

PRINCIPLES TO PRINCIPLES

DENE POSITION

GOVERNMENT POSITION

interests of the masses of non-Dene, not an elite;

IT IS THEREFORE AGREED that the following principles are recognized by the Dene and the Government of Canada:

14. & 15. principles included to allay fears that Dene will lessen or deny rights of the non-Dene.

-some discussion required

14. The Dene agree that non-Dene have the right to self-determination and the use and development of their own institutions; and the Dene pledge their support to the non-Dene in the pursuit of their rights.

15. The Government of Canada will establish a regime to compensate

-some discussion required

all non-Dene who suffer hardship because of, or non-Dene who wish to leave the Northwest Territories because they are unable to adjust to, changes ensuring the viability of the principles herein contained and particularly measures introduced to guarantee the recognition, self-determination, and development of the Dene as a People.

16. The Dene agree that all non-Dene holding lands in estate fee simple as of October 15, 1976 will not be deprived of their property rights, but after that date all lands will be subject to the terms of this agreement.

-some discussion required

APPLICATION OF JAMES BAY
MONETARY COMPENSATION.

	JAMES BAY CREE	NWT INDIANS and METIS
Approximate Native Population	6,000	12,000
Cash	\$75,000,000 (7,500 per capita)	\$90,000,000 (\$,500 per capita)
Resource Revenue Sharing	\$150,000,000 (\$15,000 per capita)	\$180,000,000 (\$15,000 per capita)
Total Monetary	\$225,000,000	\$270,000,000

APPLICATION OF JAMES BAY
LAND
TO ALL NORTHERN CLAIMS

Land:	JAMES BAY CREE	NWT INDIANS and METIS
Community Lands (Category I in sq. miles)	1,247 (Ia)	2,400
(acres per person)	128	128
Hunting, Fishing, Trapping Lands (Category II total sq. miles)	25,130	49,200
(sq. mi. per person)	4.1	8.3

Note: - For extrapolations to Indian claim based on James Bay use
128 acres/capita for Category I and 4.1 sq. miles/capita
for Category II.

AMOUNT OF LAND REQUESTED

	NWT INDIAN and METIS
Amount of Land Requested by Native Groups (sq. miles)	Mackenzie Corridor/ Valley*

* To date the amount of land has not been specified only
its position.



STATEMENT BY THE

HONOURABLE JUDD BUCHANAN

MINISTER OF

INDIAN AND NORTHERN AFFAIRS

MADE IN YELLOWKNIFE, N.W.T.

SEPTEMBER 10, 1975.

Communiqué

Various statements and positions taken by the native leaders of the Northwest Territories have caused me increased concern over the past months. My concern has risen further since the circulation of the Dene Manifesto and the publication of the Dene Declaration at the Fort Simpson conference of the Indian Brotherhood of the Northwest Territories. So as not to allow these statements to stand unanswered, or confuse the people of the North and of Canada, that my silence to date has meant agreement, I wish to respond publicly. I am particularly concerned that the just resolution of outstanding land claims may be hampered by statements which can be misunderstood. I am also concerned that unreasonable demands which cannot be met will continue a feeling of dissatisfaction on the part of the native people.

When I received a copy of the Declaration I requested a meeting with the IBNWT and the Métis Association of the Northwest Territories for September 1st. I wished to meet directly with the representatives of the native people of the North to discuss certain statements which caused me concern as Minister of Indian and Northern Affairs and as a member of the Government of Canada. I wanted to hear their explanation of this Declaration. At that same meeting I issued an invitation to the Chiefs and representatives of the IBNWT and the Métis Association to meet on my return to hear my thoughts on the Declaration and other items of mutual concern. This meeting was declined. I am here today to deliver a statement to all the people of the North. I hope you will transmit it in its entirety.

The Dene Declaration contains statements which I as a Minister of the Government of Canada cannot accept. It states: "What we the Dene are struggling for is the recognition of the Dene Nation by the Government and people of the world." I reject this statement. The native people of the North are citizens of Canada. They are and will be represented in the world community by the Canadian Government.

It states also, "That the Government of Canada is not the Government of the Dene, the Government of the Northwest Territories is not the Government of the Dene." The native people of the Northwest Territories have shown that they can be and are active participants in both levels of Government. These are the Governments of the native people of the Northwest Territories and of all residents of the Northwest Territories.

It further states, "Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation". The Government of Canada cannot accept such a plea even in a burst of rhetorical extravagance.

I have looked at the Declaration as a whole and the previous statements of the Indian and Métis leaders that they claim full title, including resources, to 450,000 square miles of the Northwest Territories. This is all of the land in which 15,000 Indian and Métis people have been inhabitants.

This leads me to believe that they see the land claim as resulting in total economic, social and political control over the North.

I hope that the Dene Declaration does not mean these things. I hope that it is the expression of the legitimate concerns regarding the land claim; a legitimate concern of the pace and nature of resource development; of a desire for a substantial share in the economy of the North; and of a desire to see the existing political institutions serve them better.

The basic objective of the Government as reflected in the August 8, 1973 statement was and still is, to settle the long-standing grievance that some native groups have not been compensated for the loss of interest in lands they traditionally occupied and used. It is the Government's view that in the N.W.T. Indian title has been extinguished and that there has never been adequate compensation for its loss. The Government demonstrated its willingness to give native groups not only the time but the money for making preparations and documentation for claims of compensation. Since 1972, substantial funds have been provided to native claimants in the Mackenzie District so that the necessary research could be undertaken and a strong case assembled.

I attach great importance to settling the land claims and will do all possible to move quickly to deal with the documented claims of the native people as soon as they are presented to me.

A just settlement can assist the native people to overcome past disadvantages and lay the groundwork for a future in which they have economic self-reliance, pride and self-respect and a solid stake in the future. A settlement is being finalized at James Bay; there has been

good prospect of progress in British Columbia in dealing with cut-off lands. In the Yukon, I met last Saturday with the CYI and we adopted the objective of March 31, 1976 for an agreement in principle. Progress can and is being made in settling land claims when both sides co-operate in an atmosphere of trust and mutual respect.

