

WHAT THE BORDER DIVIDES:  
SETTLER GEOGRAPHIES AND THE MAKING OF THE NORTHWEST TERRITORIES

by

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## Abstract

This dissertation is a critical examination of the historical and political geography of the Northwest Territories from the late 1950s to the early 1990s. The study is presented in five body chapters, which integrate methods and theories from political geography, settler colonial studies, and northern studies. The study traces the history of Dene political mobilization and resistance to the persistent encroachment upon their lands that resulted from heightened speculation about the mineral and petroleum resources throughout Denendeh, the traditional lands of the Dene. In doing so, it links this history to contemporary scholarship that addresses how Indigenous peoples are represented, and how this representation factors into the historical appropriation of Dene lands. The dissertation examines Dene struggle from multiple angles, each of which is used to highlight different aspects of settler colonial relations of power in Canada. These are thematically organized around discussions of time and temporality and their roles in making settler space. Chapters address the politics of postwar Indian Policy as it relates to the Northwest Territories, the expansion of the Mackenzie Highway and the role of Dene labour in it, efforts by Dene to map their historical lands, Dene participation at the Mackenzie Valley Pipeline Inquiry in the 1970s, and the subsequent period of land claims negotiations of the 1980s. In each of these, longer histories of Dene struggle for treaty rights and land are incorporated with critical discussions of economic and political development. The study concludes at the signing of the Nunavut Agreement in 1993, and recounts the various ways that time is a dimension of settler geographies.

## **Lay Summary**

This dissertation examines the historical evolution of the division of the Northwest Territories between the early postwar period to the early 1990s. The dissertation centres on Denendeh - the traditional and current homelands of Dene in the Western Subarctic - and the Dene struggle to retain authority and control of their lands in light of tremendous economic and political interest and pressure from outside observers. In following the Dene struggle throughout the postwar period, the dissertation presents broader arguments about the nature of the historical relationship between the Government of Canada and Indigenous peoples. These arguments are thematically organized around discussions of time, and the relationship of time in the context of northern political geography.

## **Preface**

This dissertation is original, unpublished, independent work by the author, Mark Stoller.

Fieldwork was covered by UBC BREB certificate #H15-00648, and by a NWT Scientific Research Licence (No. 15817) granted by the Aurora Research Institute in the Northwest Territories. Access to the restricted materials of the Dene Nation - including the maps of the Dene/Métis Mapping Project - was granted by the Dene Nation under National Chief Bill Erasmus.

## Table of Contents

Abstract .....	iii
Lay Summary .....	iv
Preface .....	v
Table of Contents .....	vi
List of Figures .....	vii
List of Abbreviations .....	viii
Acknowledgments .....	ix
Dedication .....	xi
Chapter 1: Introduction: How the North Was Known .....	1
Chapter 2: Indians and Eskimos and the Politics of Northern Social Science .....	32
Chapter 3: The Mackenzie Highway and the Rhythm of Development .....	66
Chapter 4: The Temporality of the Map: State Claims and the Mapping of Denendeh .....	105
Chapter 5: A Choice of Futures: Speaking Around the Pipeline .....	159
Chapter 6: What the Border Divides .....	203
Chapter 7: Conclusion: Beginning Again .....	251
Bibliography .....	262

## List of Figures

1 Current map of the Northwest Territories.....	1
2 Members of the Carrothers Commission present their final report to Arthur Laing .....	46
3 Map of proposed Mackenzie Highway extension .....	65
3.1 Map of all roads in the northern territories, 1973 .....	65
3.2 Highway construction north of Fort Providence, 1958 .....	73
3.3 Map of suggested regions of economic development, 1971 .....	78
3.4 Newspaper clippings from 1922 and 1937 highlighting early treaty conflicts .....	85
3.5 Employees of Hire North along the Mackenzie Highway, 1972 .....	93
3.6 Slash roads along the Mackenzie Highway route near Norman Wells, 1974 .....	95
4 Map of trails compiled by the Dene/Métis Mapping Project .....	104
4.1 Chief Jimmy Bruneau, 1939 .....	136
4.2 Louis Norwegian and Jimmy Sanguéz at the IB-NWT meeting at Rae, 1971 .....	137
4.3 Phoebe Nahanni of the Dene mapping research .....	149
4.4 Trail maps from the Dene mapping research .....	150
5 <i>Northern Frontier, Northern Homeland</i> , 1977 and 1987 .....	162
5.1 Presenting the Dene mapping research to the Mackenzie Valley Pipeline Inquiry, 1976 .....	166
6 Map of overlapping land claims in the Northwest Territories, undated .....	202
6.1 A map of the overlap corridor between Dene and Inuit claims .....	231
7 A current map of existing and ongoing land, resource and self-government settlements in the Northwest Territories .....	250

## List of Abbreviations

ACND	Advisory Committee on Northern Development
AFN	Assembly of First Nations
CARC	Canadian Arctic Resources Committee
COPE	Committee for Original Peoples' Entitlement
DIAND	Department of Indian Affairs and Northern Development
DMMP	Dene/Métis Mapping Project
DNANR	Department of Northern Affairs and National Resources
DOJ	Department of Justice
IB-NWT	Indian Brotherhood of the Northwest Territories
ILOUP	Inuit Land Use and Occupancy Project
INAC	Indian and Northern Affairs Canada
ISR	Inuvialuit Settlement Region
ITC	Inuit Tapirisat Canada
MANWT	Métis Association of the Northwest Territories
NCRC	Northern Coordination and Research Centre
NIB	National Indian Brotherhood
NSRG	Northern Science Research Group
NWT	Northwest Territories
ONC	Office of Native Claims
TFN	Tungavik Federation of Nunavut
NCF	Nunavut Constitutional Forum
WCF	Western Constitutional Forum



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## **Dedication**

This dissertation is dedicated to my grandfather, Doug Roy.  
I'm sure he would have loved to read it.

It is also dedicated to Marley.

## Chapter 1: INTRODUCTION | How the North Was Known



**Fig. 1:** A map of the Northwest Territories and Nunavut as it appears today. The subject of territorial division dates back to the early 1960s, but was not realized until the early 1990s.

“In what world do we imagine the past to be settled  
in light of its refusal to perish and allow things to start over anew?  
What are the conditions that make for this imagining,  
this fantasy or rather, demand of a new start point?”

Audra Simpson

“Let us face it, we are all here to stay.”<sup>1</sup>

Chief Justice Antonio Lamer

When the border between Nunavut and the Northwest Territories was set in 1992, it divided far more than land. The border established the parameters of Nunavut, Canada’s newest territory. As one senior government official exclaimed, the creation of Nunavut was “good for the Canadian psyche”; it heralded a new beginning, a new chapter in Canada’s relationship with Indigenous peoples.

New beginnings have occurred with remarkable regularity in northern Canada. Maps of the north have been redrawn and northern regions have been reimagined many times over; as wild places to be explored, as a frontier to be mined, as a homeland to be both settled and preserved. The “newness” of Canada’s north is a trope as old as the nation itself. It is a trope bound with *staying*, with the historical interaction between Indigenous and Euro-Canadians and the evolution of that relationship into one of colonial power.

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<sup>1</sup> *R. v. Delgamuukw* [1997], para. 186. Cited in Michael Asch, *On Being Here To Stay* (Toronto: University of Toronto Press, 2014), 3.

The division of the Northwest Territories reflects both geographical and historical tensions of newness and staying that reside at the heart of relations between Indigenous and non-Indigenous peoples in Canada. Fresh lines on the map carry the weight of expectation for what Canada is as a nation, and hope for what it will become. Fresh lines open new chapters that seemingly bring others to a close.

\* \* \* \*

This dissertation is a historical and political geography of the Northwest Territories over the latter half of the twentieth century. Its narrative arc follows from the early postwar period to the early 1990s, a period of tremendous political and social change in northern Canada that also reflected wider shifts in settler colonial relations of power across the country. The political focus is the northward expansion of the Canadian state and a non-Indigenous settler population in the postwar period, and the changes that resulted. Geographically, the focus is on the Mackenzie River basin, the largest river system in Canada. It is also the traditional and current homelands of Dene, whose homes are in communities linked to histories of the fur trade and resource extraction, as well as on lands of subsistence hunting and harvesting that long precede contact with Europeans. For Dene, the lifeblood of the region is the Deh Cho, or big river, and Dene records of living throughout the tributaries, mountain ranges, bush and barrens can be traced back thousands of years to what is now commonly referred to as Denendeh - the land of the people. The dissertation also draws from and contributes to the emerging field of settler colonial studies in Canada, which examines historical and ongoing processes by which Euro-Canadian laws, institutions and people have presumed and sought to claim authority over Indigenous lands. These processes are examined in relation to Denendeh. The study is girded by a tension of newness and

staying, between time and place, a tension that is at once paradoxical and powerful. Paradoxical in the perpetual recurrence of new beginnings, powerful in how the “new” displaces, replaces, but also creates the “old.” This oldness, this *pastness*, is examined in relation to the making of settler space. This study asks how time and temporality are dimensions of settler geographies.

The visual simplicity of the border masks the long and complex history of its making. The single-line border that runs along the tree line comprises several different land claim settlements that were negotiated between the late 1970s and early 1990s. To the north, the border fixes the eastern extent of the Inuvialuit Settlement Region (ISR) that was negotiated by the Committee for Original People’s Entitlement (representing Inuvialuit) and finalized in 1984. South of that, the areas of the Sahtu Dene and Métis Land Claim Agreement (1993) and the Tłı̨chǫ Comprehensive Land Claim and Self-Government Agreement (2005) also abut the Nunavut-NWT line. Like the border itself, comprehensive land claim frameworks now bind Dene, Inuit, Métis and Inuvialuit to a wider legal framework of Crown sovereignty, one that ostensibly recognizes Indigenous rights *within* the jurisdiction of the Government of Canada. Land is a primary factor in the ordering of economic and political rights under this framework. The border delineates the geographical extent of these rights. Yet the border is also representative of the processes by which relations to land have been altered over time. These processes consist in the making and re-making of relationships of people, place and power that underscore settler-colonial relations between Indigenous peoples and Canada. The border - the *new* border - remains both a site and instrument of an underlying structure of political power and authority in Canada.

The drawing of borders is hardly new in the north. Northern boundaries have been redrawn many times over, covering a longer transformation of social and political relations between the Canadian state and Indigenous northerners. This transformation has evolved as one of persistent efforts to extend and secure state jurisdiction over northern regions, and to develop resources and lands therein. In the late nineteenth century, the North-West Territories comprised a land mass greater than that of all other provinces combined.<sup>2</sup> Between Canadian Confederation and the early twentieth century, provincial boundaries of Manitoba, Ontario and Québec were gradually extended north, arriving at their current coordinates in 1912. In 1905, new provinces of Alberta and Saskatchewan were carved from the Territories, pushing its southern border up to its present-day 60° latitude.<sup>3</sup> These provincial borders overlaid and in key respects replaced those of the so-called numbered treaties that between 1871 and 1921 were used by the Crown to secure title and open the North-West Territories to settlement, namely agriculture and later mineral and petroleum speculation.<sup>4</sup> Of these, areas of Treaties 8 and 11 reside within the current borders of the Northwest Territories. Treaty 8 was signed in 1899 on the heels of the Klondike gold rush that had begun the previous year. In 1921, the Government of Canada again made treaty with Dene north of Great Slave Lake, extending the full length of the Mackenzie River to the Arctic Ocean. Treaty 11 was the last of the numbered treaties, and the only treaty fully north of 60°.

Lines delineating northern spaces, however, have rarely corresponded with popular ideas associated with “the North” or its affiliation with Canadians’ national sense of place. Although northern

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<sup>2</sup> The hyphen was dropped from North-West Territories in 1906.

<sup>3</sup> The 60° latitude that now forms the southern border extends the northern border of British Columbia.

<sup>4</sup> Alexander Morris, *The Treaties Of Canada With The Indians Of Manitoba and the North-West Territories, Including the Negotiations On Which They Were Based* (Saskatoon: Fifth House Publishers, 1991).



regions have historically conveyed some deeper significance for the nation at large, rarely has this significance been articulated with reference to a specific geographic location or feature.<sup>5</sup> Frequently, “the North” has been raised through appeals to a presumed geographical sensibility, a vague but ever-present sense that the north is intimately bound up with *who we are* as a nation.<sup>6</sup> The suggestion that the Nunavut-NWT border is good for the Canadian psyche evokes a familiar, “peculiar” sense of how northern regions inform common associations of place and identity.<sup>7</sup> At the same time, however, the border is a unique geographical feature on the map of Canada; not only is it the longest border of any territorial or provincial boundaries, it is the only one to have been negotiated predominantly by Indigenous organizations. Dene, Inuit, Inuvialuit and Métis representatives were all involved in determining its location. In this regard, the drawing of the border and popular attention to it adds new understandings of the gap between the imagined geographies of the north and the lived reality and experience of Indigenous northerners. It also creates conditions to reflect upon both the paradoxical and powerful dimensions by which northern space is produced. To engage these requires questions that extend far beyond the location of the border itself. We must also ask why was the border necessary in the first place? What conditions led to its creation? What process led to its settlement? Answering these questions requires incorporating a variety of disciplinary perspectives.

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<sup>5</sup> The Northwest Passage is perhaps exceptional in this regard.

<sup>6</sup> For a broad survey of the north in relation to Canadian identity, see Sherrill Grace, *Canada and the Idea of North* (Montréal: McGill-Queen’s University Press, 2001). In response, see Peter Kulchyski, “Book Review: Canada and the Idea of North,” *Inuit Studies*, 28, no. 1 (2004), 197-201.

<sup>7</sup> See Stephen Leacock, “I’ll Stay in Canada,” in *Funny Pieces: A Book of Random Sketches* (New York: Dodd, Mead & Company, 1936), 289-292.

Engaging the longer processes of bordering with the production of settler space can first be examined with reference to contemporary spatial theory. As a study of historical and political geography, this dissertation draws scholarly inspiration from the spatial turn in social theory. In particular, it situates amidst the relationship of time and temporality in the formation of contemporary spatial theory - a relationship that is articulated with reference to settler colonial studies. At its core, the spatial turn refers to scholarship that foregrounds space as a primary dimension of human activity and interaction. Whereas space was conventionally viewed as merely the “fixed backcloth to the political,” the spatial turn reflects a wider embrace of space as fundamental to human relations and systems of power.<sup>8</sup> This shift is towards the politics and complexity of everyday modern life, and rooted in the conception of space as socially produced.<sup>9</sup> Specifically, the spatial turn marks what Barney Warf calls a rebirth in geographical scholarship and a point from which a variety of disciplines in the social sciences and humanities began to incorporate space into their analyses.<sup>10</sup> As it relates to subjects of bordering and boundary making, fields

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<sup>8</sup> Jonathan Pugh, “What are the consequences of the ‘spatial turn’ for how we understand politics today? A proposed research agenda,” *Progress in Human Geography* 33 no. 5 (2009), 579.

<sup>9</sup> The division of social space into perceived, conceived and lived space derives from the spatial theory of Henri Lefebvre. See Henri Lefebvre, *The Production of Space*, trans. Donald Nicholson-Smith (Oxford: Blackwell Publishers, 1991); David Harvey, *The Condition of Postmodernity* (Oxford, UK: Blackwell, 1989); David Harvey, “Between space and time: Reflections on the geographical imagination,” *Annals of the Association of American Geographers* 80 (1990), 418–434.

<sup>10</sup> Barney Warf, “Spatial Turn,” *Encyclopedia of Geography* <http://dx.doi.org.ezproxy.library.ubc.ca/10.4135/9781412939591.n1076>

such as political geography, environmental history and historical geography have all incorporated aspects of the spatial turn.<sup>11</sup>

Inherent to the turn towards space is the movement away from time and temporality as the dominant conceptual frameworks of social theory.<sup>12</sup> For advocates of the spatial turn, the dominance of time was a direct outcome and contributor to the nineteenth century expansion of European norms and systems of power. The pervasiveness of historicist thought and “linearized time,” marginalized space and portrayed the past “as the progressive, inexorable ascent from savagery to civilization, simplicity to complexity, primitiveness to civilization, and darkness to light.”<sup>13</sup> Yet emphasis on the processual and dynamic nature of space also reiterates the temporal dimensions of space. By temporal, I refer broadly to a variety of subjects that can be examined with an orientation to time. Foremost are the *processes* by which space is made or reproduced, but also the discursive evolution of time as it shapes national narratives.<sup>14</sup> Newness, staying, pastness, tradition, anticipation and memory are all examined as the temporal dimensions of the making of

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<sup>11</sup> For critical studies of territory and jurisdiction, see Stuart Elden, *The Birth of Territory* (Chicago: University of Chicago Press, 2013); and Richard T. Ford, “Law’s Territory (A History of Jurisdiction),” *Michigan Law Review* 97 no. 4 (1999): 843-930; Joseph Taylor, “Boundary Terminology,” *Environmental History* 13 (2008), 460; Jonathan Luedee, “Science, borders, and boundaries in the western Arctic: Environmental Histories of the Porcupine Caribou Herd” (PhD diss., University of British Columbia, 2018); Reece Jones, “Categories, borders and boundaries,” *Progress in Human Geography* 33 no. 2 (2009), 174–189.

<sup>12</sup> Edward Soja, “Postmodern Geographies and the Critique of Historicism” in J. Jones, W. Natter, & T. Schatzki, eds., *Postmodern Contention*. (New York: Guilford Press, 1993), 113–136.

<sup>13</sup> Barney Warf and Santa Arias, “Introduction: the reinsertion of space into the social sciences and humanities” in Barney Warf and Santa Arias, eds. *The Spatial Turn: Interdisciplinary Perspectives* (New York: Routledge, 2009), 2; Denis Cosgrove, “Introduction”, in D. Cosgrove, ed., *Mappings*, (London: Reaktion Books, 1999), 7; Doreen Massey, *For Space* (London: Sage, 2005).

<sup>14</sup> Homi Bhabba, “DissemiNation time narrative and the margins of the modern nation” in Homi Bhabba, ed., *Nation and Narration* (New York: Routledge, 1990), 291-323.

settler space and geographies.<sup>15</sup> Time remains a key register in which political power and space can be understood.

Of particular relevance to contemporary scholarship of power and place is the fast-growing field of settler colonial theory. Broadly, settler colonial studies centre historical processes by which Indigenous peoples are removed and dissociated from their lands by the encroachment of a settler population. Mary-Ellen Kelm and Keith D. Smith define settler colonialism as “a variant of imperialism in which the settlers come to stay, to seek out lives and identities grounded in the colony and for whom Indigenous people, their rights to land and resources, are obstacles that must be eliminated.”<sup>16</sup> Land, and the appropriation of Indigenous lands specifically, is the central object of settler colonial regimes of power.<sup>17</sup> As such, land constitutes settler colonialism’s primary spatial object of study. The ranging and dynamic approach of contemporary spatial theory has been integral to articulating the interests of settler colonial regimes, as well as the making of settler spaces. However, settler colonialism is not merely defined as the historical act of dispossessing Indigenous peoples of their lands, but rather is better understood and examined by its ongoing nature. As a historical and analytical framework, settler colonialism’s imperatives derive not from the *prior* fact of settler origins, but from the continuity of relations of power that have

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<sup>15</sup> Andrew Stuhl, “The politics of the 'New North': Putting history and geography at stake in Arctic futures,” *The Polar Journal*, 3 no. 1 (2013), 94-119.

<sup>16</sup> Mary-Ellen Kelm and Keith D. Smith, *Talking Back to the Indian Act: Critical Readings in Settler Colonial Histories* (Toronto: University of Toronto Press, 2018), 1; Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010).

<sup>17</sup> Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty*, (Minneapolis: University of Minnesota Press, 2015)

evolved from these conditions. A common distinction between settler and franchise or dependence colonies lies in the perpetual nature of the settler project; settlers “come to stay.”<sup>18</sup>

In Canada, settler colonial scholarship has experienced a surge in studies of how dominant settler society *stays*.<sup>19</sup> Staying can also be elaborated with reference to the relationship of political and cultural geography in Canada, and has been traced through histories of Canadian law, policy and custom.<sup>20</sup> Yet recent studies have also turned away from an exclusive focus on the state, extending to public perception, action and knowledge in the maintenance of settler colonial structures. Within this widened sphere of understanding, the politics of *staying* are not limited to official political discourse and history, but include a broader set of social norms and popular imaginaries. In this regard, settler colonial methods and frameworks have been influential to new scholarship in Canadian history.<sup>21</sup> Many of these trends can also be seen running through contemporary scholarship in northern studies.

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<sup>18</sup> Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999).

<sup>19</sup> Michael Asch, *On Being Here to Stay* (Toronto: University of Toronto Press, 2014); See Adam J. Barker, Toby Rollo and Emma Battell Lowman, “Settler Colonialism and the Consolidation of Canada in the Twentieth Century,” in Edward Cavanagh and Lorenzo Veracini, eds., *The Routledge Handbook of the History of Settler Colonialism* (London: Routledge, 2016), 153-168.

<sup>20</sup> Dara Culhane, *The Pleasure of the Crown* (Vancouver: Talon Books, 1998); Adam Gaudry, “Fantasies of Sovereignty: Deconstructing British and Canadian Claims to Ownership of the Historic North-West,” *Native American and Indigenous Studies* 3, no. 1 (2016): 46-74; Arthur Manuel and Ronald Derrickson, *The Reconciliation Manifesto: Recovering the Land, Rebuilding the Economy* (Toronto: James Lorimer and Company, 2017); Emma Battell Lowman and Adam J. Barker, *Settler: Identity and Colonialism in 21st Century Canada* (Winnipeg: Fernwood Publishing, 2015).

<sup>21</sup> James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013); Victoria Freeman, “‘Toronto Has No History!’: Indigeneity, Settler Colonialism, and Historical Memory in Canada’s Largest City” *Urban History Review / Revue d’histoire urbaine*, 38 no. 2 (2010), 21–35. <https://doi.org/10.7202/039672ar>; Myra Rutherdale, P. Whitney Lackenbauer, and Kerry Abel, eds., *Roots of Entanglement: Essays in the History of Native-Newcomer Relations* (Toronto: University of Toronto Press, 2018).

While I refer often to settler colonial literature throughout this dissertation, I would also like to clarify my position in relation to current trends in the field, and the applicability of this literature to the Northwest Territories specifically. The manner in which settler colonial theory is often invoked tends towards general descriptions of history and colonial power, such that the presence of non-Indigenous people and institutions are taken as evidence of settler colonialism. I would argue that the mere presence of a non-Indigenous population, industries and institutions does not itself constitute settler colonial relations. Rather, these consolidate in the convergence of social, economic and political factors that, over time, advantage the settler population to the detriment of the Indigenous population. While it is possible to discern what Patrick Wolfe refers to as the preconditions of settler colonialism in eighteenth and nineteenth centuries growth of fur traders, RCMP, missionaries and residential schools, it is following the Second World War that state-sponsored social, political and economic policies coalesced with a clear logic and mandate towards the replacement of the Indigenous population and economies by a migrant settler population. This is evidenced in official social programs aimed at expanding settler society in the Western Subarctic and integrating Indigenous peoples within it, of economic policies of large-scale and capital intensive resource extraction, and in efforts to institute local government which were - at least initially - favourable to the non-Indigenous population of the Northwest Territories. Rather than rely on a broad and presumed framework of settler colonialism, this dissertation seeks to examine the dynamics of these relations of power specifically as they relate to social, economic and political changes of the postwar period.

