

THE DEH CHO PROCESS

February, 1998

The Deh Cho process is a continuation of our history. There is fairly common agreement among people who take the time to hear the oral teaching and/or to study historical documents that we Dene have been very consistent in our political positions about our lands and our right to govern ourselves.

Our process maintains economic, social, political and spiritual components. Like in all cultures, some individuals focus more on one aspect of life than others. As a people, however, we have been able to maintain these fundamental aspects of our culture and use them to protect our lands and rights.

I would like to provide you with some brief statements to help create for you a sense of who we are as people. I hope to give you some focus on the Deh Cho process through introductory remarks and references to documents, which I hope will be helpful to you in acquiring an adequate understanding of the journey we have traveled and some indications of where we hope to go from here.

- To publish the significant events of the history of the Dene in the Western Arctic would require, by conservative estimate, a minimum of fifty 1,000 page volumes.
- Our experiences, surviving here for thousands of years has given us our beliefs.
- Our spiritual, social, political and economic relationships are founded in our beliefs. The influence of government policies and church teachings have shifted our focus, but our fundamental beliefs are still our main guide when it comes to our lands and the kinds of decisions we take about ourselves as a people.
- Our beliefs, our spiritual connections, permeate our social, political and economic activities. These are briefly explained in the document: *Treaty 11 According to the Dene of the Mackenzie Valley*, which has been provided to you. Statements by Dene in other documents provided to you also provide insight to this. You might want to refer to copies of the Dene Nation reports for some of these. Also, I have provided you with some discussions between former Dene leaders and Ministers of Indian Affairs to give you a flavor of some of the types of people involved in the past in the Deh Cho process.
- In 1899, 1900, 1921 and 1922 our peoples concluded treaty with the Crown. The government of Canada never made a written copy of their version of the treaty available to our people until late in the 1960's. Several of our Headmen from 1921 were still holding that position when the government's written version of the treaty was translated to them. They immediately coordinated all the Headmen (Chiefs), of the communities covered by Treaty 11, to take action against the

government's version of the Treaty. This action resulted in the establishment of the Indian Brotherhood of the NWT later to be called the Dene Nation. Also, the Headmen launched a court case, commonly known as the Paulette Case, to apply caveat to the lands until such time as the conflict over the treaty was resolved. It might be said that by their silence on the issues of this case the Supreme Court of Canada admitted that they were not qualified to rule. As a technical way out the Court dismissed the case stating they could not apply a caveat on unpatented lands. A transcript of the case is provided for you. Summary statements from first hand witnesses to the negotiations of Treaty 11, drawn from the transcripts of the Paulette case are also provided in the document: *Treaty 11 According to the Dene of the MacKenzie Valley*. A copy is provided for you here too.

- For a period of twenty years the Deh Cho participated in the Dene Nation and the Metis Association of the Northwest Territories to achieve an equitable relationship with the Crown through a negotiations process. Finally in 1991 the Agreement in Principle, which had been negotiated over those twenty years was rejected by the Dene National Assembly. With that rejection the federal department of Indian Affairs began negotiating separately with the regions of the Dene Nation. A copy of the 1990 AIP is provided here for your information. One of the fundamental objectives of these negotiations was to achieve a constitutional arrangement between the Dene and Canada.
- The fundamental requirement of the federal government in achieving a constitutional relationship with the Deh Cho which we could not accept was their demand that we cede, release and surrender all our Aboriginal and Treaty Rights. That requirement is now changing. We have a new Minister of Indian Affairs and we are now in the process of entering into formal talks to explore the possibility of implementing the Deh Cho Proposal. A copy of the proposal is made available for you here.

In a nut shell, we are proposing that our Dene form of governance which, in good part we still practice, be recognized by the federal and provincial governments of Canada as the public government for the Deh Cho territory. This is a government based on Dene laws and customs. We have a ways to go to develop it to meet full, current public requirements, but we feel strongly that this is the only way our cultural and legal obligations, including Treaty obligations, will be met; and that our Rights will be respected.

- While these legal and political activities have been going on, our people have continued and still continue to use our lands in the traditional manner of our ancestors. We still have older people who have the technical skills and psychological capability of living year round from their own labor on the land. They teach us that their skills are still such that they can live well without even a piece of wire from the industrial society. This in effect constitutes our economic base. The wealth of our lands has given us life. We have used the produce of our lands to feed, clothe, shelter and interact among ourselves and with other nations

in the past and wish to continue to do so in the future. In our history we have used metal, wood, furs, meats, fish and other basic products from the land, and from plants and animals to produce our tools and to harvest a healthy and wealthy way of life.

- There are other areas of the Deh Cho process, towards the full implementation of the Deh Cho Proposal, which we continue to implement. These are social and spiritual in nature. We have our own social structures and cultural activities, which we recognize as provided for by the nature of our work on our lands and relationships with the Creator, our lands and our ancestors. We also recognize that this is an area which needs a lot of work on our part as we are emerging from a period of time where the Canadian state and the churches collaborated to make it very difficult (illegal by their politic) for us to practice our own ways.