The problem of the development of the resources of the North is a difficult one. It was this Government which asked Mr. Justice Berger to enquire into the social, economic and environmental impact of the proposed Mackenzie Valley Pipeline and to make recommendations on those areas so that, if and when constructed, it will not have unacceptable consequences for communities and the environment concerned.

The Government of Canada further is planning more vigorous action and stringent regulation of resource development with particular attention to the benefits which must accrue to the natives of the North. As Mr. Wah-Shee stated before the Berger inquiry, "the native people are saying we must have a large degree of control over our own economic development."

I strongly agree. Native northerners must be involved in decisions regarding development of the North. It is also essential that substantial benefit accrue to them.

The native people desire that we change our political institutions to meet their needs. This is always a legitimate goal in a democratic society. Parliament recently enacted changes to the Yukon and Northwest Territories Acts to remove all appointed councillors, to increase the

number of elected councillors, and to put elected councillors in positions of important executive responsibility. Nine of fifteen councillors in the Northwest Territories are of native origin. Since 1972 substantial funding has been provided to the native organizations of the North to assist them in strengthening native leadership. Territorial and federal programs in the areas of education, economic development, health, social welfare, and community services have given them a greater capacity to deal with and participate in their government. The Government of Canada is prepared to deal responsively with suggestions for alterations of its political institutions.

The Government of Canada will not accept a declaration of independence from any group from within its borders. It has, and will, continue to foster the greatest possible diversity of its cultural groups. Canada is a multi-cultural society and the Canadian Government does not wish to see any particular group, especially its aboriginal people, lose their particular culture and way of life. However, all cultural groups must be willing to participate in the Canadian society and system of Government and take the responsibility for making that Government, through co-operation, serve their needs.

I hope that this short statement has clarified for all the people of the North, but particularly for the native northerners, the position of the Government of Canada. We are prepared to be flexible in seeking solutions to the problems of the political, social, economic and environmental evolution of the North. It will take the co-operation and mutual respect of all.

NOTES FOR A SPEECH ON
"NATIVE LAND CLAIMS IN THE MACKENZIE VALLEY"

BY

THE HONOURABLE JUDD BUCHANAN, P.C., M.P.
MINISTER OF INDIAN AND NORTHERN AFFAIRS

TO THE

NORTHWEST TERRITORIES COUNCIL

YELLOWKNIFE, FEBRUARY 13, 1976

Communiqué

Just over a year has gone by since I last addressed Council, and I am very glad to be here once again. It gives me the opportunity to review some of the changes that have taken place in the past twelve months, and to focus on some of the key issues that face the Territorial and the Federal Governments in the months ahead.

This has been a very significant year for Council. In its first year of functioning as a fully elected and representative body, it is clear that Council is having a growing influence on the direction and administration of Territorial affairs.

This session has been an extremely productive one. You have had to deal with a record budget of over \$206 million, an increase of almost 20 percent over 1975-76. This is all the more significant at a time when Federal spending elsewhere is under more rigorous restraint.

The budget which Council has now approved provides for new and expanded special programs in the areas of education, training, and economic development. These programs are essential if the policy objectives of both levels of Government are to be achieved.

The Federal Government highlighted these objectives in its Northern Policy Statement of 1972. That Statement emphasized the need for higher standards of living and equality of opportunity for all Northern residents. It encouraged balanced economic development in the Territories. It stressed the need to safeguard the northern environment; to move forward toward representative and more responsible government.

What it also emphasized - and I believe this is the single most important issue now facing both native and non-native residents of the Territories - is that the highest priority should be given to the needs and aspirations of the native people. It recognized that ways should be found to allow native people to deal with the pace of economic and social change, to participate in shaping the society in which they live. It called for improvement in the social and economic position of native bands and communities, for action on their longstanding grievances, particularly on land claims.

In the four years since that Policy Statement was released, encouraging progress has been made towards its objectives. The role and responsibility of this Council, for example, have been expanded to deal more effectively with the needs of all Northern residents. It now is a fully elected body and its elected members sit on the Executive Committee for the first time. A new financial relationship is evolving between the Federal and Territorial Governments, one which is now based on a "government-to-government" approach which provides greater fiscal autonomy and flexibility while satisfying the needs of both Governments for effective budgetary control.

Native people have taken part in these changes. Native residents now have a majority representation on Territorial Council. Native employment in northern economic development projects has grown and more native people are becoming involved in the administration of programs at the community level.

All this represents real progress in the right direction. It should continue and the government intends that it will. But it is difficult to say how and when future progress will be attained, when we are faced by the profound uncertainties deriving from land claims. That is why these claim issues are so important to all Northerners.

Native people are convinced that effective participation in the rapid developments that are transforming the North will only be possible for them and for their children, through just settlement of their land claims. They believe that the social and economic benefits of such settlements will enable them to exert positive influence on the course of events directly affecting them. Non-native Northerners are seeking the same ends through the evolution of government in the Territories.

For all Northerners, therefore, the early and satisfactory settlement of native claims is of central importance, because of the close relationship between these claims and the social, political and economic development of the North.

Much has been accomplished in the area of native claims since the Federal Government announced its comprehensive claims policy in August of 1973. This policy makes clear the Government's determination to seek negotiated settlements with all native groups who have never received adequate compensation for the loss of traditional interest in land, derived from historic occupancy and use. During the past two and a half years discussions or negotiations have taken place with native groups in all parts of Canada affected by that policy. On October 23 last the Prime

Minister announced the appointment of Mr. Digby Hunt as Special Government Representative for Comprehensive Claims, as further evidence of the Government's commitment to arrive at mutually satisfactory settlements, and particularly in northern regions.