A second and similar issue concerns the broad binary distinctions between Indigenous and settler societies that underscore many settler colonial analyses. Many of these critiques result in broad distinctions between Western and Indigenous social and political institutions. As it applies to the Northwest Territories, these are problematic in light of the longer history of interaction among people and social groups throughout the north. While I strongly agree that distinguishing Indigenous knowledge, methods and lifeways from Western equivalents is key to understanding the nature of settler colonial power, too great an emphasis on difference and distinction potentially overstates the separation between Indigenous and non-Indigenous societies that existed throughout many northern regions. The use of binary distinctions such as Dene/non-Dene has the potential to obscure important points of interaction that underscore not only the Dene movement, but traditional life ways in Denendeh. It is not simply the case that Dene previously existed as an isolated and autonomous people in the Northwest Territories. Dene society was upheld through a long history of interaction with non-Dene, including white settler societies as well as Métis, Inuvialuit and Inuit. At the same time, to think strictly along lines of Indigenous/settler categorizations potentially glosses over important differences in viewpoints and priorities among Indigenous people. In thinking of these through a settler colonial framework, I am less concerned with the arrival of non-Indigenous societies as with the shift in relations. I argue that many of these distinctions that evolve and are articulated along ethnic lines emerge during this period of shifting relations.

A final point can be made with regards to my use of settler colonial theory, and distinguishing it from other theoretical frameworks that have been used in the north. In the 1970s, as the Dene movement solidified in pipeline resistance and land claims research, key members of the Dene movement articulated the Dene position through theories of internal colonialism. Why have I chosen a settler colonial framework when Dene themselves used internal colonialism? For starters, this dissertation is not a history of the Dene movement, nor does it seek to characterize the nature of colonial relations between Dene and the Canadian government. The emphasis, rather, is on the evolution and dynamics of colonial relations over time. I would also posit that settler and internal colonial frameworks are not mutually exclusive. The intellectual roots and influences of the Dene movement are part of a broader history that is examined through a settler colonial framework. Finally, while Dene critiques of the mid-1970s centred around internal colonialism, they were not limited to it. As I argue in a chapter devoted to the construction of the Mackenzie Highway, early Dene resistance more closely resembles that of settler colonial critiques; namely, they focus on the displacement of Dene, and the destruction of the traditional economy, as directly linked with facilitating the expansion of settler society. I would posit that a settler colonial framework complements earlier discussions of internal colonialism without appropriating or detracting from them.

The convergence of settler colonial studies and contemporary spatial theory also runs through recent scholarship in northern studies. Though a wide range of northern research exists, I use the term here to refer to scholarship in the humanities and social sciences primarily, predominantly fields of anthropology, history and geography. Critiques of power relations between the Canadian



state, the settler population, and Indigenous northerners now form a basis of the field.<sup>22</sup> Following the spatial turn in human geography, recent studies have been increasingly geographical in their orientation and approach. Many have also centred the production of state power that is rooted in settler colonial studies. As a result, many studies have also a historical orientation, being either historically centred - i.e. as northern history - or drawing from broader historical trends and trajectories to elaborate the deeper, structural dynamics of power. As such, these incorporate time and temporality into the political geographies of the present. Other aspects of the field can also be cited in relation to time and temporality. As it relates to the role of narrative in solidifying the settler claim, geographer Emilie Cameron has shown how Canada's claim over northern lands is closely bound with stories of the north.<sup>23</sup> Discovery narratives, which enact forms of political power derived from particular sets of practices, have also been linked to discourses of race, power and place. The "whiteness" of Canada's frontier mythology adds to a distinctly Canadian sense of identity and purpose, while erasing the historical and contemporary presence of Indigenous peoples.<sup>24</sup> Frontier stories help produce a distinct or national iconography of

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<sup>22</sup> Carly Dokis, *Where the Rivers Meet: Pipelines, Participatory Resource Management, and Aboriginal-State Relations in the Northwest Territories* (Vancouver: UBC Press, 2015); Stephanie Irlbacher-Fox, *Finding Dahshaa: Self-government, Social Suffering And, Aboriginal Policy in Canada* (Vancouver: UBC Press, 2009); Andrew Stuhl, *Unfreezing the Arctic: Science, Colonialism, and the Transformation of Inuit Lands* (Chicago: University of Chicago Press, 2016).

<sup>23</sup> Emilie Cameron, *Far Off Metal River: Inuit Lands, Settler Stories, and the Making of the Contemporary Arctic* (Vancouver: UBC Press, 2015); J. Edward Chamberlain, *If This Is Your Land, Where Are Your Stories?* (Toronto: A.A. Knopf Canada, 2003); Julie Cruikshank, *Life Lived Like A Story: Life Stories of Three Yukon Native Elders* (Vancouver: UBC Press, 1991); Julie Cruikshank *Do Glaciers Listen? Local Knowledge, Colonial Encounters, and Social Imagination* (Vancouver: UBC Press, 2005); Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (Winnipeg: University of Manitoba Press, 2005).

<sup>24</sup> Sherene Razack, "Introduction: When Place Becomes Race" in Sherene Razak, ed. *Race, Space, and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines, 2002), 1-20; Andrew Baldwin, Laura Cameron and Audrey Kobayashi, eds., *Rethinking the Great White North: Race, Nature, and the Historical Geographies of Whiteness in Canada* (Vancouver: UBC Press, 2011).

Canada, but they also enact a particular material relationship to land that support settler political and legal claims to land. “Discovery” also has both discernible spatial and temporal dimensions. It has a place as well as a time - the frontier and the future. Settler claims are frontier stories, where the frontier unites time and space in the limitlessness and destiny of the settler project.<sup>25</sup> While such frontier narratives recall explorations of the eighteenth and nineteenth centuries, they are reincarnated through postwar projects of large-scale and permanent infrastructure and engineering.<sup>26</sup> Fascination with “the North” long predates Canadian Confederation, as evidenced by the volumes of historical writing on northern exploration, but also resides at the heart of an emergent Canadian national identity.<sup>27</sup>

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This study contributes to northern studies by reexamining the role of time and temporality in the making of settler space. While rooted in concepts associated with newness and staying, the dissertation also situates its analysis of colonial power in a temporal register; namely, it attends to

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<sup>25</sup> See Tom Griffiths, “Introduction: Ecology and Empire: Towards an Australian history of the world” in Tom Griffiths and Libby Robin, eds., *Empire and Ecology: Environmental History of Settler Societies* (Edinburgh: Keele University Press, 1997).

<sup>26</sup> Liza Piper, *The Industrialization of Subarctic Canada* (Vancouver: UBC Press, 2009); Stephen Bocking, “Science and Spaces in the Northern Environment,” *Environmental History* 12 no. 4 (2007), 867-894; Matthew Farish and Whitney Lackenbauer, “High modernism in the Arctic: planning Frobisher Bay and Inuvik,” *Journal of Historical Geography* 35 no. 3 (2009), 517-544; John Sandlos, *Hunters at the Margin: Native People and Wildlife Conservation in the Northwest Territories* (Vancouver: UBC Press, 2007); John Sandlos and Arn Keeling, “Claiming the New North: Development and Colonialism at the Pine Point Mine, Northwest Territories, Canada,” *Environment and History* 18 no. 1 (2012), 5-34.

<sup>27</sup> Carl C. Berger, “The True North Strong and Free,” in *Nationalism in Canada*, edited by Peter Russell (Toronto: McGraw-Hill, 1966), 3-26; W. L. Morton, “The ‘North’ in Canadian Historiography,” *Transactions of the Royal Society of Canada*, fourth series, 7 (1970), 31-40; Richard Diubaldo, “The North in Canadian History: An Outline,” *Fram: The Journal of Polar Studies* 1 no. 1 (1984), 187-196.

the presumed *pastness* - and the insistence on this pastness - associated with Indigenous peoples as a source of a pervasive colonial power in Canada. The study also examines a variety of ways in which themes of time are enrolled in making settler space. While this study is concerned with the state's role in settler colonial processes, it also centres the wider background of Canada's cultural geography and the placement of "the North" within it. The division of the Northwest Territories thus assumes importance beyond that of bordering northern lands or partitioning space; it also entails an underlying claim to northern lands that is bound with the longer processes of settler colonial expansion and of cultivating jurisdiction over northern lands. It includes how division fits within and advances a wider system of power.

While settler colonial theory is rooted in the longer historical trajectory of settlement that goes back several centuries, this study is more concerned with its evolution, and less with its origins. While much settler colonial scholarship in Canada continues to centre histories of the eighteenth and nineteenth centuries, the focus is on the latter half of the twentieth century reveals both shifts in settler colonial power and an acceleration of it. These are examined in relation to the north and the effects on Indigenous northerners. The postwar period marks a shift in Canada's northern imaginary and the mythology surrounding it that is also reflected in the making of northern space. This period saw "the North" evolve from an abstract entity to a geographically specific national space and territory. For the first time the Government of Canada adopted a national strategy for the north, which focused on safeguarding Canada's economic and territorial sovereignty. Cold War anxieties of the early 1950s and the construction of DEW Line sites across mid-Arctic latitudes briefly turned northern regions into a potential theatre of international conflict. As military tensions dissipated in the latter part of the decade, national attention shifted to eco-

conomic and social facets of the north. John Diefenbaker's campaign for a Northern Vision marked the rise of northern Canada as a region of national significance. At the same time, the immediate postwar period saw a change in the face of northern Canada and greater public scrutiny of the condition of Indigenous peoples. As a result, government programs embraced liberal reforms aimed at improving the welfare of Indigenous northerners, often centred on the eastern Arctic.

These moved quickly from beliefs that Inuit should live a mix of old and new ways to policies explicitly aimed at "modernizing" Inuit by building permanent settlements and communities, and by introducing housing, schooling, healthcare, and wage labour to Inuit life. These were not limited to Inuit, but reflected a wider reaction to conditions faced by Indigenous peoples across Canada. For ministers and policymakers, a "common sense" view of indigeneity was often articulated as the old ways coming to an end. The embrace of liberal reforms also posited a new role for the state in the management of Indigenous affairs. These reflected base assumptions about the nature of Indigenous "cultures" as being distinct from the means of economic reproduction.

While various measures were introduced to safeguard and allow for the continuation of cultural practices, government policies and programs assumed greater influence over economic and social lives of Indigenous northerners than ever before. More specifically, new means of administering Indigenous affairs effectively did away with older ones - namely, those of the historical treaty relationship. Government policies, which until the Second World War had been more concerned with administering treaty, effectively abandoned the treaties as a framework of relations with Indigenous peoples altogether. By the late 1960s and early 1970s, a surge of Indigenous organization and activism culminated in a pan-Indian movement to retain legal and political rights, and for recognition of the inherent rights of treaty.

Despite the attention on the eastern Arctic, discourses of “newness” and opening the north were most prevalent in the Western Subarctic. Resource extraction and modern welfare reform policies ran directly into conflict over the administration of Indian Affairs and treaty. These coincided with debates over the transfer of responsibilities and rights to a new territorial government in the north. In 1967, Yellowknife was selected as the new seat of government for the Territories, and the Territorial Council that had been in existence since the early 1920s formally relocated out of Ottawa. The following year, the discovery of oil on the North Slope of Alaska sparked calls for a pipeline down the Mackenzie Valley, right through the heart of Dene lands, to link the Arctic coastline with an existing pipeline network in northern Alberta. The Mackenzie Valley pipeline debate dominated the early years of the Government of the Northwest Territories, and was a major catalyst in Dene political organization and resistance. In the early 1970s, Dene mobilized around the Indian Brotherhood of the Northwest Territories (IB-NWT) for the assertion of treaty rights. Like the National Indian Brotherhood in the south, Dene were angered over the repeated violations of treaty and the lingering threat to Aboriginal and treaty rights reflected in the federal government’s attempted alterations to the Indian Act. In efforts to open northern resources, Dene saw a familiar disregard for treaty and an attempt to install the Government of the Northwest Territories as an intermediary between Dene and the Crown. While Dene had long observed violations of treaty, the frustration and anger of the 1970s was largely centred on the Department of Indian Affairs and Northern Development and its northern development programme. Pipeline opposition was central to this, but was not the only focus of Dene resistance, which included extensive research into the history of treaties 8 and 11, the mapping of Dene territories and trails,

and proposals for the creation of a new system of government in the north that would safeguard the rights and representation of Indigenous northerners.

Dene resistance of the 1970s manifested at multiple geographical scales in the north and across the country at large. This ranged from local activism in communities throughout Denendeh and at the regional level in alliance with other northern Indigenous groups, to engagement in the national movement for Aboriginal rights. In the years leading to the Mackenzie Valley Pipeline Inquiry, the Dene leadership used issues of corridor development and highway construction to unite Dene communities with one another, as well as with other northern political organizations, and to raise awareness about the seemingly constant abuse of the treaty relationship. Buoyed by the entry of a new generation of Dene leaders into regional, territorial and even national politics, the IB-NWT mobilized to block highway expansion through territories and communities, and challenged the legitimacy and authority of the new Territorial Government. In 1973, the Dene sued the federal government over development proposals for treaty lands in a lawsuit that cast new light on the history of the treaties. That same year, in response to the institution of the federal land claims policy, Dene set about documenting their traditional territories as part of a “land use and occupancy” research study. These showed that Dene had never ceded their lands to the Crown, as government lawyers argued, but they also indicated the broader social and economic impacts that pipeline development would bring. At the Mackenzie Valley Pipeline Inquiry between 1974 and 1976, Dene were at the centre of a wider public awakening to Indigenous issues in Canada, and the colonial nature of northern extractive industry. Dene testimony at the Mackenzie Valley Pipeline Inquiry was broadcast across the country and internationally. These events drew the Dene leadership into broader debates about Indigenous peoples and the inherent-

ly colonial relationship of power with the Crown, briefly making the Dene the face of anti-colonial struggle in North America.

However, the Dene movement also confronted challenges as a result of the quickened pace of development and the scale of changes taking place. Internally, the IB-NWT struggled to determine an agreed upon course for representing Dene within the territories, and the leadership was left divided. Moreover, Dene faced challenges in getting their message across to the wider public. Despite reaching heights of popular interest never before seen in Canada, the conclusion of the Mackenzie Valley Pipeline Inquiry left a vacuum in the political landscape of the Northwest Territories. By the late 1970s, as the Dene and other northern Indigenous political organizations were preparing to submit their land claims proposals to the federal government, the sense of solidarity that had bolstered pipeline resistance had been replaced by a sense of competition between groups. Throughout the 1980s, land claims negotiations dominated political affairs, renewing old tensions while fostering new sources of division - often between Indigenous groups now vying for lands thought to house mineral and petroleum resources. In negotiations of overlapping land claims between Dene and Inuvialuit, as well as those between Dene and Inuit, "history" and historical use emerged in new conflicts over non-renewable resources. The border separating the Northwest Territories from the new territory of Nunavut was ultimately arrived at through a lengthy and often acrimonious process that left negotiators on all sides exhausted and often disappointed. The celebration of division, which is more often commemorated as the creation of Nunavut, rekindled a familiar passion for the newness of the north, while ostensibly bringing the prior period to a close.

Time and temporality are not merely themes of settler-colonial history; they are also instrumental to the maintenance of settler power.<sup>28</sup> This dissertation follows lines of inquiry that run through settler colonial studies while focusing on relationships of indigeneity and time. Like other studies of “the Native” in settler histories, this dissertation examines the relationship of time and temporality in the historical appropriation of Indigenous lands; tracing indigeneity through its presumed *pastness*, and situating this within a broader structure of settler-colonial relations of power. The pastness of indigeneity is prevalent in nineteenth century imaginings of “the Native,” which cast non-Europeans as *behind* modernity and a “burden” on Europeans to civilize, masking more basic economic and geopolitical interests of acquiring new territories to be mined for resources and strategic influence.<sup>29</sup> In its earliest iterations, this pastness also had a spatial equivalent. As Pauline Wakeham argues, pastness is key to rationalizing settler presence and authority in Indigenous lands.<sup>30</sup> Historically, Indigenous peoples have been collateral damage in this process.<sup>31</sup> This pastness - projected from non-Indigenous imaginaries - further enacts modes of power over Indigenous peoples. Philip Deloria, Daniel Francis, and Paige Raibmon have each shown how the conceived-of indigeneity, or the popular expectation of what “Indianness” is,

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<sup>28</sup> For an extensive critique of time and temporality in relation to Indigenous sovereignty, see Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination*, (Durham, NC: Duke University Press, 2017).

<sup>29</sup> Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object* (New York: Columbia University Press, 1983), 31; Giordano Nanni, *The Colonisation of Time: Ritual, Routine and Resistance in the British Empire* (New York: Manchester University Press, 2012). Chapter 3, esp. 66-72. See also Lauren Benton and Benjamin Straumann, “Acquiring Empire by Law: From Roman Doctrine to Early Modern European Practice,” *Law and History Review* 28, no. 1 (2010), 1-38.

<sup>30</sup> Pauline Wakeham, *Taxidermic Signs: Reconstructing Aboriginality* (Minneapolis: University of Minnesota Press, 2008), 177.

<sup>31</sup> James Tully, *Public Philosophy in a New Key (Ideas in Context)* (Cambridge: Cambridge University Press, 2008), 227, <https://doi.org/10.1017/CBO9780511790737>.



contrasts starkly with the lived experience of Indigenous peoples.<sup>32</sup> According to Métis scholar Chris Andersen, presumptions of pastness continue to “fix” Indigenous peoples to beliefs, understandings and myths that impose restrictive parameters on what being Indigenous can mean.<sup>33</sup>

My approach differs from recent scholarship in two ways. First, unlike many studies of “authentic Indians” that are rooted in nineteenth century histories of contact and settlement, this dissertation examines indigeneity in the latter half of the twentieth century - a period in which ideas of the pastness of indigeneity were already being debunked. It evolves away from a temporality of the *past* to address different aspects of how time and temporality shape the colonial operation of power. More specifically, discourses of time, pastness, and newness are put in the context of land claims negotiations and the strategic interests of the state in securing title to Indigenous lands. My intention is to show the evolution of this *pastness*, highlighting ways it has changed and ways that it has remained the same. A second area where this dissertation differs is through its focus on political geography, a subfield of human geography that is concerned with the exertion of political power over physical and social landscapes. Under a settler-colonial framework, the enactment of settler power culminates in the appropriation of Indigenous lands and territories, resulting in a claim of sovereign authority over those lands and peoples. Yet processes of appro-

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<sup>32</sup> Philip J. Deloria *Indians in Unexpected Places* (Lawrence, KS: University Press of Kansas, 2004); Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham, NC: Duke University Press, 2005); Daniel Francis, *The Imaginary Indian: The Image of the Indian in Canadian Culture* (Vancouver: Arsenal Pulp Press, 1992); Shepard Kretch III, *Ecological Indian: Myth and History* (New York: W. W. Norton & Company, 1999).

<sup>33</sup> Chris Andersen “Métis”: *Race, Recognition, and the Struggle for Indigenous Peoplehood* (Vancouver: UBC Press, 2014), 12. “Given Canadians’ predilection for understanding Indigenous authenticity in terms of a largely mythologized, pre-contact past, speaking about Métis in race-conscious idioms means almost always speaking in terms of our fixedness - and thus to the relative absence of this pre-contact element.”

priation are themselves historical, ongoing, and as I reflect upon throughout, never fully complete.

A valuable way to link political geography to indigeneity is to follow patterns of settler-colonial relations over time - to ask what has changed and what has not. One of the ways this is done throughout the dissertation is by tracing popular and political discourse around indigeneity with debates over land. Knowledge, indigeneity and land run through settler colonial theory, drawing together a variety of disciplinary perspectives that address the broader structures that shape settler-colonial relations of power. Mohawk anthropologist Audra Simpson, for instance, has centred knowledge of indigeneity in her studies of settler colonial relations of power.<sup>34</sup> For Simpson, much like historian Patrick Wolfe, how indigeneity and Indigenous peoples are known are key to this power.<sup>35</sup> How this power has been refined in analyses is primarily in relation to land. I take a similar approach to knowledge indigeneity, with a particular emphasis on the temporal dimensions of indigeneity. I show throughout how discourses of “past” and “newness” operate through debates over land, and how these discourses evolve over time. In tracing this evolution, this dissertation also asks how notions of indigeneity continue to inform contemporary settler colonial

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<sup>34</sup> Audra Simpson, “‘Tell me why, why, why’: A Critical Commentary on the Visuality of Settler Expectation” *Visual Anthropology Review* (2018), 60-66. <https://doi-org.ezproxy.library.ubc.ca/10.1111/var.12153>

<sup>35</sup> Audra Simpson *Mohawk Interruptus* (Durham, NC: Duke University Press, 2014), 95. See also Taiaiake Alfred and Jeff Corntassel, “Being Indigenous: Resurgences against Contemporary Colonialism,” *Government and Opposition* 40 no. 4 (2005), 597-614. “Indigeness is an identity constructed, shaped and lived in the politicized context of contemporary colonialism... It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world.” Patrick Wolfe, “Settler colonialism and the elimination of the Native,” *Journal of Genocide Research* 8 no. 4 (2006), 387-409.

politics.<sup>36</sup> Of importance here is the historical transition of federal Indian Policy in the late 1960s. During this time the Government of Canada attempted to permanently alter the status of Aboriginal rights. The period also saw the institution of Canada's land claims framework, which diverged from the previously proposed White Paper of 1969 but that ultimately sought an alternative means to remove obstacles to land and resource development posed by Aboriginal title and rights. Land claims also gave rise to the language of *recognition*, a term used early on by Indigenous leaders to have Aboriginal and treaty rights upheld, but soon appropriated to mean recognition of "culture." For Dene political theorist Glen Coulthard, this recognition and supposed shift in relations between Canada and Indigenous peoples merely perpetuates Canada's control and jurisdiction over Indigenous territories.<sup>37</sup> Persistent efforts to appropriate or dilute Indigenous resistance also provide historical context for the ongoing and continuous nature of resistance. While this study centres on a history of Dene resistance, it locates this resistance as part of a longer-term and structural colonial relationship that underscores contemporary movements.

This research was gathered from archival collections, mainly in Ottawa and Yellowknife but also in Gatineau, Vancouver, Calgary and Toronto. These collections were typically political materials from various federal and territorial departments and the personal papers of former Ministers, Commissioners, and Deputies at the Department of Indian Affairs and Northern Development

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<sup>36</sup> Paul Nadasdy, *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon* (Vancouver: UBC Press, 2005), 9.