This too is changing as the federal government has just this year apologized for the manner in which they tried to eliminate our cultures through residential schools.

The cumulative effect on individuals, families and communities of the politic to eliminate our cultures has been devastating. Education is still designed and delivered by non-Dene to prepare us to work in the industrial society. In itself this is not necessarily wrong. But we, as a people, have to come back to terms with the responsibility to ensure that our children learn their own culture. Our children and youth have to become well grounded in our own culture before we place them in the hands of others who only know how to prepare them for work in the current dominant economy.

Without that knowledge of themselves and their people our children become confused and angry. We need to control the resources for our education to ensure that we develop well-balanced individuals with the capacity as young adults to choose to live anywhere. According to our teachings, the educational process is so important to developing the person. Some discussion on that process is provided to you in the document: *Dene Teaching Methods*.

At this time, I would like to draw your attention to other documents provided to you with the hope that they will be useful to you in preparing your final report.

1. Our Land Our Life: The Role of Subsistence Economy in Native Culture. Published by the Arctic Institute of North America, The University of Calgary, Winter 1985.
2. Dene Cultural Conference, Snowdrift, July 27 – 29, 1986.
3. Community Development Action Plan, Dene Nation Community Development in Consultation with Four World's Development Project, July 1985.
4. Political Organization of Denendeh, Working Notes.

5. Dene Economic Self Reliance:
 - The Economics of Dene Self-Determination, Michael I. Asch, Department of Anthropology, University of Alberta.
 - Protection of the Dene Interest in Renewable Resources and Land, In the Context of a Native Claims Settlement, P.J. Usher Consulting Services. June 1980.
 - Some Working Notes on Economic Self-Reliance, Mel Watkins, Sept, 1980.
 - Economic Development Program, Dene Nation, 1980.
 - Report on Dene Hunting, Trapping and Self Reliance, M. Asch, 1980.
6. Public Government For The People of The North Published by Dene Nation and Metis Association of the NWT, November 1981.
7. Recognition of the Dene Nation Through Dene Government, A discussion paper
8. Nourishment For Community Strength! Dene Nation Alcohol and Drug Abuse Conference. 1985.
9. Copies of the Transfer Plans and Agreements for Financial Services, Personnel, Engineering, Territorial Administration, Housing, Welfare, and Education. These are the agreements, which established and funded the Territorial Administration.
10. Annual Reports of the Dene Nation for 1980, 1981, 1982/83, 1983/84, 1984/85, 1985/86, 1987/88, 1988/89, 1989/90, 1990/91, 1991/92.
These reports will give you an overview of some of the major work undertaken in the past eighteen years. The Deh Cho is a regional member of the Dene Nation.
11. Legal opinion of the relative merits of holding Dene/Metis lands as "Aboriginal title lands or as restricted fee simple lands. John A. Olthuis, June 1988.
12. General overview comments on the Dene/Metis Agreement In Principle. Gary R. Yabsley, June, 1988.
13. Letter from Bill McKnight, Minister of Indian Affairs to Bill Erasmus, Dene National Chief, on issues of concern in the AIP. June, 1988.
14. Motion No. 1. Joint Dene/Metis Assembly, Hay River Reserve, NWT. July 1988.
15. Letter from David Osborn, Chief Negotiator for the federal government on the Dene/Metis AIP to Ted Blondin, Chief Negotiator for the Dene/Metis on issues raised in Motion #1 from the Joint Dene/Metis Assembly, Hay River Reserve, July, 1988.
16. Package of Resolutions from the Deh Cho Assemblies on issues associated with the Deh Cho Process.
17. Copies of affidavits from 1937 signed by various witnesses to the negotiations and conclusion of Treaties 8 and 11, which support the Dene version of the Treaties.

18. Transcripts of meetings between various Dene leaders and three different Ministers of Indian Affairs. Judd Buchanan, 1975; Warren Allmand, 1977; Hugh Faulkner, 1978. The intent of this package is to give you opportunity to read and reflect on the types of people who have been involved in the process in the past.

Of the three ministers, Warren Allmand supported the Dene and was promptly removed from the federal Cabinet.

Of the Dene leaders James Wah-Shee, then president of the Indian Brotherhood later became a minister in the Territorial Administration. He is now involved in negotiations on behalf of his people: the Dogribs.

George Kurszuski is co-chair of the Western Arctic Constitutional Working Group and Chief Negotiator of the South Slave Metis Tribal Council.

James Antoine remained as Chief in Fort Simpson until the early 1990's and is now the Minister responsible for Aboriginal Affairs, Transportation and Public Works with the Territorial Administration.

George Erasmus later left the Dene Nation to become the National Chief of the Assembly of First Nations in Ottawa. When his term was up he was appointed Co-Chair of the Royal Commission on Aboriginal Peoples.