In general, the recent events have been encouraging.

In Northern Quebec, two years of complex and intensive negotiations culminated in the signing of an Agreement last November which will allow the Indian and Inuit people to play their own role in the political, social and economic evolution of Northern Quebec. Far from diminishing their rights, or reducing the responsibilities that both the Provincial and Federal Governments have for their future well-being, this Agreement establishes specific rights which had hitherto been vague and undefined. Some of these rights represent an advance on the provisions of the present Indian Act, which is recognized by all concerned as in need of updating.

Under the James Bay Agreement, guarantees and regimes to protect the native economy and culture will be embedded in legislation. A substantial degree of local and regional native authority, and a strong voice in decisions affecting the environment, are provided for Native people will have the resources to promote their own socio-economic development.

In the Yukon, full-time negotiations finally got underway following Mr. Hunt's appointment last fall. Both native and Federal representatives are hopeful that an Agreement in Principle will be ready by the agreed target date of March 31.

In British Columbia, our attempts to begin land claims negotiations are finally, after a long and frustrating history, beginning to produce results. Just a month ago, in fact, I met with the Nishga Tribal Council at Aiyansh. The particular significance of this meeting, was the presence of a Minister of the Provincial Government. It was a recognition on the part of the new Provincial Government of its obligation to be fully involved in the settlement of native claims.

In the Northwest Territories, the Inuit have been moving ahead with the development of their claim in a well-organized and business-like way. A land use and occupancy study was completed and a Claims Negotiating Committee has consulted extensively with Inuit communities about the formulation of a comprehensive claim. It is to be presented to the Prime Minister and other members of the Cabinet two weeks from today.

Three important factors emerge from this experience in other areas:

First, the claims involved are regarded as comprehensive claims in the sense that they relate to all native claimants residing in the area concerned; and the proposals for settlement comprise a package including land, cash, resource management, native participation in local government and economic development;

Secondly, the native people have organized for themselves a negotiating group or committee that represents and reflects the views and interests of the native communities concerned; and

Thirdly, as a result of consultation with those communities, the negotiating group has put forward for discussion with government representatives concrete proposals for settlement and reflecting local concerns and interests.

I have described these developments elsewhere to underline that solid progress is being made in dealing with comprehensive land claims from other native groups in Canada. It draws attention to what has been happening - or not happening - in the Mackenzie Valley. The plain fact is that progress here has been very disappointing, notwithstanding substantial contributions - in excess of \$750,000 to date - by the Government to the native associations for preparing their negotiating position on claims.

This is a situation of very great concern to me because the Government is continuously being urged from many quarters to settle land claims in the Mackenzie Valley before major development takes place. Frequently we are criticized for not having done so already. I can assure all those who have expressed themselves on this issue that we would like nothing better than to begin negotiations next Monday morning. The fact is however that we have not been presented with a claim in the form of concrete proposals we can negotiate.

It is my view that in the Mackenzie Valley we have had too much rhetoric about land claims and not enough hard work on the specific contents. While some useful work has been done under our claims research agreement, it does not so far seem to have been taken

seriously into account, either in the thinking of the leadership or in the consultation at community level.

The lack of real progress in the Mackenzie Valley is all the more surprising because the key factors here are not all that different from those prevailing in areas where progress has been made:

- Since 1972, when my predecessor wrote to the Indian Brotherhood of the Northwest Territories, the Government has contemplated a land claims settlement in the Mackenzie Valley that would be comprehensive in nature. It has been ready to receive and consider proposals for settlement from all native groups residing in the Valley, whether Indian bands or not.
- In 1974, when the Indian Brotherhood and Métis Association of the Northwest Territories decided to form a joint committee for land claim purposes, we welcomed that move. We have had some meetings with this Dene Land Claims Committee but I believe it would be more businesslike for them to formalize their Committee, making it a single body legally empowered to deal with the Government on native claims arising in the Mackenzie Valley. In my capacity as Minister of Indian Affairs, and given the Government's special relationship with Indians, I must be particularly concerned about the representativeness of any organizations acting on behalf of Indian chiefs and band councils.

- As for the possible contents of a claim in the Mackenzie Valley, settlement proposals could emerge along the lines of those put forward in other areas, but we expect that there may be specific ones reflecting regional and local variations. These can only be determined when concrete proposals are put forward by the claimants concerned.

The internal difficulties faced by the Brotherhood in recent months add to the present uncertainties about when a set of concrete claim proposals may be forthcoming. I have no desire to prescribe how the present situation within the Brotherhood should be resolved but I consider it my duty to say that both the Indian people of the Northwest Territories and the Government urgently require a fully representative organization, which accurately reflects the aspirations and interests of the Indian communities concerned and can negotiate effectively on their behalf with the Government.

I am encouraged by recent reports of vigorous debate in the various Indian communities about the future of the Brotherhood and the kinds of organizational arrangements that should prevail. Self-evaluation and re-assessment can be healthy processes. It is my hope that conclusions will soon begin to emerge, and that it will shortly be possible for Indian representatives and the government to get on with the serious business that awaits us.

Recently, in order to assess prospects for the future, a meeting was held in Regina between representatives of the Dene Land Claims Committee and my Department under the chairmanship of Dr. Lloyd Barber.

Discussions at that meeting and exchanges since then provide some grounds for cautious optimism. I should like to outline the steps that are now envisaged.

I have received and accepted a request from the Dene Land Claims Committee to make available the services of Mr. Hunt, supported by such other officials as may be required. He will meet once a month with representatives of the Committee and Dr. Lloyd Barber. The purpose of these meetings will be to reach an understanding of positions on both sides and of the claims settlement process, with the objective of establishing a basis for detailed negotiations.

Progress may well be slow at first but as work on the research program moves towards its conclusion this summer there should be a steady gain in momentum. The Dene Land Claims Committee has agreed that its first priority is to prepare a proposal for a comprehensive land claims settlement which will be submitted to the Federal Government about November 1, 1976. It is our intention that this proposal will enable negotiations to proceed systematically toward an agreement in principle.