<sup>37</sup> Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis, MN: University of Minnesota Press, 2014); See also Elizabeth Povinelli, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (Durham, NC: Duke University Press, 2002).

and the Government of the Northwest Territories. I also consulted personal papers of key actors referred to throughout, including those of Thomas Berger, William Morrow and June Helm. One area where the collections of Library and Archives Canada in Ottawa and the Prince of Wales Northern Heritage Centre in Yellowknife presented a challenge was in locating political materials and correspondence of Dene and northern Indigenous groups. While both contain many statements, letters and reports from the IB-NWT/Dene Nation, the organization of both collections typically reflects how these were received and filed by government staff at the time. Because the Dene leadership often distributed multiple carbon copies of letters and releases to regional, territorial and federal representatives, there is a good amount of IB-NWT materials throughout these collections. The organization of IB-NWT materials in government archives contrasts sharply with those found in June Helm's collection of personal papers and field notes. More than twenty interviews were also done, though these were closer to informal conversations, often over coffee, lunch, and on the phone. I interviewed former members of the IB-NWT/Dene Nation, members of the Territorial Council, premiers of the NWT and Yukon, staff of the Dene Mapping Project, researchers with the NCRC/NSRG, staff of the Mackenzie Valley Pipeline Inquiry, and others with personal and professional recollections of the events of the 1970s.<sup>38</sup>

As a non-Dene and non-Indigenous person researching in the north, I am aware that resources are not all that have been historically extracted from the north; the taking of knowledge, and re-formatting of this, is also part of a system of knowledge production that is integral to how In-

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<sup>38</sup> This research was carried out in accordance with the Behavioural Research Ethics Board at the University of British Columbia, #H15-00648. In addition to this, a NWT Scientific Research Licence (No. 15817) was granted by the Aurora Research Institute in the Northwest Territories. Finally, access to the restricted materials of the Dene Nation - including the maps of the Dene/Métis Mapping Project - was granted by the Dene Nation under then National Chief Bill Erasmus.

Indigenous peoples are known and represented. I have often thought about this as it applies to my use of archival research, and how this differs from much of the ethnographic or community-based research that makes up a large portion of the northern literature. There are several reasons why the archive continues to play an important role in northern scholarship. First, like the study of history itself, the archive is an incomplete resource; new materials are constantly being added, and older materials being re-read or, in many cases, being read for the first time in many years. Many of the materials here have not been addressed in scholarship, and those that have with considerably less rigour. For instance, I am unaware of published historical studies that have addressed the materials of June Helm's collections in the same level of detail as here. The same can be said of Stuart Hodgson's collections at Yellowknife, and of the papers of Basil Robinson, formerly the deputy Minister of the Department of Indian Affairs and Northern Development. His papers include critical information pertaining to the drafting of specific and comprehensive land claims policies in 1973, which provides significant insights into DIAND's strategy in the north, but to the best of my knowledge had not been previously accessed. Most notably is the research presented here relating to the Dene mapping project and land use research. While that project has been addressed in recent literature - and most expertly in Tom Andrews's doctoral dissertation, *There Will Be Many Stories* - I believe the materials gathered here constitute the most comprehensive account of the history of the Dene project to date.

Another point concerns my own status as a non-Indigenous researcher, and materials I have selected to showcase here. Not wanting to present information that might be sensitive or easily misinterpreted, I have chosen to focus on historical materials that were intended for public consumption. Selections from transcripts of the Mackenzie Valley Pipeline Inquiry have been chosen

where Dene speakers are utilizing the inquiry as a platform to speak to Canadian audiences. As it relates to how I read and represent these materials, it is not my intention to reinterpret Dene speech or writings. My intention, rather, is to outline the wider context in which this speech was presented. I would also add that most of the materials consulted were produced by staff and members of the Indian Brotherhood of the Northwest Territories, and should not necessarily be read as speaking for all Dene. While several chapters lean heavily on Dene political writings, letters, and articles, the focus remains on interactions between Dene political leaders and officials of the Canadian government.

In addition to archival research, I carried out a number of interviews with former staff and members of the IB-NWT/Dene Nation. Many of these interviews were highly instructive in terms of helping me to understand the context of many of the materials I found in the archives. Yet there are several reasons why the interviewees are not quoted from directly here. Some requested that they not be mentioned by name. More broadly, however, I have been concerned to ensure an appropriate balance of perspectives and historical recollections throughout. In general, I found it much easier to track down and communicate with non-Indigenous participants from the period under study, many of whom spoke with great fondness about their experiences and of the lessons they drew from them. Although I believe a broader study based on interviews would be of tremendous value to this history, it is beyond the methodological framework of this particular project.

Throughout this research I have learned a great deal about the limits to knowing. How one knows, whose knowledge is drawn from, and how knowledge is transmitted present some big

questions of method and of research ethics that I have contemplated throughout. While I have sought to know northern history, I have become intimately aware of the limitations of being a non-Dene researcher in this regard. I say this not from a position of regret, but as a matter of fact. There is much for the sojourner researcher to learn and know about northern history, society, and the numerous popular and scholarly writings on the subject attest to the sustained interest of southerners in the rich cultural and history of the north. But there are many more things, one learns, that will not be known, and cannot be known to outsiders like myself.

At stake here is the legitimacy of academic research, specifically as it relates to non-Indigenous researchers working on Indigenous issues and with Indigenous content. Like many non-Indigenous and southern Canadians, my knowledge of Indigenous peoples and politics has come through narratives in which Indigenous peoples are cast as minor or supporting characters in broader stories of Canada. Centring Dene struggle is pivotal to challenging and subverting these conventional narratives, and creating space within scholarship to correct the historical imbalance in the way these histories have been told and commemorated. In the current climate of academic debate, and the renewed emphasis on research being done by Indigenous peoples, making this space is pivotal to the relevance of work produced by non-Indigenous researchers like myself. I have benefitted from financial support, had access to a wider array of resources, and most importantly, had time to learn and think about these as they relate to a host of current issues. I have sought to use this research to expand the scholarly context and create space - in this case in the historical record - for Indigenous struggle and perspectives to be communicated and understood by non-Indigenous readers. For scholars of northern studies, I hope this research will serve as a reminder of the need to continuously interrogate and amend the existing historical record, and to

bring this history into contemporary debates and struggle. At the same time, it is a reminder of the need to continually question our own interests, motives and roles as researchers. At a time of tremendous renewal of Indigenous research, perspectives and voice, contemporary research that fails to connect these debates with longer histories of struggle risks being seen as irrelevant. In addition to being of interest to Dene and Inuit who lived this history, I hope this research is relevant to non-Indigenous researchers seeking to contextualize and ground their own studies in contemporary debates, and that it contributes in some small way to how we, as researchers, can continue to centre Indigenous perspectives and research in our work.

The dissertation follows a historical arc from the late 1950s to the early 1990s, tracing tensions of knowledge, indigeneity and land; between what is known of northern Indigenous peoples and the amalgamation of Indigenous lands into mainstream Canadian society. Chapter two outlines the contours of a debate over indigeneity within government and the emerging interests in relation to resource extraction. The emphasis here is on the transformation of federal Indian Policy and how this fits within contemporaneous designs for northern development. The chapter highlights the emergence of the Department of Indian Affairs and Northern Development as a major influence in shaping this transformation, and cites the Department's growing interest in large-scale resource extraction to its mandate for social, economic and political development in the north. In key respects, this history is a precursor to Indian Policy of the late 1960s that contributed to the rise of Indigenous activism of the 1970s. As it relates to themes of time and temporality, the conflict of government researchers and policy-makers is used to highlight the strategic dimensions of northern development. The chapter reveals tensions within government over



the pastness of indigeneity, and links these with interests in the northward expansion of the Canadian state.

The third chapter shifts the focus from federal policy to political development at the Territorial level, and the emergence of Dene resistance and activism. The thematic concept of pace or rhythm is introduced as an alternative (and ultimately a variation) of pastness. This is grounded in discussions of the Mackenzie Highway and to broader themes of the role of built environments in settler colonial processes of appropriation and displacement. Central to this analysis are subjects of labour and efforts to solicit Dene participation in the new Government of the Northwest Territories (GNWT). While the enrolment of Indigenous labour has been viewed in relation to capitalist development and its intersection with settler colonial theory, I centre labour from a different perspective; namely that of the importance of Indigenous labour to the legitimacy of the GNWT. Yet the highway is also used to illustrate the nature of Dene resistance, which manifested as critiques of wage labour, capitalism, and colonialism. The chapter also addresses the relationship of built environments and the role of private industry in shaping the social and political development throughout Denendeh.

Chapter 4 visits Dene resistance in greater detail and with respect to geographical and spatial change. Its focus is the production of Dene trail maps that were used in the conduct of the Dene land use and occupancy research. The chapter provides an overview of the broader context of land use and occupancy studies in order to illustrate the nature of Dene resistance to it. As it concerns time and temporality, Dene emphasis on trails are examined in relation to both Dene relations with the Crown - namely through the treaty relationship - as well as through the evolution

of the Dene movement from within. The chapter also draws out relationships between trails and travel in relation to time and place, and discusses these with reference to contemporary scholarship on Indigenous countermapping.

The fifth chapter examines the confluence of Dene resistance and mapping. The focus here is on Dene participation at the Berger Inquiry. Here, discussions shift from concerns with the past to those of the future as presented at the pipeline hearings, centring Dene efforts to engage the Canadian public at large, as well as the challenges of doing so. The chapter is organized around a comparison of how the future is invoked at northern and southern hearings, with an eye towards differences in how the inquiry was conducted and received in both the north and the south. While the Berger Inquiry remains a seminal movement in Canadian social history, the chapter questions present-day recollections of the Inquiry and its role in Canadian history. The focus on Dene speech helps illustrate the extent and nature of popular disconnect with basic ideas of Indigenous rights, and how ideas of Indigenous welfare are popularly understood.

The sixth and final body chapter covers the years following the pipeline debate through the negotiation of land claims that ultimately lead to the division of the Northwest Territories. Overlapping claims between the various northern Indigenous groups fostered tensions between Indigenous groups that had previously bonded together in the struggle against development. In asking what the border divides, the chapter lays out a broader framework that ties together the contributions of the preceding chapters. The question of what the border divides draws together themes of knowledge, memory, time and space in the making of northern Canada.

“It was also explained [to the Indians] that because of the rapid development taking place in the Mackenzie District the government felt that the matter of the land entitlement under the Treaty should be settled as soon as possible so that if the band wished to take up its land it should do so now before the best land was taken for development purposes by the numerous persons coming into the Territories.”<sup>39</sup>

Report of the Nelson Commission, 1959.

“Somewhere in the policy making exercise, information ‘ends’ and judgement, invention and risk taking enter the arena. In other words, at some time in the process, ‘science’ ends and ‘politics’ begin.”<sup>40</sup>

Sally Weaver, cited in PG Nixon, 1986.

“How is it that Indigenous people, and their politics, have come to be known in particular ways?”<sup>41</sup>

Audra Simpson  
*Mohawk Interruptus*

In December, 1959, the report of the Nelson Commission on outstanding matters of treaty in the Northwest Territories was received by the Privy Council. Nelson was tasked with investigating whether or not to establish reserves that had been provided for in both Treaty 8 (1899) and Treaty

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<sup>39</sup> Canada. Royal Commission to Investigate the Unfulfilled Provisions of Treaties 8 and 11 as they Apply to the Indians of the Mackenzie District. *Report of the Commission Appointed to Investigate the Unfulfilled Provisions of Treaties 8 and 11 As They Apply to the Indians of the Mackenzie District*. [Ottawa, ON]: Queen’s Printer, 1959.

<sup>40</sup> Patrick Gerald Nixon, “The Politics of Government Research: The Case of the Northern Science Research Group,” (Conference paper presented at the Annual Meeting of the Canadian Political Science Association, Winnipeg, Manitoba, 1986).

<sup>41</sup> Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham, NC: Duke University Press, 2014), 12.

11 (1921), but which had not been implemented. While the final report offers only a glimpse of Dene relations with the Canadian government, its conclusions foreshadowed the years of political organization that were to follow. Nelson reported that Dene chiefs firmly rejected reserves, which they insisted had never been included in the initial treaty negotiations, and were skeptical of government motives, which they suspected were to do with interest in their lands. But while the Commission urged the federal government to renegotiate treaty with the Dene, many of its conclusions allude to a turning point in relations between Dene and the federal government. The Commission wrote: “It is definitely the opinion of all members of this Commission that the Indians in the Territories will eventually become integrated into the Canadian way of life, both economically and socially.”<sup>42</sup>

Such thinking appears to have been consistent with official opinion of Indigenous northerners and the rationale behind “integrating” Dene and Inuit into the Canadian way of life. In the 1950s, as the north became a national focal point as a potential source of resource wealth, various federal inquiries were made into the social and economic conditions of Indigenous northerners. These often cited the imminent decline of Indigenous cultures in their calls to modernize the northern administration and to reform northern social policy. Much of this was also consistent with what was considered the best available expert opinion of the day. Diamond Jenness, arguably Canada’s best known anthropologist at the time, was a staunch advocate of assimilationist policies. He viewed Indigenous cultures as things of the past, incompatible with modern ways of making a living, and argued that the state should do what it could to bring Indigenous peoples into the

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<sup>42</sup> Canada, 1959: 7.

mainstream.<sup>43</sup> Not all expert opinion was in agreement with Jenness, however. Throughout the 1960s, researchers studying integration policies - specifically those connected to large-scale non-renewable resource development and wage labour - began to criticize northern development programs and many of the assumptions on which they were based. By the end of the decade, government researchers were openly challenging the Department's approach to social development, and undermining the basic premises that informed much of this thinking; namely, that Indigenous cultures were on the verge of disappearing altogether.

How bureaucrats and policymakers came to know northern peoples highlights the value of a settler-colonial perspective in postwar northern Canada. In past and recent scholarship, themes of knowledge and intent have been used to characterize the Canadian state and those working in the service of it. Frank Tester and Peter Kulchyski's book on Eskimo Administration and the coerced migration of Inuit families in the 1950s is perhaps the best known study of postwar northern social policy in relation to Canadian statehood and development. They invoke the Inuktitut word, *tammarniit* (mistakes), to characterize the evolving colonial governmentality of state-led Inuit migrations and social reforms.<sup>44</sup> "In Inuit affairs it was a liberal form of welfare state," they write, "which gave the appearance of having a more benign face and which employed a greater reliance on ideology, that became the means of attempting assimilation."<sup>45</sup> More recently, historian Tina Loo's study of government responses to Inuit starvations in Keewatin highlights both internal and professional conflicts of those tasked with "[putting] northerners on a more equal

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<sup>43</sup> Peter Kulchyski, "Anthropology in the Service of the State: Diamond Jenness and Canadian Indian policy," *Journal of Canadian Studies* 28 no. 2 (1993), 21-50.

<sup>44</sup> Frank Tester and Peter Kulchyski, *Tammarniit (Mistakes): Inuit Relocation in the Eastern Arctic, 1939-63* (Vancouver: UBC Press, 1994).

<sup>45</sup> Tester and Kulchyski, 1994: 4.

footing” with other Canadians. Framed as a history of hope, Loo writes that some within the northern bureaucracy were “aware of some of the contradictions inherent in what they were doing, of the fine line between facilitating change and imposing it. Yet they still felt compelled to act - however imperfectly - hopeful, if not always entirely convinced, that they were doing the right thing.”<sup>46</sup>

Challenges of doing the right thing, however, extended beyond managing social, economic and political reform. They also reflected differences in opinion, interests and priorities among researchers and policymakers at Northern Affairs. As I show below, policies aimed at integrating Indigenous northerners became a source of disagreement at different levels of government, resulting in researchers being gradually distanced from decision-making circles. This is best exemplified by the case of the Northern Coordination and Research Centre (NCRC), a prominent federal agency within Northern Affairs that, between 1954 and 1973, was the government’s primary resource for northern social research. While the NCRC gained a reputation for high quality work during the first half of its tenure, researchers at the NCRC soon found themselves at odds with northern policymakers over socio-economic programs designed to bring Indigenous northerners into the fold of mainstream Canadian society. The creation of the Department of Indian Affairs and Northern Development in 1966, with new powers to catalyze resource development but also control over the northern research agenda, marked a significant shift in the politics of northern social science. It also marks a turning point in how indigeneity - and Indigenous northerners - were known to northern administrators.

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<sup>46</sup> Tina Loo “Hope in the Barrenlands: Northern Development and Sustainability’s Canadian History,” in Stephen Bocking and Brad Martin, eds. *Ice Blink: Navigating Northern Environmental History* (Calgary: University of Calgary Press, 2016), 231; 252.

This chapter focuses on the evolving northern administration in relation to questions of indigeneity. In taking this approach, I echo inquiries of Audra Simpson and others, who have foregrounded knowledge of Indigenous peoples in writing about and characterizing Canadian statehood. While I am primarily interested in tracing the contours of the northern bureaucracy, my focus is on ideas of indigeneity - including presumptions of its innate pastness - and how this informs the northern administration. The chapter is presented in two main sections. The first of these establishes the context of administration and governance in the Northwest Territories, outlining the various economic and political changes of the 1960s. Just as Loo situates Keewatin policies amidst broader trends of national citizenship and global development, I argue that northern social policy must be viewed in the wider context of federal Indian Policy and the evolving image of “the Native” in northern Canada. The second section is drawn from archival materials of the Northern Coordination and Research Centre, centring on the relationship of indigeneity to social, economic and political questions in the Territories. The case of the NCRC, I suggest, highlights the limits - and the politics - of knowledge regarding Dene and Inuit. I argue that unlike the mistakes that characterized northern policies of integration in the early postwar years, northern social policy from mid-1960s onward was more strategically oriented to asserting federal jurisdiction over Indigenous lands, and removing the lingering doubts left behind by treaty.

*Between Administration and Governance in the Northwest Territories*

Postwar northern development situates amidst changes in the administration and governance of the Northwest Territories, and the gradual devolution of political powers from the federal government to the territorial level. While in the first half of the twentieth century the NWT was administered by various federal government branches and by the NWT Territorial Council, the period following the Second World War saw a growth in calls from the predominantly settler population of the Western Arctic for greater political powers. In the immediate postwar years, the Northwest Territories continued to be administered by the Territorial Council in Ottawa that had existed since 1921. The six member council was actually created in 1905, when the provinces of Manitoba and Alberta were carved from it, but its four seats (two more were added in 1921) were only filled sixteen years later after the signing of Treaty 11 and the opening of oil refineries at Norman Wells. Administration of the Territories evolved in step with resource development and along with federal initiatives to grow the northern economy and attract private investment in mineral and petroleum industries. In 1922, the Northwest Territories and Yukon Branch in the Department of the Interior was established as the first unit of the federal government devoted exclusively to the administration of northern affairs. After the transfer of resource rights to the provinces in 1930, the importance of territorial lands - which remained federal jurisdiction - again rose for the federal government. Subsequent federal assistance to mineral speculators led to discoveries of pitchblende at Port Radium and quartz and gold at Yellowknife, which helped transform the Northwest Territories from a predominantly fur-driven to a mining economy. Such finds of the 1930s brought a greater number of traders, trappers and missionaries from the south, many of whom were behind the push for greater political rights in the postwar period. Other ma-



major wartime developments, such as the construction of the Alaska Highway, the CANOL Pipeline, and the Northwest Staging Route, sparked greater interest in large-scale development and in the establishment of permanent infrastructure to sustain a larger influx of people from the south.

Related developments of northern administration can also be seen in the postwar reorganization of Indian and Eskimo Administrations. Like the lands of the Northwest Territories, Indian and Eskimo Administration fell under federal jurisdiction, and as such were increasingly bound to extractive activities in northern lands. For much of this time, however, Indian and Eskimo affairs were operated by separate units of the federal government. Since 1936 the Indian Affairs Branch was administered by the Department of Mines and Resources, while responsibility for Inuit had been granted to the Northwest Territories and Yukon Branch of the Department of the Interior in 1928. Inuit of northern Québec were essentially ignored until 1939 when the Supreme Court ruled Eskimos were a federal responsibility. It was not until 1946 that the first major federal policy review of Indian and Eskimo administration was established under the special Joint Committee of the Senate and House of Commons. Its role was to report on possible amendments to the Indian Act and “any other matter or thing pertaining to the social and economic status of Indians and their advancement...”<sup>47</sup>

As Kerry Abel and John Leslie note in their brief overview of federal Indian Policy, the postwar period saw key shifts in Crown-Indigenous relations. In particular, Abel and Leslie highlight the reorientation of Indian policy away from administering treaty and towards the adoption of liberal welfare reforms and integration policies. But they also note pushback from Status Indians. The

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<sup>47</sup> Kerry Abel and John F. Leslie, *Native Policy Since 1945* [Ottawa, ON]: Department of Indian and Northern Affairs (2000), 4.

Joint Committee, for instance, heard requests that treaties be honoured and that hunting, fishing and trapping rights be recognized. The Committee's recommendations that treaty violations and land issues be investigated helped to raise the profile of the Indian Affairs Branch within government bureaucracy. The Indian Affairs Branch was transferred to Department of Citizenship and Immigration in January 1950 as a result. That same year, Eskimo Affairs was moved into the Northern Administration Branch under the Department of Resources and Development, leading to changes in the delivery of welfare services throughout the eastern Arctic and accompanying the coerced migration of Inuit to settled communities.<sup>48</sup> Unlike Inuit, however, Status Indians were not legally citizens of Canada, even after the introduction of the *Canadian Citizenship Act* of 1947, and were only retroactively assigned citizenship in 1956. Compulsory enfranchisement was only removed from the Indian Act by the Diefenbaker government in 1961. As Abel and Leslie note, while the period marks a shift in Indian Policy away from land and treaty administration to a focus on the socio-economic problems of Indigenous peoples, it retained the paternalism of old Indian Policy. "In the end," they write of the postwar changes, "the Minister still had considerable power over Native people's lives, status Indians could not vote in federal elections, and the underlying premise of assimilation was still in place, although officials now preferred the word 'integration' to describe the goal."<sup>49</sup>

Developments in the Northwest Territories thus fell between the administration of federal jurisdiction and the devolution of governmental responsibilities and powers to the Territories. Indian and Eskimo affairs were directly implicated in the transition of northern administration and gov-

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<sup>48</sup> Peter Clancy, "The Making of Eskimo Policy in Canada, 1952-62: The Life and Times of the Eskimo Affairs Committee," *Arctic* 40 no. 3 (1987), 191-197.

<sup>49</sup> Abel and Leslie, 2000: 6.

ernment, which was centred around the growth of extractive industries and the transformation of northern lands and territories. New permanent infrastructure and incentives offered by the federal government to stimulate private investment and attract migrant workers into the region were part of this shift. Despite a more dedicated focus on northern regions, however, northern Canada and the politics of administering northern affairs continued to reflect interests from the south, particularly those of exploiting northern resources for the benefit of the national economy.

Also relevant are broader changes in federal administration and government, which further reflect how the north - and northern peoples - were known to federal officials. Commissions of Inquiry were launched to inform government on issues relating to Indian and Eskimo affairs as well as northern administration. Both the Joint Committee of the Senate and House of Commons and the Nelson Commission are examples of the federal government seeking to grow its base of knowledge of Indigenous and northern issues. Among the Commissions of Inquiry of the 1960s, two stand out with respect to administration and governance in the Northwest Territories. The Royal Commission on Government Organization (1960-1962), known as the Glassco Commission, and the Advisory Commission on the Development of Government in the Northwest Territories (1964-65), known as the Carrothers Commission, were influential in prescribing means by which social conditions of Indigenous northerners could be addressed by the federal government. Both also highlight the wider context in which indigeneity was known to federal officials, and the various motivations for linking northern social policy with economic development of northern lands and the embrace of market-based solutions to social problems more generally.

*i. The Northern Administration: The Glassco Commission, 1960-1962*

Changes in the northern administration can be illustrated by the Glassco Commission, which was established by the Diefenbaker government in 1960. It became known for its recommendations to modernize the federal bureaucracy and improve the “machinery of government.”<sup>50</sup> Its terms of reference tasked the commission with finding “such changes in the organization and methods of administration of the government as will promote ‘efficiency, economy and improved service in the despatch of public business.’”<sup>51</sup> Due to the enormity of reviewing the entire federal bureaucracy, Glassco limited investigations to managerial levels, noting that “it was clearly impossible to carry out a detailed examination of the machinery of government, department by department and agency by agency.”<sup>52</sup> Nevertheless, the final report (1962) drew broad conclusions calling for the overhaul of numerous departments. Glassco saw the administration of government as outmoded and as an obstacle to progress, noting that “government has become the great regulator of Canadian economic life,” and sought to loosen restrictions on managerial authority and adopt organizational techniques honed in the private sector.<sup>53</sup> As one observer later wrote, “the Glassco Report has acquired a certain gospel quality as the myth and reality of ‘letting the managers manage’ seep into the public sector.”<sup>54</sup>

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<sup>50</sup> Canada. Royal Commission on Government Organization, *Report of the Royal Commission on Government Organization*, Vol. 1: *Management of the Public Service* [Ottawa, ON]: Queen’s Printer, 1962, 3.

<sup>51</sup> Canada. Royal Commission on Government Organization, *Report of the Royal Commission on Government Organization*, Vol. 4: *Special Areas of Administration* [Ottawa, ON]: Queen’s Printer, 1962, 24.

<sup>52</sup> Glassco, Volume 4, 1962: 21.

<sup>53</sup> Glassco, Volume 4 1962: 39.

<sup>54</sup> C. Lloyd Brown-John, “If You’re So Damned Smart Why Don’t You Run Government Like A Business,” in K. Graham, ed. *How Ottawa Spends, 1990-’91* (Montréal/Kingston: McGill-Queen’s University Press, 1990), 220.

Glassco's broader observations that government should be run more like a business also extended to his recommendations for the northern administration. Two volumes of the final report focused on the north, which Glassco singled out as a "persistent problem for the Government of Canada."<sup>55</sup> Economically, this was due to the unpredictability of the boom and bust economic cycle of mineral extraction and the high costs of transporting northern resources to southern markets. But they also centred on the northern administration and bureaucracy, which had become hamstrung by the complexity of the northern economy and by the chronic "underdevelopment" of Indigenous peoples across the north. Insisting that "economic and social development must go hand-in-hand," Glassco characterized the social problems in the Eastern and Western Arctics as fundamentally administrative problems that could be resolved through improvements in the bureaucracy.<sup>56</sup> In particular, Glassco noted the lack of coordination between departments. From an administrative point of view, he wrote, the problems of Indians and Eskimos were "indistinguishable."<sup>57</sup>

[I]t is clear that administrative arrangements relating to Eskimos and Indians should be based on the needs to be met rather than, as at present, on the distinction - in many areas meaningless - between racial groups. When this is done, the natural division becomes essentially geographic...<sup>58</sup>

This appears to have inspired what is perhaps Glassco's most important recommendation on northern administration:

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<sup>55</sup> Glassco, Volume 4, 1962: 155.

<sup>56</sup> Glassco, Volume 4, 1962: 156.

<sup>57</sup> Glassco, Volume 4, 1962: 170.

<sup>58</sup> Glassco, Volume 4, 1962: 170.

The responsibilities of the Minister of Citizenship and Immigration relating to Indians in the North be transferred to the Minister of Northern Affairs and National Resources.<sup>59</sup>

Although the defeat of the Diefenbaker government in 1963 led to the shelving of many of Glassco's recommendations, they appear to have gained purchase among incoming Liberals at northern affairs. Arthur Laing, who became Minister of the Department in 1963, quickly launched a review of the Department's fiscal and administrative policies that found much agreement with Glassco's findings on the lack of departmental coordination.<sup>60</sup> The report's author, John L. Jenness, Economic Adviser to DNANR, wrote early in 1964 of the "disturbing lack of cohesion within the department," and that Canada's north represented an enormous deficit area that required greater efficiency in the use of existing resources.<sup>61</sup> Jenness found that expenditures in social services outpaced revenues at a ratio of twelve to one, and suggested that the Department had failed to "tap the technical, advisory resources available to it," and had isolated itself from the other resource-oriented and scientific departments. John Jenness saw Indigenous northerners leading "depressed and futureless lives," many of whom "had forgotten or forsaken their old ways of life without yet finding a niche for themselves in our white American culture."<sup>62</sup>

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<sup>59</sup> Glassco, Volume 4, 1962: 170.

<sup>60</sup> Arthur Laing to Trevor Lloyd, 12 November 1964, MG30 B97, Volume 33 Box 695, Trevor Lloyd fonds, LAC. "As you know, there is no single solution to the great challenge of the north," Laing wrote, "[b]ut I think that the single phrase coming closest to it must be 'resource development.'"

<sup>61</sup> John L. Jenness, *A Blueprint for a Northern Equalization Policy*, [Ottawa, ON]: Northern Affairs and National Resources, 1964, 1.

<sup>62</sup> Jenness, 1964: 6.

Other aspects of Glassco's recommendations pertained to northern research, and the broad-based need to know about northern conditions. Similar views were held by prominent Arctic specialists outside of government. Trevor Lloyd, a well known Arctic geographer at McGill University, drew observations on the state of northern research very similar to those of Glassco. By the early 1960s, Lloyd had come to view post-secondary northern research as inadequate to the present and future needs for scholarly inquiry, and he was outspoken on the need for core funding to sustain a strong Arctic research program. Lloyd publicly lamented the lack of "effective machinery for advance planning and close co-ordination of northern research."<sup>63</sup> Lloyd also corresponded with Laing, urging the government to establish core funding for northern sciences. During one exchange, Laing wrote: "As you know, there is no single solution to the great challenge of the north... but I think that the single phrase coming closest to it must be 'resource development.'"

Most importantly, the Liberals followed Glassco's recommendation to bring administration of Indian and Eskimo affairs under a shared departmental heading. In 1965, Indian Affairs was eventually merged into DNANR in 1965, which became the Department of Indian Affairs and Northern Development (DIAND) the following year. As I show in other chapters throughout the dissertation, the creation of DIAND, which granted the Minister with significant powers over resource extraction and social policy, had a transformative influence on relations between the federal government and Indigenous peoples.

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<sup>63</sup> Speech to the Third National Northern Development Conference, 21 October 1964, MG30 B97, Volume 33 Box 695, Trevor Lloyd fonds, LAC.

*ii. Northern Governance: The Carrothers Commission, 1965-1966*

A different perspective on social issues in the north emerges from the Carrothers Commission, officially the Advisory Commission on the Development of Government in the Northwest Territories. As a form of fact-finding mission, the terms of reference were intended to “enable it to review government in the Northwest Territories and to recommend to the Minister of Northern Affairs and National Resources the form of government that seems most appropriate consistent with political, economic and social development.”<sup>64</sup> At the urging of then-Commissioner of the Arctic, Ben Sivertz, Minister Laing appointed A.W.R. Carrothers (Dean of the Law School at Western University) to report on the conditions of governance best suited for the NWT. The final report became the blueprint for northern political development in the decades following. The report’s recommendations included moving the Territorial Council from Ottawa to the Northwest Territories, gradually expanding the total number of Councillors, and to eventually replacing all appointed members of Council with elected ones. Carrothers recommended a structure of governance designed to put the NWT on a path to responsible government by gradually strengthening the role of elected officials. He also recommended that the NWT maintain a Commissioner and create a new role of Deputy Commissioner, who would be selected from the elected members of Council.<sup>65</sup>

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<sup>64</sup> Canada. Advisory Commission on the Development of Government in the Northwest Territories. *Report of the Advisory Commission on the Development of Government in the Northwest Territories, Volume 1*, edited by AWR Carrothers, [Ottawa, ON]: Queen’s Printer, 1966, 2.

<sup>65</sup> Searle, D. H. “Government in the Northwest Territories - The Carrothers Commission Report,” *Alberta Law Review* 5 no. 2 (1967), 302.





**Fig. 2:** Members of the Carrothers Commission presenting their final report. From left to right: AWR Carrothers, Jean Beetz, John Parker and Arthur Laing, Minister of the Department of Indian Affairs and Northern Development, 1967. Parker, the former mayor of Yellowknife, was Deputy Commissioner to Stuart Hodgson, and became Commissioner in 1979.

Notable among the recommendations of the Commission is that against dividing the Northwest Territories. This subject was first raised in the early 1960s at Territorial Council and one predominantly pushed by the non-Indigenous population. Early Council records indicate the favourability of division as a means to advance responsible government in the west, noting that the District of Mackenzie “was far ahead of the Eastern Arctic in its evolution.”<sup>66</sup> A proposal for a separate Mackenzie Territory was recommended in July 1961, with the assumption that Fort Smith, which housed federal government offices since 1922, would be the capital. (“It would be a simple matter to transfer District administration to the Territorial administration.”)<sup>67</sup> The name Mackenzie Territory was retained for the west, while Nunnassiaq was determined to be the preferred name among Inuit in the east.<sup>68</sup> Division was formally raised under Bills C-83 and C-84 of the Diefenbaker government, which proposed the creation of separate territories with distinct councils and bodies of law for the Mackenzie Territory in the west (Bill C-83) and the Nunnassiaq Territory in the east (Bill C-84).<sup>69</sup> Due to the defeat of the Diefenbaker government, however, neither bill was implemented.

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<sup>66</sup> Northwest Territories. Council. *Council of the Northwest Territories debates*, 20th sess., 1961, [Ottawa, ON]: Queen’s Printer.

<sup>67</sup> Northwest Territories. Council. *Council of the Northwest Territories debates*, 20th sess., 1961, [Ottawa, ON]: Queen’s Printer, 76. Quoted from Gordon Robertson.

<sup>68</sup> Northwest Territories. Council. *Council of the Northwest Territories debates*, 23rd sess., 1962, [Ottawa, ON]: Queen’s Printer.

<sup>69</sup> Searle, 1967: 299.

Despite momentum for division in the Western NWT, Carrothers ultimately recommended against division at the time. Reasons for this were predominantly related to the social conditions of Native northerners, both materially and in their perceived level of understanding of changes taking place. Carrothers is cited by journalist J.D. Hamilton as saying:

There was no input at all from the natives. The Eskimos had no appreciation of what the issue was about; the Indians wanted their treaties to be carried out, and after that they wanted to be left alone. In any case, there wasn't even much conversation among various Indian tribes, who spoke different languages from one another and didn't have much in common. To them, the constitutional issue was a white man's problem.<sup>70</sup>

Carrothers also flagged differences between Dene and Inuit, highlighting the relative remoteness of Inuit from developments in the western Arctic. The Commission cited its difficulties explaining concepts of government - "one of the most complex abstractions known to the Western world" - to a people "with no word for government, but with fourteen words for snow."<sup>71</sup> Ultimately, it recommended a phased-in approach to government suited in scope and pace to Indigenous northerners. Much of this appears to have been inspired by observations of Inuit: "With division there would be a very great risk that the eastern Arctic would become sealed off, would remain dominated by the central government, and might never acquire anything more than a nominal form of self-government."<sup>72</sup>

According to historian Kerry Abel the Commission remained preoccupied with matters of marginal relevance to Dene or Inuit. She notes: "The Carrothers Commission was clearly a white

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<sup>70</sup> John David Hamilton, *Arctic Revolution: Social Change in the Northwest Territories, 1935-1994* (Toronto: Dundurn Press, 1994), 96.

<sup>71</sup> Carrothers et. al., 1966: 10.

<sup>72</sup> Carrothers et. al., 1966: 147.

man's commission appointed to investigate the white man's grievances."<sup>73</sup> The Commission nevertheless did seek to evaluate the implications of Indigenous alienation from the mainstream, and detectable suspicion from Dene, in particular, of which Carrothers wrote, "... it is relevant to the issue of development of government in the Northwest Territories to note the abrasiveness of the relationship between the Indian and the white (at least the white official), to look, at least initially, for its causes..." Carrothers also appeared sensitive to Dene cynicism, which he offered as a possible explanation for such low participation at the Commission hearings. Notable among these is Carrothers' repetition of Nelson's recommendation that the federal government attend to outstanding treaty issues, which remained a major source of concern for Dene. "We expect the Indian will be much more cautious than the Eskimo of any offer from the white man of political opportunity," he noted.<sup>74</sup>

While challenges of northern administration posed problems for northern policymakers, many of these appeared to affirm the general approach of integration. Fundamentally, both the Glassco and Carrothers reports depict the necessity for integration programs aimed at adapting Indigenous northerners to changes bound to accompany resource extraction. While the Carrothers report shows a greater awareness of the role of cultural differences to the political transition of northern life, as well as a need to adjust the pace of development to social change, its recommendations stem from a common belief in the need to integrate Dene and Inuit into more mainstream modes of social and economic reproduction. The question was *how* this was to be done. But the question of how was not the only one being posed within government at the time. Others

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<sup>73</sup> Kerry Abel, *Drum Songs: Glimpses of Dene History* (Montréal: McGill-Queen's University Press, 1993), 244.

<sup>74</sup> Hamilton, 1994: 99.

at Northern Affairs had begun to challenge the basis of integration policies, asking if integration should be done at all. As I show in the next section, many government social scientists viewed the conditions of northern Indigenous peoples not as those of cultures in decline, but as the inevitable outcome of capitalist expansion and colonial policies of assimilation. How they *knew* Indigenous northerners, and how this knowledge was treated within Northern Affairs, underscores the politics of northern knowledge.

### *Research Under New Management: The Northern Coordination and Research Centre*

Despite the growth in the number of Commissions of Inquiry in the north, such inquiries were not the only or even primary means by which Indigenous northerners were known to the federal government. Since the end of the Second World War, when federal interest in northern lands, resources and peoples first emerged as a comprehensive policy consideration, interest in knowing northern regions had grown within the federal government. While this centred on northern resource extraction, it also included a focus on northern social programs. From the late 1950s to the early 1970, the Northern Coordination and Research Centre within the Department of Northern Affairs and National Resources was the federal government's primary agency for conducting social science research, including history, linguistics, library administration, geography, demography and sociology. Researchers at the NCRC produced hundreds of reports and gained an international reputation for the high quality of research. According to political scientist PG Nixon, the NCRC was "a central actor in research based northern policy decisions" and helped to fill the

“research vacuum” that was widely perceived by scholars and researchers in addressing northern issues in the 1950s.<sup>75</sup>

In many ways, the trajectory of the early years of the NCRC follows that of the integrationist approach to northern social policies. The NCRC grew out of the reorganization of the federal government and its desire for a more permanent scientific establishment throughout northern Canada, while its joint emphasis on coordination and research were consistent with efforts to establish a comprehensive program of northern administration. In 1948, the Advisory Committee on Northern Development (ACND) was established “to advise the government on questions of policy related to civilian and military undertakings in northern Canada, and to provide for the effective coordination of all government activities in that area.”<sup>76</sup> The ACND, which reported directly to the Privy Council, reflected the growing importance of northern research in government. Soon after, the creation of the Department of Northern Affairs and National Resources (DNANR) in 1953, replacing the short-lived Department of Resources and Development of 1950. While initially concerned with Canada’s territorial and economic sovereignty, postwar policy saw significant investments in scientific research, and a building up of an inventory of Arctic environmental and geographical information that would serve as the basis for northern programming. Like physical scientists, social scientists were enrolled in government efforts to “fly the flag” in the north. The decline in security threats, however, gradually shifted the locus of Arctic activity from

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<sup>75</sup> Nixon, 1986: 4.

<sup>76</sup> Gordon Robertson, *Memoirs of A Very Civil Servant: From Mackenzie King to Pierre Trudeau* (Toronto: University of Toronto Press, 2000), 109-11. See Graham Rowley, *Northern Studies: An Historical Perspective of the Northern Scientific Training Program* [Ottawa ON: Indian and Northern Affairs Canada, 1988, 2; and, Graham Rowley, *The Role of the Advisory Committee on Northern Development in the Development of Policy and the Coordination of Federal Government Activities in Northern Canada* [Ottawa, ON]: Indian and Northern Affairs Canada, Circumpolar and Scientific Affairs, 1992.

military towards civilian undertakings.<sup>77</sup> These included a greater emphasis on socio-economic and scientific research, though the decline in military activity also made transportation options to northern field sites less frequent and more expensive.<sup>78</sup>

The NCRC was born of two broad trends. The first of these was a perceived need to grow the federal government's program of northern research, and to coordinate this within a national framework of social scientists and researchers across the country. The second was the desire to address the specifically social nature of the problems faced by Indigenous northerners, a mandate that crystallized around applied research and a greater focus on social anthropology, for which it produced a total of seventy-six reports, more than any other field of study.<sup>79</sup> In addition to publishing economic area studies and socio-economic surveys of northern communities, the NCRC was responsible for providing information on the north to government and non-government agencies; coordinating departmental and interdepartmental research in the north; and sponsoring and carrying out a program of northern research.<sup>80</sup> The NCRC oversaw the granting of explorers' and researchers' permits, maintained a library of northern research reports, and grew the supply

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<sup>77</sup> Nelson Graburn, "Canadian anthropology and the Cold War," in Regna Darnell and Julia Harrison, eds., *Historicizing Canadian Anthropology* (Vancouver: UBC Press, 2006), 242. According to anthropologist Nelson Graburn, this included adopting nationalistic hiring practices in response to the large number of American scholars at Canadian universities.

<sup>78</sup> Rowley, 1988: 3. The Royal Canadian Air Force restricted civil carriage to military and defence personnel, and the Department of Transport began charging for the service.

<sup>79</sup> Policy and Programme (The function the NCRC), 31 May 1976, RG85-D-5-a, File No. NR 1/1-1 Part 2, LAC. A total of 76 reports were written on social anthropology.

<sup>80</sup> Policy and Programme (The function the NCRC), 31 May 1976, RG85-D-5-a, File No. NR 1/1-1 Part 2, LAC.

of northern information and data more generally.<sup>81</sup> Early years of the NCRC were highly productive with good and complementary relations between researchers and the brass at the Northern Administration. From 1954 to the early 1960s, the NCRC was granted increasing autonomy over its research and saw its annual budget increase steadily from just over \$15,000 in 1955 to over \$411,000 in 1966.<sup>82</sup>

Shortages in the number of trained Canadian researchers, however, meant the NCRC often hired researchers from American universities, and often funding doctoral research on the condition that it be published and made available to government officials.<sup>83</sup> According to Graham Rowley, who was both head of the NCRC and secretary to the Advisory Committee on Northern Development, few Canadian universities had the means of coordinating their own northern activities, let alone those nation-wide.<sup>84</sup> The Canadian Research Centre for Anthropology at the University of Ot-

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<sup>81</sup> Canada. Northern Affairs and National Resources. *Annual Report of the Department of Northern Affairs and National Resources, 1958-'59*, [Ottawa, ON]: Queen's Printer, 1960, 77. In 1961 a separate licensing body was established to handle the more than sixty scientists' and explorers licenses' and six permits to archaeologists issued that year, as well as an emphasis on the accumulation of population and socioeconomic statistics, and with filling in gaps in the geography of northern research.

<sup>82</sup> Policy and Programme (The function the NCRC), 31 May 1976, RG85-D-5-a, File No. NR 1/1-1 Part 2, LAC.

<sup>83</sup> See Rowley, 1988: 6. Very few Canadian universities had the means of coordinating their own northern activities. Only U. of Alberta, Saskatchewan, and Laval had northern institutes. The Arctic Institute of North America was located at McGill, and did that work on behalf of the university.

<sup>84</sup> Rowley, 1988: 6. By 1966-'67 the NCRC had employed scientists or graduate students at "nearly every major university in Canada." See also Jonathan Peyton and Robert L.A. Hancock, "Anthropology, State Formation, and Hegemonic Representations of Indigenous Peoples in Canada, 1910-1939," *Native Studies Review* 17, no 1 (2008), 68. "Increasingly marginalized in the federal bureaucracy, by the end of World War II anthropology was increasingly centred in academic, rather than government, settings." As historian of Canadian anthropology, Regna Darnell, writes, the expansion of anthropology at Canadian institutions in early and mid-1960s – reflected in the increase in the number of departments granting doctorates – helped professionalize and create greater diversity of specialities within the discipline. Regna Darnell, "Toward a History of Canadian Departments of Anthropology: Retrospect, Prospect and Common Cause," *Anthropologica* 40 no. 2 (1998), 153-168; Regna Darnell, "History of Anthropology in Historical Perspective," *Annual Review of Anthropology* 6 (1977), 399-417.



tawa and the Arctic Institute of North America, then based at McGill University, were rare exceptions.<sup>85</sup> Northern social research was less common. It was not until 1966 that AINA established a social research mandate of its own. Outreach with the universities was a vital source of research, but it also meant that research was often carried out in single communities during the summer months.<sup>86</sup>

Of particular interest is the NCRC's transition towards social anthropology. Originally housed under the Human History Branch of the National Museum of Canada, the separation from the museum in the late 1950s marks a shift towards applied research that brought the mandate of the NCRC more in line with federal administration of social programs and DNANR's objective of "fostering through scientific investigation and technology, knowledge of the Canadian north and the means of dealing with conditions related to its further development."<sup>87</sup> In focusing on social anthropology, the NCRC distanced itself from conventional fields of archaeology and ethnology, which had been the main focus of government anthropology in the years prior. Before the creation of the NCRC in 1954, anthropology was nearly exclusively operated by the federal government as an ancillary field to mineral development, and was concerned primarily with acquir-

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<sup>85</sup> The Canadian Research Centre for Anthropology was started by Reverend Joseph Champagne at the Institute for Missionology at the University of Ottawa in the 1950s. In comparison with the Arctic Institute, the NCRC's dedication to social research was ahead of its time; AINA did not make social science research a central focus until 1966. Speech to the Third National Northern Development Conference, Edmonton, 21 October 1964, MG30 B97 Volume 33 Box 5, Trevor Lloyd fonds, LAC.

<sup>86</sup> "The Mackenzie Delta Research Project," *Polar Record* 14 (1968), 348.