If a solidly-based statement of claim is to be prepared, there will be a need for community consultation to acquaint the people there with the elements of the claim and the underlying issues. Community understanding and support are essential for the achievement of a satisfactory settlement. Recognizing this, I am prepared to make further funds available to the Land Claims Committee, partly in the form of a contribution and a loan, subject to terms and conditions

that we will need to work out with the Committee. Our objective will be to ensure that all funds provided are used to maximum effect in expediting the preparation of the claim.

The Government today clearly envisages that, when the Dene claim is put forward, a comprehensive approach could be employed in the Mackenzie Valley similar to that we are following in the Yukon. With this in mind, Mr. Hunt has been authorized to discuss with representatives of the Dene Land Claims Committee settlement proposals that could include the following elements: categories of land; hunting, trapping and fishing; resource management; cultural identity; and native involvement in governmental evolution.

I hope my remarks will be viewed as a positive response by the Federal Government to the Dene Land Claims Committee's initiative and as evidence that we are prepared to take a flexible position in settling land claims in the Mackenzie Valley. I see no reason why discussion between the Land Claims Committee and Mr. Hunt cannot begin next month, and I shall be watching their progress closely.

As matters progress, I would expect the Commissioner or his representative to be involved in the negotiations and to reflect to us the interests of the Northwest Territories and its residents at large. I shall seek to arrange for Council to express its views from time to time on issues of concern to them. In the same way, we are planning to invite Commissioner Hodgson and representatives of the Executive Committee to attend the meeting in Ottawa on February 27, when the Inuit Tapirisat will be presenting their claims proposals to Ministers.

Out of the understanding which has been reached between representatives of the Dene Committee and of my Department might come a new beginning. At the same time, I am aware that a great deal of hard work separates the decision to work towards a settlement and the achievement of that settlement. Negotiations will be difficult. Good faith will be required on all sides.

If I have dealt at some length with these matters, it is because I recognize their importance and urgency to the Territorial Council, to the Federal Government and to all northern residents. Despite the difficulties we have all experienced, I believe there is now a prospect of concrete achievements in the months to come.

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The Prime Minister announced today the appointment of the HON. CHARLES M. DRURY as Special Representative for Constitutional Development in the Northwest Territories. Mr. Drury will report to the Prime Minister on wideranging consultations to be carried out with leaders of the Territorial Government, northern communities and native groups on measures to extend and improve representative and responsive government in the Territories. Detailed terms of reference together with a government background paper "Political Development in the Northwest Territories" are attached. Mr. Drury has travelled widely in all parts of the North and brings to his appointment 13 years as a Minister of the Crown and six years as a member of the Council of the Northwest Territories.

The Honourable Charles Mills Drury, P.C., C.B.E., D.S.O., Q.C., Member of Parliament for Westmount, was born on May 17, 1912, at Westmount, Quebec. He was educated at Bishop's College, Royal Military College, McGill University for his B.C.L., and the University of Paris.

During World War II, Mr. Drury served overseas with the Canadian Army and attained the rank of Brigadier--one of the youngest in Canada. From 1945 to 1947, he served as Chief of the UNRRA Mission to Poland, and from 1947 to 1949, was with the Economic Division, Department of External Affairs. Mr. Drury was Deputy Minister of National Defence from 1949 to 1955, and President and Managing Director of Provincial Transport Company from 1955 to 1960.

Mr. Drury was appointed Minister of Defence Production on April 22, 1963, and became Canada's first Minister of Industry on July 25, 1963. In Prime Minister Trudeau's first Cabinet, he also held the position of Minister of Trade and Commerce. On July 6, 1968, he was sworn in as President of the Treasury Board, and held that position until 1974. On August 8, 1974, Mr. Drury was appointed to a dual-role position as Minister of Public Works and Minister of State for Science and Technology. He also retained responsibility for the National Research Council of Canada, until September 14, 1976, at which time he resigned from the Cabinet.

SPECIAL GOVERNMENT REPRESENTATIVE FOR CONSTITUTIONAL DEVELOPMENT
IN THE NORTHWEST TERRITORIES

Terms of Reference

The Special Representative for Constitutional Development in the Northwest Territories shall be appointed by the Prime Minister and be authorized:

- i) to conduct a systematic consultation with recognized leaders of the Territorial Government, northern communities and native groups about specific measures for modifying and improving the existing structures, institutions and systems of government in the Northwest Territories, with a view to extending representative, responsive and effective government to all parts of the Territories and at the same time accommodating the legitimate interests of all groups in northern society, beginning with those of the Indian, Inuit and Métis;
- ii) to seek consensus among the various groups consulted about specific proposals and measures that could be implemented progressively through legislative amendment of Federal and Territorial laws, as well as through administrative action as required;
- iii) to coordinate these activities with those taking place concurrently on land claims put forward by northern native groups and with any discussions at the official level about administrative adjustments in the relationships and functions of government in the Northwest Territories;
- iv) to keep the Territorial Government and other interested parties fully informed about the progress of the consultations;
- v) to consult as required with the Ad Hoc Committee of Cabinet on Constitutional Development in the North, through its chairman the Minister of Indian Affairs and Northern Development;
- vi) to report from time to time to the Prime Minister on all these matters with recommendations for action by the Federal Government.