<sup>87</sup> *Department of Northern Affairs and National Resources Act, Statutes of Canada* 1953. The 1960-'61 annual report states that: "The main program of research is directed toward social anthropology and related subjects. These are investigations into the effects of social and economic change on the living conditions of the northern native peoples and the resulting administrative implications." Canada. Department of Northern Affairs and National Resources. *Annual Report of the Department of Northern Affairs and National Resources, 1960-'61*, [Ottawa: ON], 1961, 83.

ing and preserving material collections for the National Museum.<sup>88</sup> The focus on contemporary social problems, as distinct from the “archaeological or ethnological reconstruction of prehistoric Indian and Eskimo societies,” also reflected a greater interest in contemporary knowledge of Indigenous northerners.<sup>89</sup>

Social anthropology and the NCRC’s emphasis on “people research,” gradually put the centre on a path to conflict with DNANR, and by the mid-1960s cracks in the relationship between the NCRC and the Department were beginning to show. Of the years between 1965 and 1973, Nixon writes:

While earlier NCRC research had often, implicitly or explicitly, been critical of the process of northern development and its consequences for native peoples, the post 1965 period brought their research into an increasingly antagonistic position *vis-à-vis* departmental and government northern policy and their political and bureaucratic superiors.<sup>90</sup>

That the deterioration of relations between researchers and the Department occurred in tandem with changes in the administration of Northern Affairs is not a coincidence. Rather, it reflects a growing gap in the findings of northern researchers and what was deemed acceptable to the emerging northern policy agenda of resource extraction. As noted above, the combining of Indian and Eskimo affairs into DNANR in 1965, followed by the creation of DIAND in 1966, and the ensuing focus on large-scale resource extraction, fundamentally altered the northern research landscape of the late 1960s. Among the powers granted to DIAND were those over northern re-

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<sup>88</sup> The Anthropological Division of the Geological Survey of Canada was established in 1910, with Edward Sapir as its first director. Department of Anthropology was situated under the Geological Survey of Canada at the Department of Mines and Technical Surveys.

<sup>89</sup> Policy and Programme (The function the NCRC), 31 May 1976, RG85-D-5-a, File No. NR 1/1-1 Part 2, LAC.

<sup>90</sup> Nixon, 1986: 6.

search, which was no longer communicated through the ACND to Privy Council, but through the Department itself. As a result, northern research shifted away from compiling broad inventories of the north towards studies of areas more likely to be implicated in extractive activities. Researchers thus became more focused on what impacts could be anticipated by large-scale development.

Such emphasis on development and market-based solutions to northern social problems (i.e. wage labour) coincided with and compounded a growing skepticism among researchers of the merits of integration programs. One example is the reception of the Department's embrace of "community development" in the mid-1960s, which the Department promoted in 1965. According to the annual report of 1965-'66, the purpose of community development was "to employ, to the greatest extent possible, all the available human and material resources in Indian communities in every province in Canada."

It is anticipated that one of the effects will be to mobilize Indian initiative and promote self-sufficiency. An end result will be the accelerated transfer of responsibility and authority for the management of their own affairs to Indian communities with the concurrent withdrawal of government controls.<sup>91</sup>

While DNANR had steadily pushed for greater integration of Native northerners through wage employment, education and citizenship, the full-on embrace of development initiatives was increasingly rejected by researchers in the field, many had begun to doubt large scale development. Community development policies were considered at the NCRC as a rush to development and a "cure-all" faith economic development programming. Jim Lotz, a staffer at the NCRC, criticized

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<sup>91</sup> Canada. Department of Northern Affairs and National Resources. *Annual Report of the Department of Northern Affairs and National Resources, 1965-'66*, [Ottawa, ON]: Queen's Printer, 1966, 46.

the “simpleminded” views of traditional societies that they were based on.<sup>92</sup> For Lotz, community development driven by economic exploitation also threatened the process-based work of social sciences by eroding the autonomy of the researcher.<sup>93</sup> Applied research, data analyses and experimentation, contrasted with the observational, intuitive, and descriptive methods that distinguished the social from natural sciences. Such concerns were behind his efforts to redirect attention to the human dimensions of northern research and its centring of the social sciences. The effects of this approach could be noted in the persistence of views of Indigenous northerners. Lotz wrote: “There is still the feeling that [Indigenous northerners] are somehow *behind* us, waiting to be led towards the light.”<sup>94</sup>

The growing antagonism between the NCRC and Department officials was not simply that between researchers and bureaucrats. Debates over northern integration programs also centred on the image of “the Native” and Indigenous cultures among researchers.<sup>95</sup> Among more established anthropologists were commonly held views that northern Indigenous cultures and peoples were on the verge of disappearance, and in need of assisted transition to wage labour. Many of the ear-

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<sup>92</sup> Jim Lotz, “Introduction: Is Community Development Necessary?,” *Anthropologica* 9 no. 2 (1967), 4.

<sup>93</sup> Lotz himself was not an anthropologist by training. He had briefly been enrolled in a doctoral program at the Geography department at UBC, but only lasted one year. See Usher and Brody on Lotz’s obituary. Peter Usher and Hugh Brody, “Obituaries: James Robert Lotz, 1929-2015,” *Arctic* 68 no. 3 (2015): 397-98. <https://doi.org/10.14430/arctic4511>.

<sup>94</sup> Jim Lotz, “What does government want from social scientists,” *Science Forum* 34 (1973), 20-21. Emphasis in original. See also Jim Lotz, “Social Science Research and Northern Development,” *Arctic* 21 no. 4 (1968), 293.

<sup>95</sup> E. E. Evans-Pritchard, *Anthropology and History: A Lecture Delivered in the University of Manchester with the Support of the Simon Fund for the Social Sciences* (Manchester, UK: Manchester University Press, 1961), 6. The breach with history created widespread acceptance that Indigenous peoples and societies were unchanging through time: “Owing to lack of [historical] reconstructions the impression is given that prior to European domination primitive peoples were more or less static.”

ly area economic surveys were in fact intended to inform Department planners of how best to integrate Indigenous northerners into the labour force.<sup>96</sup> These were practitioners of acculturation theory, which roundly anticipated Indigenous cultures being absorbed into dominant, modern Western culture. Assimilation, which was promoted by the prominent anthropologist Diamond Jenness, was deemed a lamentable but necessary solution to the cultural erosion of Indigenous northerners. For Jenness, indigeneity reflected a past and former way of life. He wrote of Alaskan Inupiat as fated for “History’s graveyard”, or as the “Pawns of History”:

The old Eskimo way of life is no more. It has gone forever, just as have gone for us the days of the ox-cart and the stage-coach, the flail and the threshing-floor, the spinning-wheel and the tallow candle.

Another well-known adherent of this approach was John Honigmann of the University of North Carolina who, in the mid-1960s, studied migrations of Inuit and Inuvialuit in and around Frobisher Bay (now Iqaluit) and Inuvik. Honigmann drew similar conclusions from observing Inuit moving to Frobisher Bay to find seasonal work. Noting culture as a way of the past, Honigmann wrote: “They and their families found the jobs, comforts and rich recreational resources of Frobisher Bay town much more satisfactory than their sparse *previous culture*.”<sup>97</sup>

Ideas of *previous* cultures and associations of indigeneity with the past, however, were increasingly rejected by social anthropologists in the late 1960s. Urged by disciplinary changes, social

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<sup>96</sup> Abel, 1993: 242. See also Ronald Cohen’s 1962 study of the communities of the Mackenzie-Slave Lake Region included sub-headings on acculturation, commentaries on indications or the extent to which peoples had foresaken old ways of life for new ones. The five communities then were Colville Lake, Fort Good Hope, Fort Franklin (Deline), Fort Norman (Tulit’a), and Norman Wells. Ronald Cohen, *An Anthropological Survey of Communities in the Mackenzie-Slave Lake Region of Canada*, [Ottawa, ON]: Northern Co-ordination and Research Centre, Department of Northern Affairs and National Resources, 1962.

<sup>97</sup> Honigmann, 1966: 74. Emphasis added.

anthropology was more attentive to historical and colonial theory, and increasingly distinct from methods of archaeologists like Jenness. As a result, social anthropologists were less accepting of theories of acculturation or depictions of indigenous peoples as part of the past. Instead, researchers focused on Indigenous adaptation and survival. At the NCRC, an example of these contrasting viewpoints can be illustrated by the marked contrast with Jenness and Honigmann with the field research of Derek Smith, who published an NCRC report on the domestic economy of Inuvialuit in relation to oil and gas exploration in the Mackenzie Delta in 1967.<sup>98</sup> Smith joined the Mackenzie Delta Research Project, to “carry out a social and economic study of subsistence problems in the Mackenzie Delta.”<sup>99</sup> Smith’s concern with human behaviour and social organization, framed here as the study of migration and adaptation necessary for leading “a good life.”<sup>100</sup> Smith’s accounts of varying conditions and attitudes among Inuvialuit centred social complexity, evidenced in his comparisons of land-based with settlement-dwelling people, and what he relates as the emergence of a class system among Inuvialuit.<sup>101</sup> In particular, he highlighted how many Inuvialuit who had been exposed to the “white” way of life, chose to return to a life on the land, to raising their children in more traditional ways:

Several people on the land explicitly expressed a desire to stay on the land and to stay away from the settlement as much as possible. This was usually rationalized as a wish to avoid the drunkenness, rowdyism, and fighting of the settlements. People on the land are inclined to say that they are much better fed than those in the settlements. They value their

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<sup>98</sup> Derek G. Smith, “The Mackenzie Delta - Domestic Economy of the Native Peoples” [Ottawa, ON]: Northern Co-ordination and Research Centre, Department of Indian Affairs and Northern Development, 1967.

<sup>99</sup> List of Consultants Contracted by the Department, 1961 to 1966, 31 January 1967, RG85-D-5-a, File No. NR 2/2-1 Part 2, LAC.

<sup>100</sup> Smith, 1967: 5.

<sup>101</sup> Smith, 1967: 50-52.

wild food diet of meat and rich fats. A highly successful hunter told me that ‘in town your grub would be mostly bannock and tea and fish. You can’t live good on that.’<sup>102</sup>

By the late 1960s, however, research reports and recommendations that were not supportive of Department objectives were being ignored, and government-sponsored social scientific research had fallen out of favour with the Department of Indian Affairs and Northern Development. Under DIAND, the scope and responsibilities of the NCRC were gradually narrowed, as political power over the wide range of research and policy programs in the north was concentrated under the new Minister, Jean Chrétien. These marked the rise of DIAND as a marquee portfolio in cabinet. Chrétien later called himself “the last emperor in North America.”<sup>103</sup> Among Department moves to centralize control in the Minister’s office was the separation of administration and research duties at the NCRC. An internal review found that the two main roles of the NCRC - research and coordination - were “unrelated functions.”<sup>104</sup> Both the ACND and the NCRC were reorganized, and the NCRC was stripped of its coordinating role, which went to the Northern Coordination Division. The NCRC was renamed the Northern Science Research Group in 1967. For Graham Rowley, the declining influence of the NCRC resulted from deliberate effort from the Minister’s office to create chaos at the Centre in order to undermine the research.<sup>105</sup> The changes, he noted, were “meant to be dysfunctional... to see people research come to an end.”<sup>106</sup> AJ

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<sup>102</sup> Smith, 1967: 22.

<sup>103</sup> Hamilton, 1994: 93.

<sup>104</sup> L.A.C.O. Hunt to Biddiscombe, 21 December 1967, RG85-D-5-a, File No. NR 1/101 Part 2, LAC. “The Executive Committee of the Department of Indian Affairs and Northern Development has recently reviewed the functions and activities of the Northern Co-ordination and Research Centre and concluded that there were represented in this activity two unrelated functions, i.e. research and co-ordination.”

<sup>105</sup> See also Graham Rowley, 1988: 10.

<sup>106</sup> Nixon, 1986: 9.

“Moose” Kerr, who became head of the NSRG in 1968, referred to this transition as “bringing us into the bureaucracy.”<sup>107</sup>

While tensions between the Minister’s office and staff and researchers at the NSRG had been growing through the late 1960s, they appeared to come to a head with the release of Peter Usher’s report on the socio-economics of Banks Island Inuvialuit. Usher, who was a student of Trevor Lloyd at McGill, was among the early wave of university students whose research was supported by DNANR through the NCRC. First travelling to the Delta in 1962, Usher authored an Area Economic Survey, and subsequently continued researching his doctorate among Inuvialuit on Banks Island. The discovery of oil on Alaska’s North Slope in 1968, however, accelerated the pursuit of petroleum resources in the Western Arctic. For Usher, non-renewable extraction posed numerous threats to the wellbeing of Banks Islanders and Delta dwellers, and in a three-volume report for the NSRG he outlined the likely impacts of oil and gas exploration on Inuvialuit. Banks Island and the Delta region had in recent years become a site of exploration interest for petroleum. The Banks Islanders had adjusted to climatic and environmental conditions, long winters compared with the Delta, and to temperatures and wind conditions much colder than on the mainland. Yet they survived the harshest years of the fur trade and the significant debts they had accrued after drops in the price of fox fur between 1948 and 1951, and the island was in “good health” at the time of the report.<sup>108</sup> In the third volume of his report, most notably, Usher blasted DIAND’s program of petroleum development and recommended instead

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<sup>107</sup> Nixon, 1986: 8.

<sup>108</sup> Peter Usher, *The Bankslanders: Economy and Ecology of A Frontier Trapping Community*, Vol. 1, 1971 [Ottawa, ON]: Department of Indian Affairs and Northern Development, Northern Science Research Group, 1971, 93.



that the federal government establish a moratorium on petroleum exploration in the region and invest to revitalize the fur trade. The report infuriated Jean Chrétien. On national television he called Ushers's report "stupid," and referred to it later as a "shabby piece of research."<sup>109</sup> Usher's funding was cut and his research with the government was ended. As PG Nixon notes, Usher's report was the "last straw" for senior Department officials, and the Northern Science Research Group. Usher quit to take a position with the newly formed Committee on Original Peoples' Entitlement (COPE) in support of the Inuvialuit land claim. Along with Hugh Brody and several other former NCRC researchers, he would also join the Inuit Land Use and Occupancy Project when it was launched in 1973. The NSRG was shuttered that same year.<sup>110</sup>

### *Conclusion*

According to Nixon, the case of the NCRC/NSRG exposes the conflicts of social scientific research and public policy making in the postwar federal bureaucracy. For Nixon, the case of the NCRC raised questions of the compatibility of social science research in policy making, and the "personal problematic of an individual scientific researchers employed as a public servant."<sup>111</sup> Citing the expulsion of Peter Usher, Nixon notes how the nature of social scientific research - which is not value free or "objective" - provided useful cover to the Department for dismissing the recommendations as unscientific and partisan. Of the Department's uncritical embrace of de-

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<sup>109</sup> "Chretien snubs staff request to apologize," *The Globe and Mail*, 16 March 1972, 8.

<sup>110</sup> "Going North - with justice" *The Globe and Mail*, 02 February 1972, 6.

<sup>111</sup> Nixon, 1986: 11.

velopmentalist policies for northern communities, Nixon attributes it to a deeply entrenched bureaucratic mentality that had settled into Northern Affairs and obscured the potential for alternative view points. He cites Graham Rowley's comment that the unbridled faith in development was largely a "reflection of the Department falling victim to its own propaganda...a view with some history in the Department."<sup>112</sup>

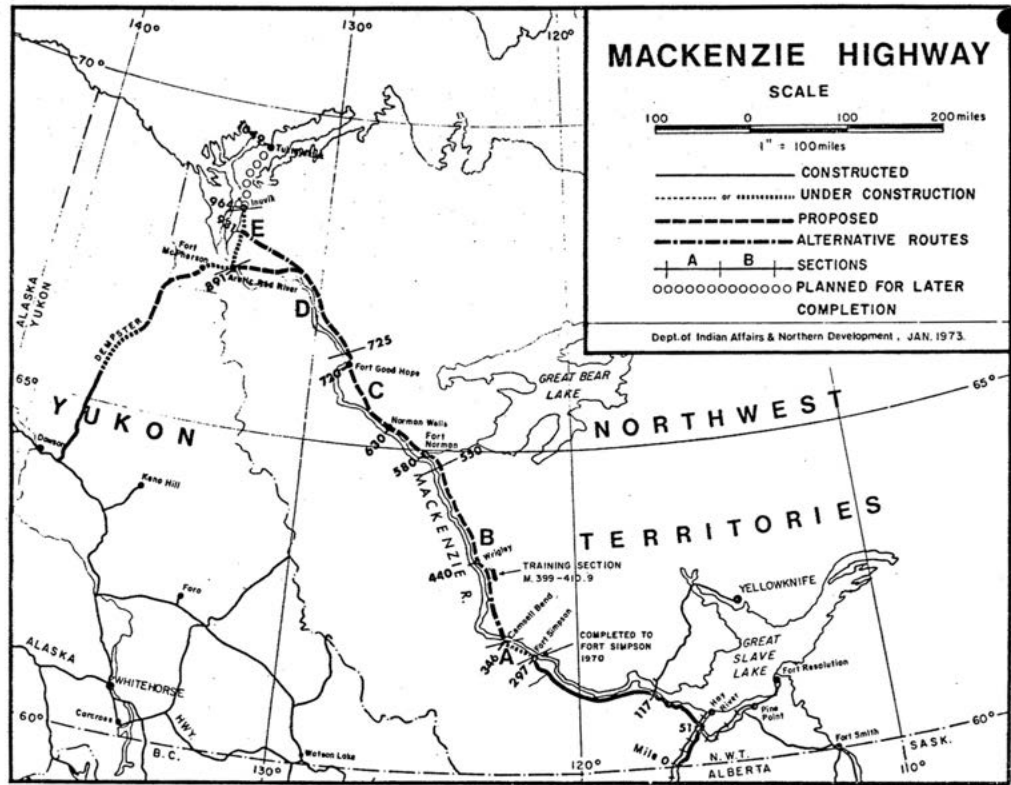
I would also argue that the nature of the conflict between NCRC researchers and the Department is indicative of tensions arising in the latter half of the 1960s between Indigenous peoples and the federal government. Without discounting Nixon's observations on the nature of social science research, I would add that the specific context of characterizing indigeneity is a central but understated element of the conflict between the NCRC and DIAND. As I have suggested above, broader conditions of northern administration, governance, and unresolved matters pertaining to treaty and Aboriginal rights loom in the background of NCRC struggle. The conflict thus also centres on knowledge of Indigenous northerners and how these problems were characterized. The case of the NCRC and the expulsion of social sciences from policy making reflects not only the deliberate distancing from what was at the time the best available social research. It also indicates the emergence of a preferred image of Indigenous northerners, one conducive to developmental narratives. As the 1960s came to a close, it was increasingly clear that this narrative was being authored primarily at the Department of Indian Affairs and Northern Development, not as a series of "mistakes" but as a concerted effort to remove legal obstacles to northern resources. The period from the late 1950s to the late 1960s thus establishes crucial context for the evolution of Indigenous resistance and organization in the decades that followed, in which mis-

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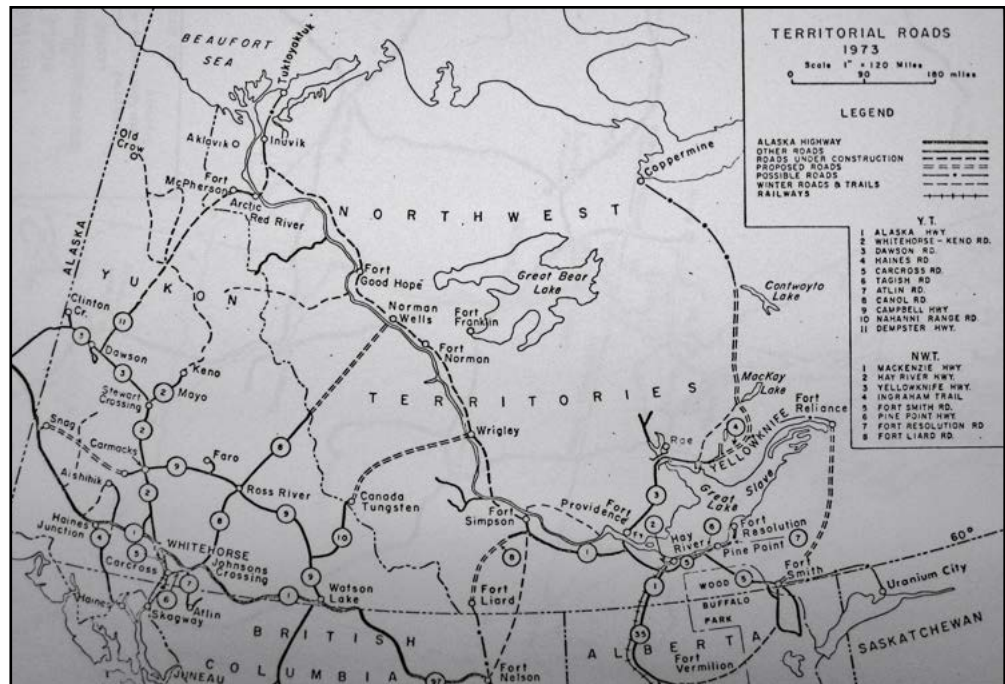
<sup>112</sup> Nixon, 1986: 7.

trust of federal and territorial governments was solidified and organized political resistance emerged as a driving force of social transformation throughout the Northwest Territories.

**Fig 3:** A map of the proposed Mackenzie Highway extension, January 1973. RG85-D-5-a NR3/1-7 Box 5-1, Northern Coordination and Research Centre fonds, LAC



**Fig 3.1:** A map of existing roads in the territories, 1973. N-2008-011, Box 15-5, John H. Parker fonds, NWT Archives



## CHAPTER 3 | The Mackenzie Highway and the Rhythm of Development

“We have been talking about this corridor for quite some time. For many years it seemed highly theoretical; something that might one day be realized should the right circumstances come together to make it possible. Now this is to be a reality.”<sup>113</sup>

Jean Chrétien, 1972

“Noteworthy is the fact that despite massive technological acculturation and pressure to assimilate, Indian identity, values, and attitudes among the Indians of southern Canada and the United States endure, and the long-expected ‘disappearance’ of the Indians seems less likely than ever to occur at any predictable future time.”<sup>114</sup>

Nancy O. Lurie, 1968

“What is to become of the native peoples of the north?”<sup>115</sup>

Cabinet Memo on Northern Development 1971-1981

On a September evening late in the summer of 1973, north of Fort Simpson, two moose were shot and killed along a freshly cleared swath of brush and trees along the east bank of the big river. The moose had stumbled upon the slash road of the future Mackenzie Highway extension, an ambitious effort of the government of Canada to forge an all-season transportation and communications corridor down the valley from Simpson to Inuvik. While the taking of moose was

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<sup>113</sup> Jean Chrétien, “Mackenzie Corridor: Vision Becomes Reality,” (Keynote Address by the Honourable Jean Chrétien, 18th Annual Convention of the Pipe Line [sic] Contractors Association of Canada, Montréal, Québec, 11 May 1972).

<sup>114</sup> Nancy O. Lurie, cited in June Helm, *The People of Denendeh* (Montréal and Kingston: McGill-Queen’s University Press, 2002), 100. The attribution reads, “from an unpublished manuscript, 1968.”