2. In no way restricting the generality of the foregoing, the Special Representative is authorized to include on his agenda for consultation the following specific subjects:

- i) possible division of the Northwest Territories on the basis of functional factors, including economic, socio-cultural, and other relevant factors, but excluding political divisions and political structures based solely on distinctions of race;
- ii) phased restructuring of political institutions in the Northwest Territories to achieve a greater degree of responsible government, including but not limited to consideration of the composition and jurisdiction of the Territorial Council, the composition and role of the Executive Committee, the continuing responsibilities and role of the Commissioner, the future relationship with the Federal Government, and reserved powers of the Minister and Governor-in-Council;
- iii) transfer and delegation of Federal responsibilities and programs to the Territorial Governments;
- iv) devolution of responsibilities, powers and functions from the Territorial Government to communities, with a community option of creating regional institutions for specific purposes;
- v) statutory and other safeguards for protecting native interests, including language, cultural and traditional pursuits;
- vi) arrangements for promoting native participation in government at various levels, including residence requirements, constituency boundaries, a municipal ward system, representation on subsidiary bodies and in the public service;
- vii) the political role if any of native institutions for economic development deriving from claims settlements;
- viii) continuing Federal ownership and management of non-renewable resources, with sharing of resource revenues;

- ix) decentralization of surface land use and management procedures with institutionalized arrangements for jointly-planned economic development;
 - x) appropriate financial arrangements to support the foregoing.
3. The Special Representative will be assisted by an advisory group seconded from the Federal and Territorial Governments together with any other expert consultants he may require from time to time.
 4. The Special Representative shall be responsible for the effective conduct of the consultation and to this end is authorized:
 - i) to establish a headquarters in the Northwest Territories;
 - ii) to convene meetings in various communities in the Northwest Territories with local leaders and other participants he may wish to invite;
 - iii) to enter into contracts with expert consultants as required;
 - iv) to employ administrative support staff;
 - v) to manage funds provided to the Inquiryon terms and conditions to be approved by the Treasury Board.
 5. Departments and agencies of both the Federal and Territorial Governments shall be required on request to provide information, advice and other assistance to the Special Representative.
 6. The Special Representative shall complete his consultations and related activities expeditiously so that decisions relating to constitutional development in the Northwest Territories may be taken by the Government at the earliest possible date.

POLITICAL DEVELOPMENT IN THE NORTHWEST TERRITORIES

In the past few years constitutional issues have assumed increasing importance in the Yukon and Northwest Territories, as the Territorial Governments evolved and the various native groups formulated their land claims. This statement is concerned primarily with the situation in the Northwest Territories and begins with the recognition that for historical and other reasons the situations in the two Territories are sufficiently different to warrant some variation of treatment. Nevertheless, many of the main factors and forces are in play in both Territories and may call for similar if not identical responses, if satisfactory solutions are to be worked out with the people principally concerned. Some of the implications for the Yukon are suggested later in the statement.

Most of the pressures and tension, prevalent in the Northwest Territories today derive from three major factors:

- The general demand for a greater degree of self-government whether at Territorial or community level;
- the determination of the native peoples, Indian, Inuit and Métis, to get recognition and power largely through the settlement of their land claims;
- the urgent need for direction and pacing in the development of the economy in all parts of the Northwest Territories, long dominated by the vagaries and fluctuations of non-renewable resource operations.

These three factors have been very much in play during the rather lengthy period of proceedings leading to a pipeline decision in the North. They are producing disruptive forces, they interact among themselves and they continue to bear heavily on the whole question of how the Northwest Territories will evolve politically in the next decade or so.

The Territorial Government, led by the now fully elected Council, are looking for broader jurisdiction, a greater authority and more effective control of all aspects of northern living. These aims are reflected at the community level where municipality, hamlet and settlement councils are increasingly asserting themselves. At the same time the native associations, in particular the Indian Brotherhood of the Northwest Territories and the Inuit Tapirisat of Canada, have been working: to loosen the authority of the Territorial Government and Council; to influence political development at community level; and to achieve political power, cultural recognition and economic strength for native groups as a whole, mainly through land claims which the Federal Government has since 1973 undertaken to settle through negotiation.

In essence, most of these assertions of political aim and aspiration are recognized by the Government as being legitimate and timely. The Carrothers Commission of 1966, whose recommendations were instrumental in starting the movement toward Territorial self-government, called for a further review in ten years and in effect this is now underway. However, the issues today are aggravated and confused by a tendency on the part of political leaders on

all sides in the Northwest Territories to express their objectives in extreme terms. Extreme utterances have served to harden positions, to drive the racial groups farther apart and to create a potential for confrontation that for the small population widely scattered across the Northwest Territories can only be destructive.

The Federal Government has full constitutional responsibility for political development in the Northwest Territories. It is committed to certain policy courses which for some time have had a direct bearing on that responsibility among them:

- The adoption in December 1970 of national objectives for the North that included furthering the evolution of self-government;
- the emphasis and priority in the northern policy statement of March 1972 on fulfilling the needs of all northern peoples;
- the commitment in the Indian/Inuit claims policy statement of August 1973 to negotiate comprehensive claims settlements with various claimant groups in the Yukon and Northwest Territories;
- the increasing involvement of local communities and other groups in the decision-making process as regards major resource development, signified since 1974 by the appointment and proceedings of the Panger Commission of Inquiry;

- the emphasis since 1975 in Indian and Inuit policy on promoting and safeguarding the identity of these native people within Canadian society and in achieving an improved relationship with them through a cooperative approach to policy and program development.

The Government has concluded that the time has come to take further major steps in the direction of enabling all northerners to govern themselves in ways of their own choosing. It is central to this conclusion that the native peoples of the North should participate effectively in this political evolution and at the same time be assured that their rights and interests, individually and collectively, will be protected and taken into account.

The Government is determined to discharge its responsibility in these matters with a flexibility and openness of mind, and a willingness to consider constructive changes and innovations.

Political development will be achieved through a full, frank and systematic consultation with recognized leaders of the Territorial Government, northern communities and native groups about specific proposals and measures for modifying and improving the existing structures, relationships and institutions of government in the Northwest Territories. To conduct this consultation the Government has appointed as its Special Representative, Mr. Drury, who will begin his work in the Northwest Territories by the end of the summer. This statement, which is not intended to prescribe solutions at this stage, provides a framework of policy guidance within which the proposed political consultation can get underway.