<sup>115</sup> Cabinet Memo on Northern Development, 1971-1981, 15 June 1971, N-2010-005 Box 41-5, Stuart Hodgson fonds, NWT Archives, Canada.

commonplace, this particular incident set off a series of events that resulted in a political blockade of the highway at Fort Wrigley, twenty-five miles to the north. At Wrigley, government plans to run the highway within half a mile of the community aroused deeper suspicions and anger over northern development and the changes it would bring. In particular, there was worry over the influx of outsiders, who would overwhelm the community and impact the culture.

Events at Wrigley were not isolated, but followed a longer pattern of development that can be traced along the highway route. The social impacts from the extension of the highway to Fort Simpson further south of Wrigley were already known. Effects of the extension, which reached Simpson in 1970 and included a growing number of white residents and business owners, were also attributed by Dene to the rise of alcohol and related social problems. Nor was the experience at Simpson unusual. As evidenced by experiences at places like Rae and Fort Resolution, the highway was thought to bring transformative changes to the Western Arctic. For people at Wrigley, seeing the effects of highway development further south was integral to highway resistance. The moose incident, in this regard, reflects a wider set of issues that are both directly and indirectly associated with highway expansion.

Two strands of northern political and social change intersect along the highway. The first of these is the construction of the Mackenzie Corridor, a response to growing interest in petroleum development after the discovery of oil at Prudhoe Bay, Alaska. The corridor was designed to concentrate economic development along the Mackenzie River, and included plans for transportation and communications infrastructure that would assist in the construction of a pipeline. It was also tied to the growth of the new Territorial Government, which moved from Ottawa to Yellowknife

in 1967, and desires to bring all-season access to the Western Subarctic. Among government officials, the highway was considered a means to integrate Dene into the emerging social and political fabric of the NWT, and of *pacing* development to Indigenous participation in the wage economy and in the Territorial Government. The second strand is the emergence of Dene political resistance. The proposed corridor was matched by Dene organized through the Indian Brotherhood of the Northwest Territories, which formed as a political representative of a united Dene people. Comprising band chiefs and a team of younger Dene staff, researchers and fieldworkers, the IB-NWT corralled Dene opposition to the corridor along a variety of lines. For Dene, opposition to highway expansion reflected attitudes towards the new Territorial Government, and broader anger at the violation of treaty that governed the relationship of Dene with the Canadian state.

In the small but fruitful literature addressing northern infrastructure, highways are emblematic of change.<sup>116</sup> The Alaska Highway, in particular, has yielded numerous case studies on the social impacts of large-scale infrastructure and northern roads.<sup>117</sup> Often, such impacts on Indigenous northerners are expressed as those of time; as those of the *pace* of change, and the rapid rate of “progress.” Comparatively little has been written of the Mackenzie Highway - once anticipated to be “the best-designed highway ever built in Canada” - or its implications for settler-colonial relations.<sup>118</sup> Here, too, ideas of adapting the rate of development to what one writer described as

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<sup>116</sup> See Edith Iglauer, *Denison's Ice Road* (Madeira Park, BC: Harbour Publishing, 1991).

<sup>117</sup> Ken Coates, ed., *The Alaska Highway: Papers of the 40th Anniversary Symposium* (Vancouver: UBC Press 1985).

<sup>118</sup> Barry Roberts, “Pipeline and Highway: A Massive Research Project” *North/Nord* 20 no. 4 (1973), 7.

the “rhythm of participation” link to broader discussions of pace and settler-colonialism.<sup>119</sup> At the same time, emphasis on pace or rates of change deflect from questions about the substance of these changes. Pace connotes an inability to “keep up” with progress, a framework that attributes negative social impacts as failure to adapt or as an inevitable consequence of change. In fact, Dene adapted often and quickly to developments brought by the Mackenzie Highway, as they adapted to numerous other changes associated with travel and transportation. Dene resistance was not so much resistance to change generally, or an inability to adapt to changes brought by the highway. Rather, resistance was predicated upon longer patterns of specific changes attributable to the shift in the balance of settler-Indigenous relations in the north.

This chapter traces the extension of the Mackenzie Highway through the political mobilization of Dene in the early 1970s. Similar to how Julie Cruikshank has written of the Alaska Highway, I argue that the Mackenzie Highway expansion cannot be viewed as a singular event, but as part of a longer pattern of encroachment and development that shaped peoples’ attitudes towards it.<sup>120</sup> I am particularly interested in the multiple dimensions of Dene resistance to the highway, namely its origins, how it was mobilized throughout Dene communities, and how it was articulated by an emerging generation of Dene leaders. Central to highway studies is also a familiar contrast between how the highway was envisioned by government officials, and how it was experienced by

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<sup>119</sup> Max Ifill, *Regional Planning in Northern Canada*. [Ottawa, ON]: Department of Indian Affairs and Northern Development, Economic Staff Group, 1972. From forward, ii: “The importance of people participation is recognized, and the individual’s right to choose between ‘old’ and ‘new’ ways must be respected... There is also a need to relate the rate of resource development to the rhythm of participation and adaptation of the native peoples.”

<sup>120</sup> Julie Cruikshank, “The Gravel Magnet: Some Social Impacts of the Alaska Highway on Yukon Indians,” in Ken Coates, ed. *The Alaska Highway: papers of the 40th Anniversary Symposium* (Vancouver: UBC Press, 1985), 172-187.



Dene along its route. Like environmental historian Liza Piper, who locates the highway at the intersection of southern idealism and northern environmental realities, I also trace the tension between southern idealism and northern realities, centring how Dene experiences of the highway contrast with government rhetoric promoting it.<sup>121</sup> Where my approach differs is with respect to Dene political mobilization; I am interested not only in the impacts, but in the response, and aim to show how the Dene movement evolved in tandem with the planned corridor development. I also highlight the deeper historical roots of Dene resistance that culminated in the action of the early 1970s in ways that address the specific changes opposed by Dene. The chapter, however, begins by illustrating the relationship of roads and highways to the evolution of the new Territorial Government.

### *I. Bringing the North Within Reach*

“At last we are home!”

- Commissioner Stuart Hodgson, upon the arrival of the Territorial Council at Yellowknife, 1967

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<sup>121</sup> Liza Piper, *The Industrial Transformation of Subarctic Canada* (Vancouver: UBC Press, 2009), 236-37. Piper writes: “The Mackenzie Highway exposed the desire by southern Canadians to plan and execute a fixed link across sensitive and annually shifting terrain and into remote regions.” Historian Morris Zaslow cites highway expansion with regards to historical change in northern transportation, but without mention of Indigenous peoples. Zaslow, Morris. *The Northward Expansion of Canada, 1914-1967* (Toronto: McClelland and Stewart, 1988).

The arrival of a northern government recalls what historical geographer Cole Harris has referred to as the struggle with distance.<sup>122</sup> Such struggles involve bringing distant regions “within reach of European imagination,” a reference to the Anglo-European conception of property and law.<sup>123</sup> Bringing distant regions “within reach,” however, extends beyond the techniques of settler space to cultivating national and civic identities attached to new places. With the rise of popular consciousness about the north in the postwar period, a new appetite emerged for bringing the north - and northern resources - within reach of southern Canadians. The expansion of connective infrastructure such as highways and roads helped achieve this by physically and permanently connecting the north with the south, and by removing natural and geographical obstructions to accessing northern regions. While highways and roads did not rise to the level of national significance of a pipeline down the Mackenzie Valley, the expansion of overland transportation networks facilitated the growth of the Territorial Government, helping to establish its presence throughout communities of the Western Arctic, and making the north “home” to new arrivals.<sup>124</sup>

Highway development and its role in “opening” the north reflects broader shifts in Canada’s postwar approach to northern development, which now included political imperatives to establish responsible government in the Northwest Territories. As with the evolution of northern government itself, highway expansion was not a singular event but a lengthier process of extending southern interests into northern regions. Like most northern infrastructure projects, the Macken-

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<sup>122</sup> Cole Harris, “The Struggle with Distance” in *The Resettlement of British Columbia: Essays on Colonialism and Geographic Change* (Vancouver: UBC Press, 1997), 161-193

<sup>123</sup> Cole Harris, 1997: 161.

<sup>124</sup> *Annual Report of the Commissioner of the Northwest Territories, 1967-68* [Ottawa, ON]: Queen’s Printer, 1968, 5. See Sabin’s discussion of settler identity within the political structures of Yukon and NWT, 57-62. Jerald Sabin, *Contested Colonialism: The Rise of Settler Politics in Yukon and the Northwest Territories* (Unpublished doctoral dissertation), University of Toronto, Toronto, Ontario (2016).

zie Highway was initially created to serve the burgeoning mineral industry - in this case, gold - near Yellowknife on the north shore of Great Slave Lake. In 1939, the highway extended from Grimshaw, Alberta to Hay River on the south shore of the lake, where supplies could be carried via ice road or shipped by boat after the ice melted. That route was “hard-surfaced” between 1945 and 1948 to allow for all-season travel. In 1958, an estimated \$31 million was announced for spending on roughly 1,200 miles of roads and bridges in Yukon and Northwest Territories as part of Prime Minister John Diefenbaker’s “Roads to Resources” program (called the Development Roads Program in the territories).<sup>125</sup> The highway was soon extended around the northwest shore of the lake, reaching Dene communities of Fort Providence, Rae-Edzo (present-day Behchoko), and Yellowknife in 1961. Development roads or tote trails branching from the main highway lines were also built to permit access by mining companies. The Ingraham Trail running eastward from Yellowknife, was opened in the mid-1960s. Although it was intended to wrap around Great Slave Lake entirely, construction ended after 70 kilometres. More generally, high levels of public investment to stimulate private development reflected a shift in the relationship of infrastructure to industrial development.<sup>126</sup> As political economist KJ Rea noted, infrastructure spending marked a public policy shift from investing in roads “which were *currently* economically justifiable by undertaking to build roads into areas which had a known economic *potential*.”<sup>127</sup> Opening the north to this potential was thus highly speculative in nature.

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<sup>125</sup> Resources and Development – Northern Development in Canada. 1958 VI/5871.1 John G. Diefenbaker fonds, University of Saskatchewan Diefenbaker Archival Collections, Saskatoon, Saskatchewan, Canada. Available online at: <http://scaa.usask.ca/gallery/northern/image.php?ID=18079&part=122&ImageStartPage=122&ImageEndPage=124&imagesize=large>

<sup>126</sup> John Sandlos and Arn Keeling, “Claiming the New North: Development and Colonialism at the Pine Point Mine, Northwest Territories, Canada,” *Environment and History* 18 no.1 (2012), 5-34.

<sup>127</sup> K. J. Rea, *The Political Economy of the Canadian North* (Toronto: University of Toronto Press, 1968), 242. Emphasis in original.



**Fig. 3.2:** Yellowknife and Mackenzie Highway under construction, North of Fort Providence, 1958. N-1990-005: 0501, Erik Watt fonds, NWT Archives.

Highway development also reflected differences in the role of infrastructure projects from previous years. The struggle with distance was compounded by political development of the late 1960s and early 1970s. Distance raised problems of connecting people to one another, as much as connecting resources and markets. Highway development was not merely a means of connecting northern resources to southern markets; it was also a means of growing the Territorial Government. Distance appears as a factor in both the location of the Territorial capital, and in the structure of government throughout the Territories more broadly. The selection of Yellowknife as the capital is one example of how government mapped to the geography of the Territories.<sup>128</sup> While Fort Smith, the former administrative centre of the Mackenzie District, was a lead contender, it was located directly on the NWT-Alberta border. The location of Yellowknife on the north shore of Great Slave Lake was thought to be “the most conducive to an identification by all residents of the north with the location of their capital.”<sup>129</sup> Distance was also instrumental in shaping the structure of the Territorial Government. Instead of a highly centralized administrative core at Yellowknife (a “functional” type government), the Territorial Government was envisioned

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<sup>128</sup> Canada. Advisory Commission on the Development of Government in the Northwest Territories. *Report of the Advisory Commission on the Development of Government in the Northwest Territories*, Volume 1, [Ottawa, ON]: Queen’s Printer, 1966. On challenges of communication and relationship to government, see summary discussion on pages 9-11. For discussion of Indigenous participation in local-government and ethnographic observations on boundaries and division, see the *Final Report of Montebello Meeting for the Advisory Commission on the Development of Government in the Northwest Territories* (North Gower, ON: Strathmore Associates), 1966.

<sup>129</sup> Advantages and Disadvantages of Alternative Sites for the Seat of Government in the Northwest Territories, N-2010-005 Box 55-5, Stuart Hodgson fonds, NWT Archives, Canada. It is noteworthy that in referencing the disadvantages of Fort Smith, the report notes that “the present economy is solely government based.” Other sites of consideration - namely Inuvik, Fort Simpson, Hay River, and Fort Smith - were by comparison isolated from the general population of the Territories. Fort Smith, in particular, which was the administrative capital of the Mackenzie District prior to the move to Yellowknife, was situated on the border of the NWT and Alberta.

as a collection of “strong self-contained and virtually independent regional organizational units.”<sup>130</sup>

Highway expansion was also integral to the regional structure of the Territorial Government and the ability to deliver services throughout the north. “Because of the vast distances in the Northwest Territories and the resulting transportation and communications problems,” Hodgson reported, “the Government of the Northwest Territories has found it necessary to have a regional level to its organization.”<sup>131</sup> Fort Smith, Inuvik, Baffin, and Keewatin Regions each had a regional service centre that required staff to provide technical and professional support to local employees. Unlike in the Eastern Arctic, where communities were serviceable only by air, communities along the corridor route were considered optimal for overland transportation. As per the regional model, the Territorial Government established local councils with the intention of gradually devolving administrative responsibilities to them. In 1971 there were thirty-five Settlements, five Hamlets, three Towns, and one City - Yellowknife. (Fifteen “Other” settlements had less than one hundred people.)<sup>132</sup> Upgrading the status of local governments was thought to strengthen the capacity and political autonomy of the different governments. In turn, the advancement of communities was taken as evidence of their desire to participate in the Territorial Government. In 1971, for instance, the creation of twelve new settlement councils was cited as reflecting the “increasing wish of the residents of the Northwest Territories to govern

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<sup>130</sup> Regional Organizational Concept: Meeting Minutes, 11 April 1967. N-2010-005 Box 55-5, Stuart Hodgson fonds, NWT Archives, Canada. Reads as “was recommended as being more receptive and flexible with respect to the transfer of responsibilities as is now contemplated than a functional type of organization.” See also section on Local Government in Dickerson, 1992: 96-100.

<sup>131</sup> *Annual Report of the Commissioner of the Northwest Territories, 1974*, 32.

<sup>132</sup> *Annual Report of the Commissioner of the Northwest Territories, 1971*, 102.

themselves.”<sup>133</sup> Further north, at Fort Simpson, the extension of the highway was cited in the Commissioner’s annual report as “the advent of Fort Simpson assuming a strategic communication location for the Mackenzie Valley development” that was directly linked with the highway.<sup>134</sup>

Highway expansion further reflected government hopes of strengthening the Western region through connective infrastructure and communications technologies. Improvements were intended to attract migrant workers from the south and to complement existing municipal services, while strengthening the administrative capacity of the local councils to manage them.<sup>135</sup> Roads, unlike highways that ran between communities and were federal domain, were jointly maintained by Territorial and local governments through the Department of Public Works and the Department of Local Government. Roads were also thought to improve the aesthetic appeal of the communities, particularly in places like Hay River - “the transportation hub of the Territories”-

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<sup>133</sup> *Annual Report of the Commissioner of the Northwest Territories, 1971*, 100. The quote goes on: “But total local government is not given or taken in a day. This year emphasis has been put on training programs for both government staff and local residents so that the goal of autonomy for each settlement may be achieved as smoothly as possible.”

<sup>134</sup> *Annual Report of the Commissioner of the Northwest Territories, 1971*, 106. The election of Sibbetson also highlights another aspect of the highway. Sibbetson was elected in 1970, the same year that the highway reached his community of Fort Simpson. In the Commissioner’s report of 1971, the election of Nick Sibbetson - one of three Native representatives - to Territorial Council was taken as evidence “of the increasing interest shown by the native people in local Government.” *Annual Report of the Commissioner of the Northwest Territories, 1970*, 90. According to Sibbetson, his victory over Don Stewart and Robert Porritt in December, 1970 resulted from fatigue with the older politicians, not necessarily with an embrace of local government. See Nick Sibbetson, *You Will Wear A White Shirt* (Madeira Park, BC: Douglas & McIntyre, 2015), 91-97. The other two Indigenous representatives were James (Jimmy) Rabesca from Rae, and Lena Pedersen from Coppermine. Sibbetson ultimately quit the legislature after his first term to go to law school at the University of Alberta, before returning to Territorial politics in the late 1970s. For a profile of Nick Sibbetson, see Douglas Holmes, *Northerners: Profiles of People in the Northwest Territories* (Toronto: James Lorimer & Company, 1989), 57-64.

<sup>135</sup> This also included ferry services and the expansion of airstrips in the Western portion of the NWT.

where beautification projects aimed to make northern communities similar to southern cities. Hay River's master plan to expand the tax base included paving city streets as well as construction of a tree-lined boulevard. In Fort Smith, the paving of six and a half miles of streets and roads in 1971 was reported to have "[added] to the communication facilities and orderly appearance of the community."<sup>136</sup> Outside the municipalities, highways were vital to the expansion of industries reliant on extensive transportation, and were deemed "the most important single factor affecting development of the tourist industry in the Northwest Territories."<sup>137</sup> In 1970, a "banner year" for tourism, automobile traffic increased forty percent from 1969, with a "significant" expansion in private sector growth and a rise in permits to increase hotel capacity.<sup>138</sup> Highways were also thought to enable the expansion of the parks system. The completion of the Mackenzie and Dempster Highways was to enable vehicle traffic to loop through the Yukon and NWT, and back down to northern Alberta.<sup>139</sup> In the Delta, highway extension was proposed between Inuvik and Tuktoyaktuk via the Dempster Highway that ran from Dawson, Yukon. Further south, central portions of the valley were to connect Fort Simpson with Fort Nelson, BC via the Liard Highway, with the Alaska Highway completing the link from the southern Territories with Yukon.

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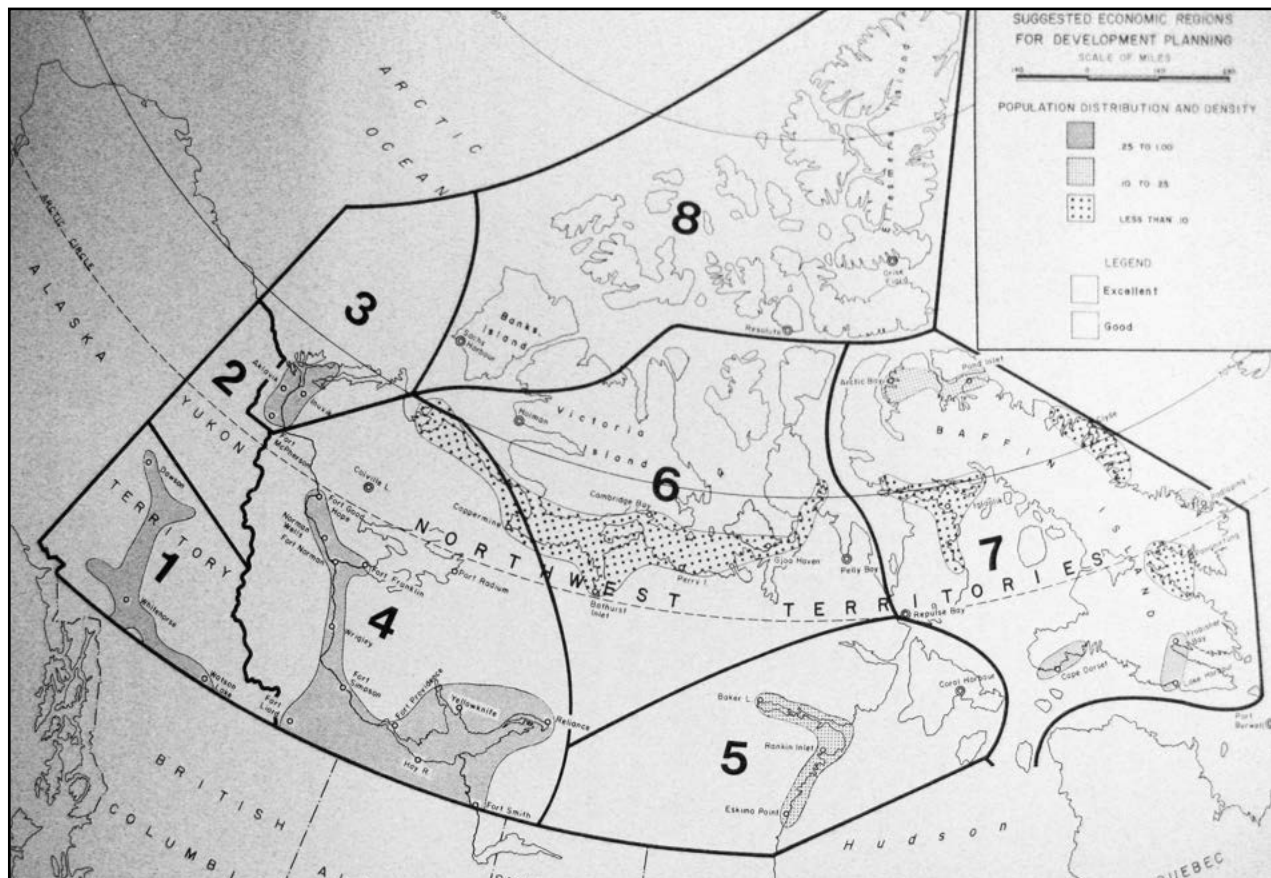
<sup>136</sup> Appears to have been along the Hay River highway. *Annual Report of the Commissioner of the Northwest Territories, 1971*, 103.

<sup>137</sup> Sessional Paper No. 14: Reference for Advice: The Development of Tourism in the NWT: Co would enable vehicle traffic to loop through the Yukon and NWT, and back down to northern Alberta. *Council of the Northwest Territories debates*, 20th sess., [Ottawa, ON]: Queen's Printer, 1961.

<sup>138</sup> *Annual Report of the Commissioner of the Northwest Territories, 1970*, 81.

<sup>139</sup> *Annual Report of the Commissioner of the Northwest Territories, 1974*, 92. In this plan, drivers would be able to go from northern British Columbia up the Alaska Highway, connecting between Dawson and Inuvik, and then back down the Mackenzie Valley route to northern Alberta.





**Fig 3.3:** A map of suggested economic regions for development planning from the early 1970s. After the discover of oil in Prudhoe Bay, Alaska, the federal government's Northern Development programme concentrated on economic growth in specific regions. Region 4, the Mackenzie Valley, was thought to offer the most promise economically and demographically. Memorandum to Cabinet Re: Northern Development 1971-1981, 15 June 1971, N-2010-005, Box 41-5, Stuart Hodgson fonds, NWT Archives.