Non-Renewable Resource Development

National interest dictates that the Federal Government maintain its ownership and control of the potentially significant non-renewable resources in the Northwest Territories. In its brief, "Priorities for the North", the Territorial Council referred to the transfer of powers over all surface and sub-surface land resources, although in preliminary consultations this point was not pressed as an immediate goal. The land claims of the various native groups in the Territories also seek to bring about participation of predominantly native communities in resource development, particularly as it relates to land use. The Government assumes that negotiated settlements of these claims would include forms of compensation and institutions which would enable the native groups to play a part in economic development and benefit from it, while following their own traditional pursuits to the extent that they may wish to do so.

Both the Territorial Council and native claimant groups are looking for some sharing of revenues the Federal Government derives from the development of non-renewable resources. The Government has accepted in principle that such revenue-sharing should occur, as the result of claims settlements and through government-to-government agreements. This is seen as a further means of providing both the native groups and the Territorial Government with sources of continuing support as they move to take charge of their own affairs in respective fields of responsibility.

In view of the energy and other resource requirements that are now recognized as becoming increasingly urgent in future, the Government wishes to maintain some momentum in the exploration and development of northern non-renewable resources. The need to know about Canada's frontier reserves is an important element in the Government's energy and resources policies. The Government is also committed to ensuring effective protection of the northern environment and of otherwise taking fully into account the concerns of northern peoples about the regional impacts of resource activity.

Government mechanisms and working arrangements for consulting all northern organizations and groups directly affected by such activity, and directly concerned with land use and resource conservation, will be strengthened and improved in all areas of the Northwest Territories.

At the same time, the Government contemplates that the ownership and control of renewable resources and of some lands will be transferred to the Territorial Government*, on the one hand, and under claims settlements to northern native groups, on the other. This implies that, if the Federal Government continues to control non-renewable resources, a workable system of planning, coordination and cooperation will be essential, if the economic development of the Northwest Territories is to proceed in a rational and coherent way. One of the fundamental causes of uncertainty and anxiety about the future of the Territories stems from the absence of an integrated strategy for economic development which of necessity must take into account variations

*Throughout the text, any reference to "Territorial Government" in the future should be read as including the possibility of more than one such government in case the Northwest Territories may be divided.

of condition and need in the various regions of the Northwest Territories. The Federal Government is prepared to work closely with the Territorial Government and the native claimant groups in devising institutions and joint working arrangements for planning and carrying out such a strategy. The precarious nature of the Territorial economy demands no less.

Protection of Native Rights and Interests

From a variety of sources the Government is aware that the Indian, Inuit and Métis groups in the Northwest Territories are looking for legal provisions and political safeguards that will continue to protect their rights and interests no matter what changes may take place in future in the composition of the population; in the responsibilities, powers and functions of the Territorial Government; and in the shape and functioning of the Territorial economy. The native peoples are particularly concerned about their languages and other cultural aspects; their lands and traditional pursuits of hunting, fishing and trapping; their participation in subsidiary bodies of government concerned with such key questions as education, game management, surface land use, conservation and environmental protection. In claims proposals, they have also raised the question of political control and of residence requirements for political purposes.

This whole question of safeguarding the rights and interests of minorities in various parts of the Northwest Territories is not easy to answer but it is one that clearly needs to be given full weight in claims negotiations and in any political consultations about constitutional development.

Because of the complexity of the current demographic distribution and the possibility that the composition of the Territorial population may change substantially, it seems desirable that any legislation proposed for establishing legal rights and political safeguards should strike a fine balance between minority and majority rights.

Among measures that could be considered in the course of consultations about possible inclusions in legislation, presumably the Northwest Territories Act, are the following:

- Establish at Territorial level an advisory commission or council on native affairs whose advice would be required for all decisions of the Territorial Government and all legislation of the Council directly affecting the rights and interests of the native peoples, according to a list prescribed by law.
- Establish that Indians, Inuit and Métis would have proportionate representation on all major subsidiary boards, committees and commissions of the Territorial Government responsible for surface land use, conservation and environmental protection, inland waters, game management, education and cultural pursuits.
- Establish a set of reserved powers conferred on the Commissioner or the Minister in relation to northern native matters.

- Establish for the mixed communities over a certain population (perhaps 1,000) a ward system for civic elections.
- Establish electoral boundaries that reflect the community of interest in various regions, e.g. rural municipalities could have a lower ratio representation in the Territorial Council than the urban municipalities.

As for residence requirements, the Government fully recognizes the concern expressed by native peoples that their rights and benefits, achieved through claims settlements, which might depend on Territorial legislation for fulfilment, should not be done away with or diluted as a result of some new surge of white population into the Northwest Territories. Quite apart from the special interests of the native groups, moreover, are the quite special conditions that exist in frontier society and should be taken into account in deciding how to move on constitutional issues. It is equally important for native and non-native members of such a society that there be some stability in the political situation at Territorial and local levels.

Accordingly, while the Government is not prepared to consider the lengthy periods put forward in native claims (10 to 15 years residence), it is willing to consult with northern leaders about instituting some degree of residence requirement for specified political purposes.

Division and Devolution in the Northwest Territories

The land claims in the Northwest Territories of the Indian Brotherhood and of the Inuit Tapirisat (particularly in its most recent restatement) call for the creation of new separate territories, each with a government having a direct relationship with the Federal Government. The boundaries for each would be drawn along lines that encompassed the areas in which the preponderance of Dene and Inuit populations reside respectively. Political control would rest in the hands of the dominant majority in each Territory. The advocates of these positions, which are not developed much beyond a broad line of principle, argue that the Indian and Inuit peoples need territorial jurisdiction, with wide responsibilities, powers and functions in order to survive as distinct cultural groups within Canada.