The nature of changes brought by the highway, however, also underscores the advance of settler relations of power. Bringing the north within reach also meant bringing Indigenous northerners into the new mainstream society of the Northwest Territories. Unlike further south, the northern Indigenous population held a majority throughout the Territories, and the legitimacy of the GNWT depended in part on Indigenous support for and participation in it. Despite a general sense that the Western Arctic was further along on the path to responsible government, some in the Territorial Government were concerned by declining rates of Dene participation. The 1971 edition of the *Annual Report of the Commissioner of the Northwest Territories* notes that whereas Dene accounted for 31% of all enrolled students in 1955 - the year education for Indians was taken over by the Department of Northern Affairs and National Resources - by 1971 Dene students made up 17% of enrolment. By comparison, Inuit enrolment grew from 19% to 40% during that time.<sup>140</sup> Several factors might account for this, among them the fact that the Inuit population of approximately 9,000 was roughly one and a half times that of Dene, which was closer to 6,000, and because responsibility for educational services in the Eastern Arctic was assumed by the GNWT later than in the west, Inuit enrolment was also trending up. But the disparity was received within the Territorial Government as evidence of the problem of integrating Dene into the mainstream NWT society.

By various measures, officials viewed Dene as more “isolated” than Inuit and Métis. In the main, these views tended to be based on labour statistics and adult education programs, which were used to gauge levels of acculturation to the wage economy. Views of Dene isolation stemmed from older biases about Indians and wage labour, which in turn coloured official views on the

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<sup>140</sup> See *Annual Report of the Commissioner of the Northwest Territories, 1971*, 80.

“adaptability” of Dene to the industrial work.<sup>141</sup> One example drawn from early Council debates on Vocational Training, can be seen in the casual comparative observations about Dene and Inuit. For NWT officials, observations on job training - “a major step in developing the necessary initiative in the Indians and Eskimos of the Northwest Territories” - indicated that Dene were poorly suited to wage labour compared with Inuit (and Métis).<sup>142</sup> Citing the success of training programs at Rankin Inlet among Inuit, a sessional paper on prospecting and mining training noted that similar programs had failed at Yellowknife. This was seen to reflect a “lack of interest in mining as a career employment” among Dene, who “had not seemed to be as adaptable as Eskimos, particularly to underground work.”<sup>143</sup> According to Alderman E.J. Gall, Dene were poorly suited to wage work; they were thought to be more susceptible to tuberculosis and less capable of retaining their wages due to large extended families “who imposed on [the worker’s] good fortune.”<sup>144</sup> Dene were also thought to be fiscally illiterate, abusive of social welfare services, and disinclined to seek regular work.<sup>145</sup> Reports prepared for examining corridors development in the early 1970s confirmed this sense of isolation. An Economic Staff Group report on *The Effect of Education on Earnings in the Mackenzie District in Northern Canada* devised a method based on income statistics showing that Dene were less “open” than Inuit and Métis. It found that in the Northwest Territories, whites earned an average of \$8,387 in 1972, Inuit (\$2,663) and Métis

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<sup>141</sup> Abel, 1993: 243-244.

<sup>142</sup> Sessional Paper No. 12, 1961: Prospecting and Mining Training - Northwest Territories, *Council of the Northwest Territories debates*, 20th sess., [Ottawa, ON]: Queen’s Printer, 1961, 7.

<sup>143</sup> Sessional Paper No. 12, 1961: Prospecting and Mining Training - Northwest Territories, *Council of the Northwest Territories debates*, 20th sess., [Ottawa, ON]: Queen’s Printer, 1961, 7. The latter comments are from Alderman E.J. Gall.

<sup>144</sup> *Council of the Northwest Territories debates*, 24th sess., [Ottawa, ON]: Queen’s Printer, 1963, 29-30.

<sup>145</sup> See Abel, 1993: 236.

(\$3,253), while the average income for Dene was \$1,301. It concluded that “Indians [Dene] had on average the lowest ration of this variable [openness] which indicates the highest degree of isolation from working with Whites.”<sup>146</sup>

Such perceptions of isolation gave greater support to the extension of the highway. In April, 1972, Pierre Trudeau formally announced the extension of the all-season Mackenzie Highway from Fort Simpson to Inuvik.<sup>147</sup> Like the broader approach to integration, corridor development proffered market-based solutions to the emerging social problems associated with northern development. For the Trudeau government, the highway was presented as something of a cure-all to the ills of northern growth. Yet for Dene there was little to be considered “new” in the proposed extension of the Mackenzie Highway. Such dreams of northern development simply did not correspond with any reality on the ground.

### *Social Change and Political Mobilization*

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<sup>146</sup> Chun-Yan Kuo, *The Effect of Education on Earnings in the Mackenzie District of Northern Canada*. [Ottawa, ON]: Indian Affairs and Northern Development, Economic Staff Group, 1972.

<sup>147</sup> *Annual Report of the Commissioner of the Northwest Territories*, 1972, 11. “Prime Minister Trudeau’s dramatic announcement that a road would be built in the Mackenzie Corridor to the Arctic Ocean, combined with the ever increasing likelihood that a gas pipeline will be constructed, has meant that the Territorial Government must, wherever possible, predetermine how these projects are going to affect the lives of Northern people. Our efforts must be to maximize economic benefit and minimize adverse social disruption.” Pollution Probe, “The Mackenzie Valley Highway” *Special Arctic Report #2* (1972), 1. “There can be little doubt that the decision to proceed with the highway was made suddenly, with little or no advance planning and to the complete surprise of almost everyone concerned with the north.” Memorandum to Cabinet, N-2008-011 Box 15-5 John Parker fonds, NWT Archives. “[A]cceptance of the Highway alignment will in part pre-determine the pipeline location which will be proposed by the applicant.” See Appendix, p. 3 pt #12. Date given as “likely 1973.” See also Barry Roberts, “Pipeline and Highway: A Massive Research Project” *North/Nord* 20 no. 4 (1973), 6.

An interesting discussion of Dene experiences of the highway can be found in the field notes of Nancy O. Lurie, an anthropologist working with Tłıchǫ at Rae (present-day at Bechoko - Tłıchǫ are then referred to as Dogribs) in the 1960s.<sup>148</sup> Although these refer to a stretch of highway between Rae and Yellowknife, they are also applicable to highway extension through the Mackenzie Valley. Many contrast sharply with government rhetoric surrounding the highway and Dene “culture.” Lurie notes that Tłıchǫ were quick to adapt to new modes of transportation. The use of “kickers” (small outboard motors) for canoes quickly became widespread, and brought mechanical skills to keep them in repair. These skills were transferred to maintaining truck engines, in particular, which Dene also adjusted to at a fast rate. While those with driver’s licenses were more likely to find work in government sectors, there were other effects among those who did not drive: “A bus running from three times a week between Edmonton and Yellowknife stops at Rae, allowing an increased amount of casual visiting between the Dogrib people at Rae and those in Yellowknife and the adjacent native village of Dettah.”<sup>149</sup> Many younger people hitchhiked frequently into Yellowknife, which was also accessible to hunters to sell caribou meats and furs to families there. Greater dependence on the cash economy correlated with the highway, though far more opportunities existed in Yellowknife than in Rae.

Highway development also engendered a political response to it. Noting similarities to social change among Indigenous groups in the western Great Lakes in the United States in the late nineteenth century, Lurie writes: “Despite accelerated pace and newer technological innovations, there are strong parallels of sequence between the two areas and eras in regard to Indian reac-

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<sup>148</sup> Lurie in Helm, 2000: 95-100. Lurie’s observations are from the period 1962 to 1967, and written up in 1968.

<sup>149</sup> Helm, 2000: 96

tions to crises posed as a community becomes less isolated from the larger society.”<sup>150</sup> A longer passage illustrates this more fully in relation to “antiwhite” sentiment and the pace of change:

At the same time, the road has also contributed to the acceleration of reactive behavior [sic] by the native people which took a century to form in the Great Lakes region... Among the Dogribs, between 1962 and 1967 we saw the genesis of a systematized antiwhite sentiment, the introduction of a reactive nativistic (or revitalization) movement, and the involvement of the Dogribs in pan-Indianism and the tourist trade.

Antiwhite feeling seems to follow a predictable pattern for Indian people. It is not directed as a rule to all whites or very many specific white persons but to those white institutions believed to be responsible for the breakdown of parental control of children such as the schools or believed to hold back help from the Indians such as the welfare office, game laws, and Indian ‘agency.’

... The Dogribs today, like Indians father south in the 1880s, are beginning to see themselves as part of an Indian world, contrasted to a white world.<sup>151</sup>

It is important that Dene resistance be viewed within a broader context of social change associated with the growth of settler institutions. This is a key point because it helps illustrate how Dene political organization and resistance were not simply reactionary in nature - as reactions to *change* broadly - but predicated upon longer patterns of neglect by government. A primary example of this is the frequent allusions to game law changes that were unilaterally enacted by government. Changes to game laws, which were altered almost annually by the GNWT, violated Dene rights to hunting, trapping and fishing, and traced back to treaty. Unilateral changes to game laws were a common target of protest that predated the signing of Treaty 11 in 1921, and

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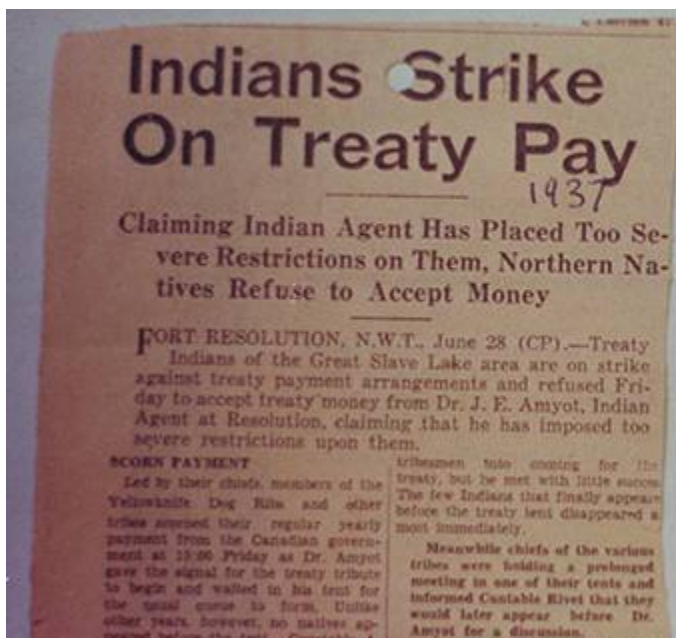
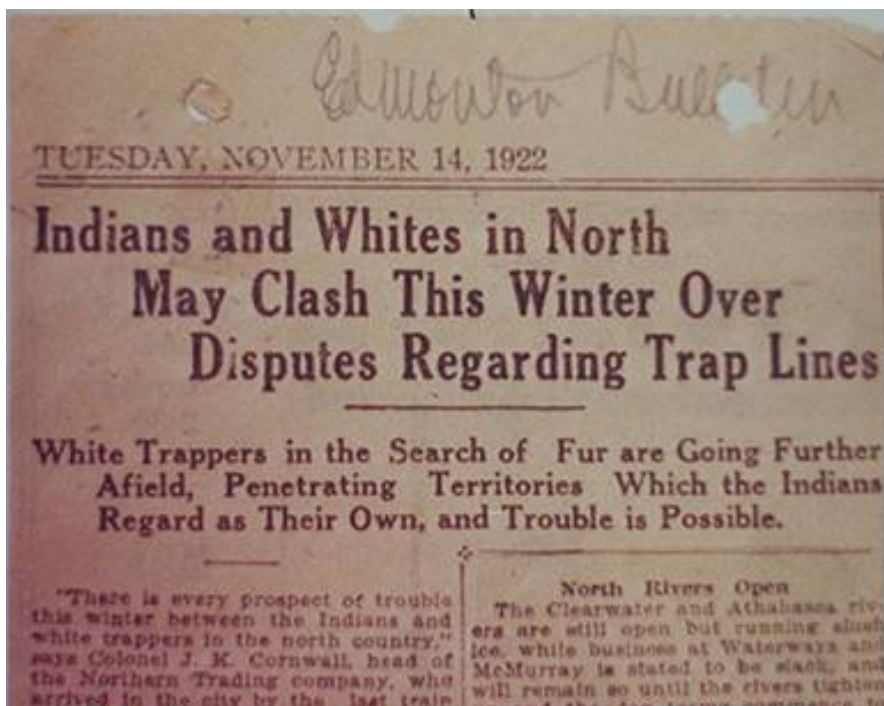
<sup>150</sup> Helm, 2000: 95.

<sup>151</sup> Helm, 2000: 97-99.

continued throughout the postwar period.<sup>152</sup> This broader context, I suggest, presents a fuller view of Dene resistance, not as resistance to change or some irresolvable conflict of “traditional” versus “modern,” but as a reaction to specific changes that the highway represented.

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<sup>152</sup> “History,” Dene Nation website, accessed January 17, 2018, <https://denenation.com/about/history>. In 1920, Treaty 8 Dene refused Treaty annuities in protest against the 1916 Migratory Birds Convention Act between Canada and the United States, as well as the NWT Game Act of 1917. In 1937, Dene again boycotted payments, this time along with Treaty 11 Dene from Dettah, again citing infringement of game laws. In 1947, for the first time all Dene chiefs registered complaints against on the basis that game laws violated Treaty. In 1957, at a meeting of the chiefs, Dene resolved that all Treaty Indians be allowed to hunt all year long “for any game necessary to his livelihood.”



**Fig. 3.4:** Newspaper clippings from 1922 (above) and 1937 highlighting early tensions over treaty. N-1995-002: 5782; 5784, N-1995-002: 5784, Rene Fumoleau fonds, NWT Archives.



In other ways, too, Lurie's observations link to the political organization of Dene and the response to northern development. This organization is best exemplified by the activities of the Indian Brotherhood of the Northwest Territories. The IB-NWT was formally established in February of 1970 as a member of the National Indian Brotherhood, which was formed by Dene band chiefs and activists in 1969 to counter the federal government's White Paper of earlier that year.<sup>153</sup> The White Paper proposed eliminating the Indian Act, transferring responsibilities for Indian Affairs to provincial and territorial governments, thus severing the historical relationship of Indians with the Crown. While the NIB was successful in pressuring the federal government to shelve the White Paper in 1971, in the Northwest Territories the program of northern development continued with the implementation of the main thrust of the policy. The transfer of responsibilities and Crown lands from Ottawa to Yellowknife, and the push for the Mackenzie Corridor in general, were entirely consistent with the premise of the White Paper, and taken as an indication "that the Federal Government has implemented its White Paper on Indian Affairs, June 1969, in the NWT."<sup>154</sup>

Many of the activities of the Brotherhoods' formation can be seen in response to planned northern development and the threat it posed to the treaty relationship. The planned routing of the Mackenzie Corridor ran directly through territories of Treaty 11, bringing with it a host of social

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<sup>153</sup> Much has been made of the role of non-Dene and leftist agitators who were thought to be behind it. The Company of Young Canadians (CYC) especially was singled out for its financial assistance and its intellectual influence, particularly on young Dene. Several of those working with the CYC became key members of the Brotherhood executive and research staff. While former CYC staff were often said to be coaching Dene and writing their speeches, Jerald Sabin has laid out a compelling argument debunking those arguments.

<sup>154</sup> George Manuel to Prime Minister Pierre Trudeau, 02 July 1971, Box 20 File 15, Robert "Bud" Orange fonds, NWT Archives, Canada.

impacts on Dene communities and hunters and trappers. Highway development also aroused feelings that Dene had been duped into signing treaty in the late nineteenth and early twentieth centuries, and that government made promises then that it had no intention of keeping. The transfer of responsibilities and lands from the federal to territorial governments, all without consultation of Dene, compounded these feelings.

Political representation was also fostered by the Brotherhood through encouraging Dene unity and the challenge of bringing Dene together on a more regular basis. The five different regions referred to above also comprised five different Athapaskan languages: Chipewyan, South Slavey, North Slavey, Tłıchǰ, and Gwich'in. As many Dene - particularly those in the Mackenzie-Liard region - continued to live predominantly on the land, uniting Dene across geographical and linguistic regions was an entirely new undertaking. Memos from the IB-NWT state its intention "to speak and act formally for a people previously disorganized and disunified; to communicate their voice to the government of Canada and all concerned."<sup>155</sup> The founding of *The Native Press*, a Dene-run newspaper that was launched in April of 1971, proved to be a major step towards uniting Dene.<sup>156</sup> Though an exclusively English publication, by January of 1973 the Communications Unit of the IB-NWT was distributing some 2,200 copies of *The Native Press* throughout the regions.<sup>157</sup> Early editions published accounts of meetings among the Band Chiefs and the progress of the Brotherhood and its President, James Wah-Shee. Coverage evolved from articles

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<sup>155</sup> *Indian Brotherhood of the Northwest Territories: Information Package* (Yellowknife, NT: Indian Brotherhood of the Northwest Territories, 1973).

<sup>156</sup> It was preceded by a smaller newsletter called "Dene" with publications dating back to the fall of 1970, and which was later title the *Brotherhood Report*.

<sup>157</sup> This number comes from the press itself. *The Native Press*, 23 January 1973, 5. A caption reads: "The Native Press is distributed every three weeks, freely to Native People, and is sold at news stands for \$0.20 a copy. There is 2200 copies in circulation."

written predominantly about the activities of the Brotherhood to matters of interest throughout the north. Reporting also included government activities, on the progress of the Indian movement across Canada, on extractive industries in the north, and on the frequent violations of treaty that occurred in the early 1970s. In addition to these, *The Native Press* published letters from readers, texts of speeches pertinent to northern development, and regularly featured profiles of communities and persons throughout the north. For communities in the South Slave Region, the highway established both a physical link for Dene while also providing stories of common experiences of northern development. An early feature of the *The Native Press* called “Along the Mackenzie Highway” profiled communities in the South Slave Region, showing how highway connectivity facilitated greater political unity of Dene.<sup>158</sup>

Many of the Brotherhood’s activities in relation to highway development can be seen to link the political consciousness of Dene with changes to the landscape. Broadly organized around treaty research, rights and regional representation, the IB-NWT centred its message on land and unity; on protecting Dene lands from unwanted development, and on enhancing Dene political representation. For Dene, the two were directly linked. Highway expansion also correlated with electoral redistricting of the early 1970s, which cut across Band lines and weakened the influence of the chiefs. The election of December, 1970, for instance, required residents of Fort Providence and Kakisa Lake – who were of the same band and traditionally had the same chief – to divide their votes in accordance with electoral districts. People of Fort Providence voted with Rae, Snowdrift, Rae Lakes and Lac La Martre, while people of Kakisa Lake voted with Hay River and Fort Simpson. Closer to Yellowknife, a similar separation was forged between Latham Island and

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<sup>158</sup> “Along the Mackenzie Highway,” *The Native Press*, 17 September 1971, 6.

Dettah, historically part of the same Band but forced to vote apart.<sup>159</sup> In response to these changes, the IB-NWT founded community development programs aimed at strengthening the role of Band Councils and the chiefs, who also formed a key part of the structure of the Brotherhood. The sixteen Band chiefs made up the Board of Directors, which also included a President and Vice President, and five Regional Vice Presidents, one for each of the five regions - the Delta, Great Bear Lake, Mackenzie-Liard, North Great Slave and South Great Slave. The institution of Settlement Councils that would report directly to the GNWT was also seen as evidence of the government's intentions to simply ignore the historical role of Band Councils and the chiefs.<sup>160</sup>

The highway also brought significant social impacts. The extension of the highway to Fort Simpson stood out in this regard. Dene experienced highway expansion in terms of its social impacts, but they also experienced and articulated highway development as part of a longer process of coerced social change. The increased flow of alcohol to the communities was frequently attributed to highways construction and seen as part of a broader shift in political relations between Dene and white newcomers. Simpson, the regional centre of Mackenzie-Liard, and a one-time candidate for the capital of the Northwest Territories, was inundated by researchers and businessmen, who descended on the community to speculate on future pipeline development. Another

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<sup>159</sup> "Bands split by council elections", *The Native Press*, January 1971, 1. Latham Island voted with Yellowknife and Dettah with smaller communities outside the capital.

<sup>160</sup> *Annual Report of the Commissioner of the Northwest Territories, 1970*: 86. The Territorial Government also effectively forced communities to recognize the territorial hierarchy, as noted in changes of 1970 asserting that requests for local improvements go through the Settlement Councils: "In order to enhance the status of Settlement Councils and demonstrate the genuine desire of the government to ensure communities manage their own affairs, it is the policy of the Government of the Northwest Territories to take action on requests for local improvements only when they come from the council in the form of a resolution."

er area of common concern and shared experience was through labour. Wage work was only marginally and temporarily beneficial to locals. There were also complaints of Dene being “ripped-off” in the tourism industry.<sup>161</sup> These were also articulated in terms of broader, structural changes that linked social change with the replacement of Dene ways of life. An early letter written by a young Dene from Fort Good Hope articulated this in terms of a theft of time. “The native is not used to having his time bought,” he wrote. “He is used to working for himself.”<sup>162</sup>

The historical arc of the Mackenzie Highway extension can be best illustrated by a small and ultimately unsuccessful Vocational Training program called Hire North. In the summer of 1972 the territorial and federal governments launched Hire North, to be operated by the Department of Education in partnership with the Mackenzie Valley Pipeline and Highway Project Group. The program was partially a political exercise that aimed to hire “as many northern residents as possible.”<sup>163</sup> But Hire North was also seen as a model for federal and territorial cooperation on joint economic and social development programs that was also thought to hold advantages for integrating Dene into the labour force. Following stipulations from the government’s *Expanded Guidelines for Northern Pipelines* (1972), corridor work was thought to “acquaint employees

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<sup>161</sup> “Frontier Lodge Tourists Pay \$65 a Day, Native Staff Get \$0.50 An Hr.,” *The Native Press*, 07 August 1971, 1.

<sup>162</sup> “Letter to The Native Press,” *The Native Press*, 25 November 1970. This further reflects Peter Kulchyski’s contrasting of the dispossession of land in settler expansion with the exploitation and theft of time associated with capitalist accumulation. Kulchyski writes: “It is possible to argue that precisely what distinguishes anti-colonial struggles from the classic Marxist accounts of the working class is that oppression for the colonized is registered in the spatial dimension – as *dispossession* – whereas for workers, oppression is measured as exploitation, as the theft of *time*.” Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunuvut* (Winnipeg: University of Manitoba Press, 2005), 88.