As already indicated in this paper (under Protection of Native Rights and Interests) the Federal Government is committed firmly to a policy of supporting the concept of continuing Indian and Inuit identity within Canadian society. It is part of this policy that the requirements for sustaining identity are to be worked out jointly with representatives of the Indian and Inuit peoples involved. It is assumed, in the North as well as in southern Canada where Indian reserves are established, that local autonomy is central to the concept of continuing Indian/Inuit identity and status. Other elements include the preservation and promotion of Indian/Inuit languages and other cultural interests; the continuation of hunting, fishing and trapping rights; Indian/Inuit control of education within their communities;

encouragement of their economic development; the general strengthening of Indian/Inuit communities through housing and other infrastructure programs; training in managerial and other skills; the delegation of authority and transfer of resources from government to Indian/Inuit communities.

This whole line of policy and program development finds a parallel in the Government's approach to the settlement of comprehensive land claims, wherever they arise in Canada. Packages of settlement proposals are assembled, elaborated and implemented through processes of negotiation with the various claims groups and with variations to take account of the local situation in each case. This approach to land claims is being followed for all native claims in the Yukon and Northwest Territories.

In the Northwest Territories, the initial position put forward by the Indian Brotherhood and the Inuit Tapirisat ranges well beyond the policy the Federal Government is prepared to follow. As has been indicated, the Government has no wish to see the cohesion of ethnic communities undermined: quite the reverse. In the North, as in the South, the Government supports cultural diversity as a necessary characteristic of Canada. However, political structure is something quite different. Legislative authority and governmental jurisdiction are not allocated in Canada on grounds that differentiate between the people on the basis of race. Authority is assigned to legislatures that are representative of all the people within any area on a basis of complete equality. Jurisdiction is placed in the hands of governments that are responsible, directly or indirectly, to the people - again,

without regard to race. These are principles that the Government considers it essential to maintain for any political regime or governmental structure in the Northwest Territories.

Accordingly, unless the Indian and Inuit claimants are seeking the establishment of reserves under the Indian Act, as in the South, the Government does not favour the creation in the North of new political divisions, with boundaries and governmental structures based essentially on distinctions of race and involving a direct relationship with the Federal Government.

A case can be made for dividing the Northwest Territories, mainly because of its size and widespread regional differences along functional lines that might run generally North and South. Such division would take into account common interests such as distinctions of language, culture and way of life; economic needs and opportunities; transportation and communication facilities; potential resource revenues. In this way, for instance, the Eastern and Central Arctic area might be divided from the Mackenzie Valley and Delta area along a line determined after full consultation. Among other variants could be that of dividing the predominantly mainland, inhabited areas from the larger uninhabited Arctic Island area, with the latter forming a third, essentially Federal territory for resource exploration and development. The Government is prepared to see such possibilities explored in appropriate political consultations. Division along these lines could go some distance toward meeting the wishes of some of the Inuit and Indians for a territory of their own, although a territory along the lines of the one mentioned for the Eastern area would not be exclusively Inuit any more than one along the lines mentioned for the

Mackenzie would be exclusively Indian. These two groups, nevertheless, would form a sizeable proportion of the population in each of the new territories, enabling them to exert a strong influence on government through the democratic process both at territorial and community level.

To move farther in the direction the native groups are looking, representative government in the Northwest Territories (whether divided or not) could be heavily decentralized primarily to the local communities, where in many places the native peoples will continue to be the clear majority. These communities would have an option of establishing regional institutions, which in effect would be an amalgamation of community effort to further Indian and Inuit group interests in such matters as education, land use control, game management and renewable resource development. These are interests distinct from community-level needs such as housing, sanitation, social services and recreation. Already in the Baffin Island and Keewatin regions, community leaders have been proposing regional bodies and the Territorial Government is actively encouraging them, through its policies of decentralization and devolution.

Such amalgamation of native group interests in regional institutions might be desired by all the predominantly Indian and Inuit communities, which in effect are rural municipalities with special interests arising across large land areas. A further requirement in the Mackenzie Valley would be to take fully into account the local wishes of Indian bands as regards the role their band leaders might have in community government and regional institutions. For

the cities and towns, the urban municipalities with mixed populations, regional institutions would probably not be viewed as a desirable option.

Devolution would require some realignment of powers and functions between the Territorial and local levels of government. The Territorial Government might continue to exercise broad but defined powers of a policy, finance and regulatory nature, performing in particular a supervisory role in relation to the municipal system which would include urban municipalities (cities and towns) and rural municipalities (hamlets and settlements) and any forms of regional government that might be set up. The responsibilities, powers and functions of the municipalities themselves would also be defined. Such definitions could be the subject of statutory provisions or formal agreements sanctioned by statute.

Responsible Government

In furtherance of the objective of achieving self-government in the North, the Government since 1970 has adopted legislative and administrative changes for both the Yukon and Northwest Territories, in effect enlarging the Territorial Councils, strengthening the Executive Committees by adding elected members of Council, and transferring further jurisdiction and authority to the Territorial Governments. The Territorial Councils have expressed a desire to move to provincehood as the next step but, while pressure for provincial status is mounting, it does not have whole-hearted support in either Territory, certainly not from native groups, who see it as a threat to their special identity and political position. The native leader-

ship is understandably more concerned at the present time about establishing a firm political base for the native peoples and in working out accommodations with non-native interests, mainly through claims processes.

In recognition of the legitimate aspirations and desire of all residents of the Northwest Territories to take charge of their own affairs, the Federal Government is prepared, in addition to other measures already mentioned in this statement, to engage in consultations about the following steps relating to a phased extension of responsible government:

- the restructuring of political institutions and powers, including but not limited to the composition and jurisdiction of the Territorial Council, the composition and role of the Executive Committee, the continuing responsibilities and role of the Commissioner, and reserved powers of the Minister and Governor-in-Council;
- the transfer and delegation of Federal responsibilities and programs to the Territorial Government;
- the devolution of responsibilities, powers and functions from the Territorial Government to communities with the suggested community option for creating regional institutions.

The pace of developments along these lines is likely to vary from territory to territory, if a decision were taken to divide the Northwest Territories as suggested earlier; and from region to region in any event, depending on the capacity of the communities concerned to absorb change. If such division

did occur, it would add a different dimension to such questions as enlarging the Territorial Councils and Executive Committee, transferring jurisdiction and programs, adjusting the mandate and role of the Commissioner. As well, devolution to communities could produce its own set of variables affecting the structure, responsibilities and functions of government at Territorial level.

There is an assumption in some quarters in the Northwest Territories that responsible government could and should lead eventually to provincial status, just as the western provinces evolved from the original Northwest Territories. In the light of the factors outlined in this Statement, the Federal Government believes that other possibilities are worth exploring. One alternative would be a Regional Municipality-type government, under which very substantial powers would be vested in the communities comprising the various regions.

The likelihood is that for a long time to come the northern territories, however they are organized politically, will require substantial financial assistance from the Federal Government to meet budgetary deficits. Financial requirements are bound to be the subject of annual consultation and negotiation between the Federal and Territorial levels of government as the process of political evolution unfolds, probably because of it as well. In addition, if the efforts to achieve local and regional autonomy are to succeed, there will have to be financial negotiations between the territorial and community levels of government. In sum, the whole process of phased change in the direction of responsible government will require carefully balanced arrange-

ments to ensure that financial resources follow the devolution of responsibilities, powers and functions to the decentralized levels of government.

Process of Political Consultation

Early in 1977 the Council of the Northwest Territories asked for a special Commission of Inquiry under their auspices, to consult with communities and other interested groups in the Northwest Territories about constitutional developments. To accommodate this kind of approach the Government has decided to appoint its Special Representative to conduct the systematic consultation this statement has been discussing. The objective of this action-oriented consultation is to extend representative, responsive and effective government to all parts of the Northwest Territories and at the same time accommodate the legitimate interests of all recognized groups in northern society, beginning with those of the Indian, Inuit and Métis peoples.

The Special Representative will seek to arrive at agreement or consensus among the various groups consulted about specific proposals and measures that can be implemented progressively through legislative and administrative action.

The Special Representative will coordinate his activities with those taking place concurrently in relation to the land claims put forward by northern native groups and also with any discussions at official level about administrative adjustments in the roles and relationships among the three levels of government operating in the Northwest Territories.

The Special Representative will report from time to time to the Prime Minister on all these matters with recommendations for action by the Federal Government.

These reports will be considered by an ad hoc committee of Ministers under the chairmanship of the Minister of Indian Affairs and Northern Development.

The Special Representative will be assisted by an advisory group composed of seconded Federal and Territorial officials, together with any other experts and consultants he may require. He will arrange to hold meetings with the northern leaders concerned in various parts of the Northwest Territories. As appropriate Territorial Councillors representing constituencies in which consultations are taking place, will be invited to participate. The Territorial Government will be fully involved throughout the process.

The Special Representative is authorized to set up headquarters in the Northwest Territories and to employ staff for administrative support. Departments and agencies of both the Federal and Territorial Governments are being asked to provide information, advice and other assistance to the Special Representative. As well he will have for consideration various proposals and position papers which have been submitted to the Minister of Indian Affairs and Northern Development from the Territorial Council, the Territorial Government, community councils and the native associations in the Northwest Territories.

The Government is aware that the positions put forward in this statement do not satisfy all the submissions and claims presented in the past year or so from interested parties in the Northwest Territories. The statement is guidance for a process that is expected to continue for a lengthy period of time which will largely be determined by the progress made. The issues and

attitudes involved are such that quick solutions are neither possible nor desirable.

Enough has been said in the statement to sustain the Government's view that whatever approaches are made in either the Yukon or Northwest Territories, they should be carefully timed and paced with an emphasis on flexibility, sensitivity and workability. The Special Representative, in the course of the political consultation, and other Federal representatives engaged in claims negotiations, must have sufficient room to manoeuvre freely, in order to consider the wide range of proposals expected to emerge from Territorial, community and native groups. An ongoing capacity for change in the face of a rapidly evolving situation must be assumed.

The Situation in the Yukon Territory

For a number of reasons the approach to constitutional development in the Yukon is being considered separately from the one followed in the Northwest Territories. To begin with the Yukon has a longer history of Territorial self-government and quasi-independence. The population balance and distribution, the economy, the municipal structure, and facilities for transportation and communications are all different. The land claims situation, which involves the Council for Yukon Indians (representing the Indian and Métis people of the Yukon), the Federal and Territorial Governments, is rather different and farther advanced than any claims in the Northwest Territories at the present time.

The question of dividing the Yukon does not arise but most of the other major issues, basically between the native and non-native segments of the population, are similar in each Territory. This suggests that the principles, responses and measures discussed in this statement on political development in the Northwest Territories would have some relevance and application in the Yukon.

In the Yukon, the process for political consultation on constitutional issues has not been fully worked out. In preliminary discussions, the Territorial Council has asked for the appointment of a Special Representative. It has also put forward certain proposals, including recommendations of April 20, 1977 from its Standing Committee on Constitutional Development; and a proposed replacement for the Yukon Act dated June 5, 1977, involving the establishment of provincial government.

At the same time consideration of the Indian land claim is continuing in a cooperative planning process that involves representatives of the Federal Government, the Territorial Government and the Council for Yukon Indians. All Yukoners are being kept informed about this process, through the publication of jointly-agreed position papers, as they emerge. On July 15 the Planning Council released a paper containing a proposed settlement model.

Although claims discussions of necessity do touch on constitutional questions, there may be a need of a different approach for resolving the fundamental issues of political development in the Yukon. After further consultations with the parties concerned in the Territory, the Government will be deciding whether and when a Special Representative would be appointed for the Yukon, together with his terms of reference.