<sup>163</sup> See correspondence from Parker to Chrétien, 30 November 1972, N-2008-011, 14-6, John Parker fonds, Yellowknife, Northwest Territories.

from the territories with the pipeline industry and the work habits and life style of non-territorial employees.”<sup>164</sup> Hire North, which enlisted Dene in clearing the highway route along the Fort Simpson to Inuvik stretch, was summarized in the Commissioner’s annual report of 1973 this way:

In an effort to provide long term employment to Northern people, the Government of the Northwest Territories has established projects which are designed to expose Northern people to development in a manner in which they can participate. One such project is the Hire North project which was established as a Territorial program to clear the first section of the Mackenzie Highway extensions to Inuvik utilizing Northern people in a work environment in which they feel comfortable.<sup>165</sup>

This last line is notable, highlighting how Hire North was thought to address concerns about Dene mobilization. Like other vocational programs, Hire North featured in-class training in heavy equipment operation coupled with on-site training, and eventually saw workers paired with companies contracted for clearing and construction work. Classes held at the Adult Vocational Training Centre in Fort Smith, which reported an expansion from the number of programs from one to fifteen between 1968 and 1973, were followed by onsite training along a ten mile stretch between Fort Smith and Hay River before moving to one of several clearing sites along the highway route north of Fort Simpson.<sup>166</sup> In contrast with Vocational Training and work programs in the Eastern Arctic, however, highway work was thought to be minimally disruptive to the balance of work and familial life. Unlike mining, which required the relocation and resettlement of Inuit workers, highway work did *not* require relocating Dene. Because jobs would flow

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<sup>164</sup> *Expanded Guidelines for Northern Pipelines*, 1972 [Ottawa, ON]: Department of Indian Affairs and Northern Development, 28.

<sup>165</sup> *Annual Report of the Commissioner of the Northwest Territories, 1973*: 26.

<sup>166</sup> See CBC interview, N-2008-011, 14-6, John Parker fonds, Yellowknife, Northwest Territories.

to the settlements, job training and work was more a matter of reorienting Dene to their traditional homelands than of removing them. As one report from the Economic Staff Group stated:

development in Northern Canada is not simply the orderly exploitation of existing natural resources, *it is an exercise of relating native residents in spatial, physical and cultural terms to the resource potential of their traditional homeland*, and to other peoples, their skills and institutions, all of which are essential to developing the productive capacity of the North.<sup>167</sup>

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<sup>167</sup> Ifill, 1972: 60. Emphasis added.



**Fig. 3.5:** Hire North employees featured in the 1972 *Annual Report of the Commissioner of the Northwest Territories*.



Early reports of high participation coming from Hire North appeared to show the merits of the program. In the project's first full year between 1972 and 1973, some 150 men cycled through Hire North. The project's director, Rudy Steiner, reported to Deputy Commissioner John Parker that 96% of participants were local Dene or Métis.<sup>168</sup> Hodgson's annual report for 1972 (which was published in 1973) announced that the program was "proving to be extremely successful, with over one hundred native workers clearing the way for the Mackenzie Highway - working in the land they know best."<sup>169</sup> The following year, Hodgson reiterated his enthusiasm for the program. Hire North, he wrote, "has proven that Northern workers can participate in Government, and Industry are willing to design projects around the needs and experience of the Northern worker."<sup>170</sup>

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<sup>168</sup> Hire North was operated by the Territorial Government, though it was thought to be "96% native." See Rudy Steiner's notes, N-2008-011, 14-6, John Parker fonds, NWT Archives.

<sup>169</sup> *Annual Report of the Commissioner of the Northwest Territories*, 1972: 11.

<sup>170</sup> *Annual Report of the Commissioner of the Northwest Territories*, 1973: 26.



**Fig. 3.6:** Mackenzie Highway slash road north of Norman Wells, May 1974. N-2011-004: 0094, David Sherstone collection, NWT Archives, Canada. Although the highway never made it as far as Norman Wells, slash crews often worked well ahead of gravelling teams further south. Hire North workers regularly outpaced heavy equipment operators by a considerable margin. Environmental regulations requiring additional permitting in ecologically sensitive areas also encouraged clearing teams to work ahead in areas already approved for construction.

Yet Hire North suffered the same imbalance between skilled and unskilled labour of most northern industries, especially those associated with non-renewable resource extraction. Despite the stated goal of Hire North to build capacity in heavy equipment operation, workers lacked the technical training of migrant workers and were assigned hand-clearing duties primarily. Assertions of high employment rates of Dene workers contrasted with findings of the Employment and Local Impact Working Group. Their statistics between January and March of 1973, for instance, showed Dene made up between 40% and 76% of the workers - not 96% - and most of these were employed on slashing or survey crews.<sup>171</sup> Dene representation as Contractors was generally below 20%.<sup>172</sup> These problems were not limited to Hire North. Along the Dempster route, contractors complained of low participation - less than 10% - and that “attempts to make [Native trainees] versatile and to have them operate several pieces of equipment only, tends to confuse them and does not allow them to spend a sufficient amount of time on one piece of equipment so that they learn to operate it properly.”<sup>173</sup> Ironically, at least one instance of mass job turnover along the highway was a direct result of this imbalance of skilled and unskilled work. Despite concerns within government that Indigenous workers would have a hard time keeping up, clearing crews advanced far ahead of the heavy machinery teams. By the winter of 1973, clearing crews were miles ahead of gravel laying teams. Clearing was paused, and the workers were laid off. In other ways, highway work was thought to have backfired completely. At Territorial Coun-

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<sup>171</sup> “Native Employment – Mackenzie Highway: Progress Report,” RG85-D-5-a NR3/1-7 Box 5-1, Northern Coordination and Research Centre fonds, Library and Archives Canada, Ottawa, Ontario.

<sup>172</sup> Employment and Local Impact Working Group – Report to the Mackenzie Highway Committee, RG85-D-5-a NR3/1-7 Box 5-1, Northern Coordination and Research Centre fonds, Library and Archives Canada, Ottawa, Ontario.

<sup>173</sup> Letter from H.B. McLenaghan, Watsko Construction Ltd. to Jean Chrétien, 13 February 1973, RG85-D-5-a NR3/1-7 Box 5-1, Northern Coordination and Research Centre fonds, Library and Archives Canada, Ottawa, Ontario.

cil, for instance, it was hoped that highway work would lessen dependence on welfare and child support. Yet recently paid workers were thought to be spending their salaries at bars in Fort Simpson, and were labelled “Hire North drunks.” Councillors at Yellowknife proposed garnishing workers’ salaries and potentially suing them for non-support of children back home.<sup>174</sup>

Other claims of Hire North’s success were also undermined by ongoing studies of labour patterns along the corridor. A government-commissioned report of 1973 on the social impacts of highway construction discredited assertions that highways would include community workers; most industrial work required highly skilled labourers to operate machinery used for road laying operations, and thus favoured labourers from south of 60°. Because unskilled work followed sectors with higher technical proficiency, lower skilled workers were more likely to be drawn to “urbanized” growth centres such as Fort Simpson, Norman Wells and Inuvik, and away from smaller settlements. This also dispelled the presumed correlation between workers’ performance and their proximity to home. Citing comparative success rates of Dene workers in Fort Simpson, the study actually documented higher retention rates among workers who were not from the community.<sup>175</sup> The report

failed to uncover any reason to assume development will result in a reduction in welfare rolls or totals. On the contrary, available evidence throughout the study region during the

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<sup>174</sup> “Hire North project lauded as model: Natives spending their pay on liquor, not families, NWT Council told,” *The Globe and Mail*, 31 January 1973, 8.

<sup>175</sup> *Social Impact in the Mackenzie Valley* (Yellowknife: Gemini North, 1973), 60. “Our preliminary analysis did dispute a widely held belief that native workers performed better and are more stable if closer to their home settlements/family disciplines. This is shown in the following hypothesis: Hire North workers who come from the community of Fort Simpson should have lower rates of failure than non-Fort Simpson workers.” The report by Gemini North identified many problem areas of highway development that contradicted Hodgson’s assurances of smooth development: “More than any other single project, the highways will effect changes in the social and economic composition of communities, accelerating the rate of change.”

past four years indicates a continuing increase in welfare totals as more native northerners are drawn, at least partially, into the cash economy.<sup>176</sup>

By the spring of 1973, communities north of Simpson associated highway extension with social harms that would fundamentally alter the way of life for northerners. At Wrigley the highway raised concerns about an influx of outsiders. The shooting of the moose, only miles from Wrigley, exemplified outsiders taking wildlife that was needed by locals. *The Native Press* reported that “there was a Wrigley trapper and his family living [within] a mile of the Hire North camp who depended on the land for their food, and they were angry these outsiders who earned their living by Hire North paycheques had killed their game needlessly in the Wrigley area.”<sup>177</sup>

While the shooting was initially attributed to two “native people from Saskatchewan,” it emerged that it was actually Stu Demelt, the foreman of the Hire North clearing crew. But the highway stand-off was about much more than the taking of the moose, and followed a pattern of events and impacts that echoed experiences of Rae and Simpson. A profile of Wrigley in 1971, called “Fort Wrigley - It’s Their Land,” detailed how the community had been moved from the west to the east side of the river in 1966. The move placed the community nearer to the new airstrip. A profile on Wrigley for *The Native Press* cited one person as saying:

Yeah before they moved the town over here, us people were better off. Once they moved us over here, everything went wrong. Down there we were better off. We could just walk down to the beach and set a net, but here it’s too far. They promised that we wouldn’t have to pay for electricity or water. But those are more promises that they broke.<sup>178</sup>

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<sup>176</sup> *Social Impact in the Mackenzie Valley* (Yellowknife: Gemini North, 1973), 71.

<sup>177</sup> “Hire North Back on the Road,” *The Native Press*, 05 October 1973.

<sup>178</sup> “Ft. Wrigley - It’s Their Land,” *The Native Press*, 08 October 1971, 6.

Articles from 1973 centred specifically on the highway. These featured headlines such as “No Surrender in Wrigley,” “Ft. Wrigley Says ‘No’ to Highway Again”, and “Indians Take Stand on Highway.” Reports of meetings between Wrigley council and government officials, and frustrations arising from these. On one occasion, fifteen civil servants showed up for a meeting with Wrigley council - a number far in excess of what was required:

One of the concerns about the community meetings with the Government was that when there are meetings, the Government people always turn things around so that the meetings would work in the Government way. There were a lot of Government people there.<sup>179</sup>

And yet none among these were authorized to negotiate the terms of highway construction; they would only ask how far the Council wanted the highway built from the community, not if. “Why is it that the Government always sends people to meetings who don’t have any authority to make decisions?,” the Chief at Wrigley asked. “If the Prime Minister has to decide, why doesn’t he come?”<sup>180</sup>

Other aspects of development, which linked highway expansion to alcohol use and associated problems in the communities, were only too familiar. People at Wrigley looked to Simpson, specifically, and referred to how the highway had brought change there: “The highway affects communities at all levels - white people run everything. It is ruining people’s lives. Almost everyone drinks. In some communities the rate of broken homes is increasing ever since highway and booze came in.”<sup>181</sup> “There never used to be problems with booze when people lived in the

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<sup>179</sup> “No Surrender in Wrigley,” *The Native Press*, 07 June 1973 1.

<sup>180</sup> “No surrender in Wrigley”, *The Native Press*, 07 June 1973, 1.

<sup>181</sup> “Indians Take Stand on Highway,” *The Native Press*, November 1973, 1.

bush and worked for themselves,” *The Native Press* summarized. “The highway and other developments brought the alcohol problem.”<sup>182</sup>

Support for the Wrigley blockade was not unanimous among Dene. The firing of Stu Demelt led equipment trainers and roughly two-thirds of the workers to quit.<sup>183</sup> In their resignation statements, many criticized Demelt’s firing and stated their support for him. “The Brotherhood is a bunch of bullshit,” one worker wrote in a letter supporting Demelt. “The native people have no use for the Brotherhood. They just want to get people out of work so they can go on welfare.”<sup>184</sup> Others expressed concerns that the highway blockade would obstruct the delivery of needed social services.<sup>185</sup> At Fort Norman (Tulít’a), the Chief expressed his support for the highway and the educational facilities to the community. Like many aspects of northern development, the benefits of progress - however marginal and temporary - also nurtured divisions.

Nevertheless, Wrigley’s protest in the fallout of the moose incident did mobilize support from northern political leaders.<sup>186</sup> Wrigley received the endorsement of the Inuvialuit. Support was expressed most strongly by the Committee for Original Peoples’ Entitlement (COPE). COPE -

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<sup>182</sup> “Wrigley Alcohol Workshop: Development Adds to Alcohol Problems,” *The Native Press*, 05 October 1973, 1.

<sup>183</sup> “Supervisor shortage, firing of foreman stall Mackenzie Highway job,” *The Globe and Mail*, 03 October 1973, 37. According to Hodgson, Demelt was fired for his “outspoken criticism of the Indian Brotherhood,” which was incompatible with his job.

<sup>184</sup> Statement given by Operator Instructor on the firing of Stu Demelt, 26 September 1973, N-2008-011, 14-6, John Parker fonds, Yellowknife, Northwest Territories.

<sup>185</sup> Schindler to Yates, 27 November 1973, N-2008-011, 14-6, John Parker fonds, Yellowknife, Northwest Territories. The interview refers to the Chief of Fort Norman [Tulít’a] lobbying for the highway to bring educational facilities to the community.

<sup>186</sup> Earlier motions of support had already been passed by councils of Fort Good Hope and Fort Resolution.

which was also dealing with highway construction along the Delta route - released its own statement:

Wrigley is not alone. What Wrigley is going through now will come soon to communities north of there too. Wrigley is able to stand up, and they are giving all native communities north of them the courage to express their feelings.<sup>187</sup>

“Who asked for it?” Nellie Cournoyea of COPE later told a reporter for the *Edmonton Journal*.

“Who needs it? What’s it for?”<sup>188</sup>

### *Conclusion*

In 1975, Wrigley council agreed to allow the highway to pass the community. By that point the hearings for the Mackenzie Valley Pipeline Inquiry were underway, and the environment surrounding northern development had changed significantly. As speculation of pipeline construction heated up, many in the communities came to see development as inevitable. But construction did not proceed. The proposed pipeline was already confronting the reality that a Canadian pipeline route was not economically viable. That same summer, DIAND reallocated resources for the Mackenzie Highway to the Dempster Highway to link between Yukon and Inuvik and eventually on to Tuktoyaktuk. The Dempster Highway, the only all-weather highway north of the Arctic Circle, opened to Inuvik in the summer of 1979. In 1994, more than two decades later, the highway was extended the remaining distance to Wrigley from where it had stopped in 1973.

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<sup>187</sup> “COPE support Fort Wrigley,” *The Native Press*, 05 October 1973, 1

<sup>188</sup> Gorde Sinclair, “‘Ribbon of gravel’ to Arctic may be stalled 10 years,” *The Edmonton Journal*, 18 December 1974, 45.



In the fall of 2017, the extension of the Dempster Highway to Tuktoyaktuk was finally completed. Today, the official website for Tourism in the Northwest Territories invites people to drive to “the top of the world.” “Follow the first ever highway to the Arctic Ocean,” it says.<sup>189</sup> It is not difficult to imagine similarities to the earliest days of the highway and the promise of connectivity. Nor is it surprising to hear skepticism at these promises. One person I spoke to at Yellowknife, who frequently visited Tuktoyaktuk, was doubtful of the positive benefits that the highway would bring. He worried the highway would only compound existing social problems, and presented more obstacles to the longer-term goals of the community. In Wrigley, where the highway ends, there are similar concerns about plans for another extension to Tulita and Norman Wells. But there is also support for the highway, including from some who helped stop it in 1973. A profile of the planned extension in the *Toronto Star* in 2014 quotes a former council member who now sees the highway as a potential source of jobs. Others are not so sure. At Deline on Great Slave Lake, the chief negotiator for Deline self-government explains that the community needs to be strong and healthy before the leaders will agree to a road.<sup>190</sup>

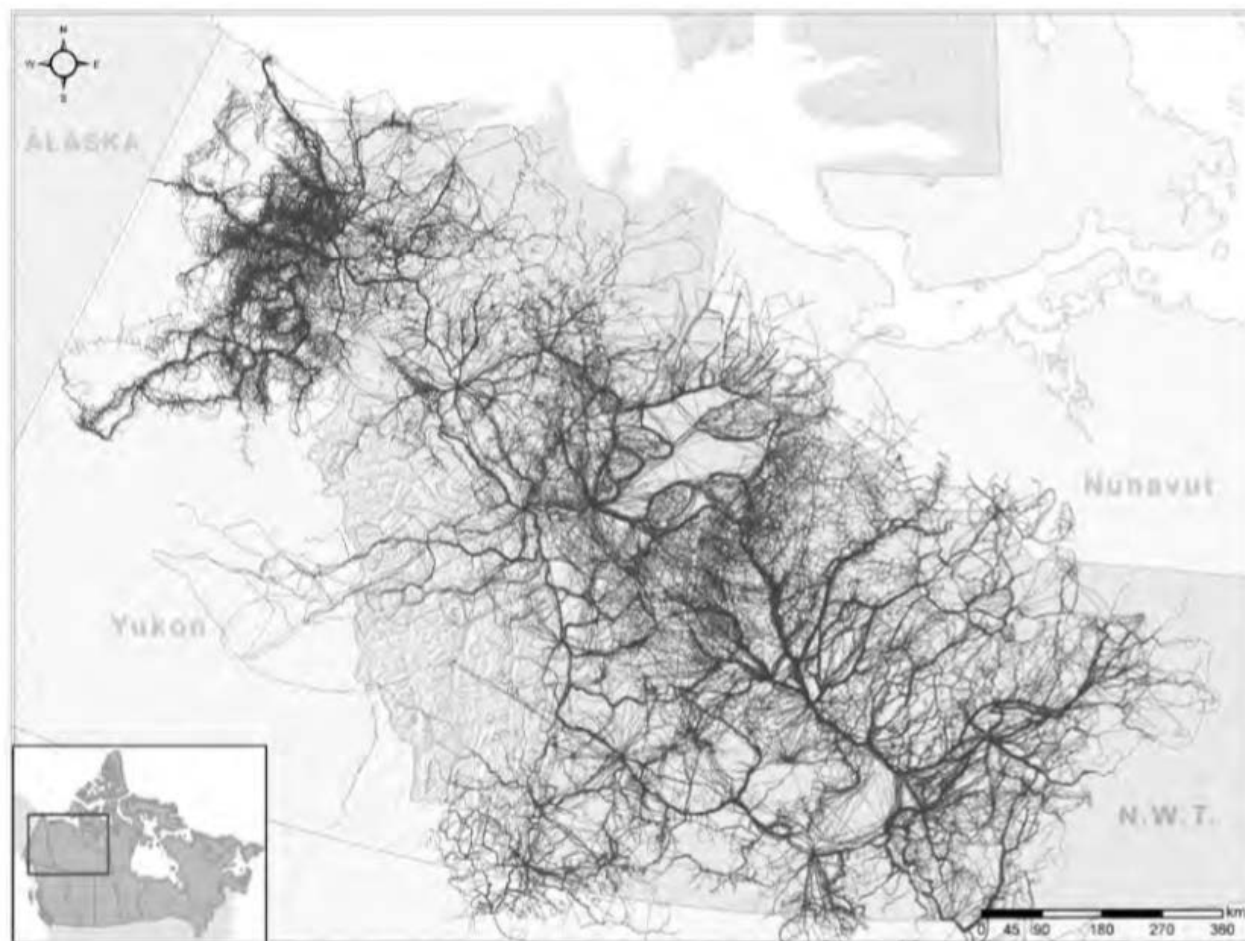
Much of the recent discussion about highway construction reads a lot like it did nearly fifty years ago. The Mackenzie Highway is emblematic of change in the north, but it also reflects an underlying continuity. Of interest in the moose incident at Wrigley, the effects of the highway at Simpson, and the erosion of treaty is not the difference or change it brings, but the similarities to what

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<sup>189</sup> “Follow the first-ever highway to the Arctic Ocean” *Spectacular Northwest Territories* website, accessed 14 February 2019, <https://spectacularnwt.com/story/follow-first-ever-highway-to-arctic-ocean>.

<sup>190</sup> Karen McColl, “How will highway transform North’s Mackenzie River Valley?,” *Toronto Star*, 28 September 2014. Available online at: [https://www.thestar.com/news/insight/2014/09/28/how\\_will\\_highway\\_transform\\_norths\\_mighty\\_mackenzie\\_river\\_valley.html](https://www.thestar.com/news/insight/2014/09/28/how_will_highway_transform_norths_mighty_mackenzie_river_valley.html)

had come before. Dene resistance of the 1970s, while most visible in the work of the IB-NWT, was also rooted in longer patterns of continuity and the threats posed to it.



**Fig. 4:** A full map of the Dene/Métis Mapping Project, depicting the areal extent of hunting and trapping trails throughout Denendeh and beyond. This map is taken from Thomas D. Andrews, *There Will Be Many Stories: Museum Anthropology, Collaboration, and the Tł̨ch̨q* (Unpublished doctoral dissertation) University of Dundee, Dundee, Scotland (2011), 30.

## CHAPTER 4 | The Temporality of the Map: State Claims and the Mapping of Denendeh

“Look at the map. Imagine in your mind, land-use three times more than what you now see. Can you imagine any area where a proposed route will not create a negative impact? Where on this map could negative effects be avoided? I do not see any on this map.”<sup>191</sup>

Phoebe Nahanni  
Director, IB-NWT Mapping Project

“For meaning, I contend, does not cover the world but is immanent in the contexts of people's pragmatic engagements with its constituents. But the discovery of meaning in the landscape has to begin from a recognition of its temporality, and in this lies the essence of archaeological investigation.”<sup>192</sup>

Tim Ingold, “The Temporality of the Landscape”

In the early 1970s, Dene began mapping their traditional homelands. As part of the comprehensive land claims process, the Dene maps were collected to demonstrate the extent of traditional “use and occupancy,” a condition for entering negotiations with the federal government. Between 1973 and 1976, Dene fieldworkers for the Indian Brotherhood of the Northwest Territories compiled trail maps amounting to a roughly one-third sample of hunters and trappers throughout Denendeh. Faced with time and resource constraints in the lead-up to the Mackenzie Valley Pipeline Inquiry that began in the spring of 1975, the early maps provide only a glimpse of the extent of Dene land tenure and Dene knowledge of wildlife and resources throughout Denendeh. At the

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<sup>191</sup> Phoebe Nahanni’s testimony at the Mackenzie Valley Pipeline Inquiry, *Annual Report of the Indian Brotherhood of the Northwest Territories, 1976* (Yellowknife: Indian Brotherhood of the Northwest Territories, 1976), 19.

<sup>192</sup> Tim Ingold, “The Temporality of the Landscape,” *World Archaeology* 25 no. 2 (1993), 152-74.

Inquiry hearings, the maps were used to show how pipeline construction would impact hunters and trappers, and the harm posed to the Dene economy. A fuller picture of Dene land tenure emerged in the early 1980s, when the maps were digitized as one of the earliest Geographic Information Systems (GIS) in Canada. Under the Dene Mapping Project, or the Dene/Métis Mapping Project, the Dene trails could be represented in a single map showing how traditional land tenure fanned out across the Western Arctic, crossing territorial, provincial, and even national borders extending into northern Alaska. In meetings with federal officials, the maps enabled Dene negotiators and consultants to “prove” land use by cross-referencing trails with a computer database containing information on Dene hunting and trapping on the land. Throughout the 1980s, the maps were again utilized to establish the spatial extent of the Dene claim that would eventually be used to determine the boundaries of the Inuvialuit Settlement Region in 1984 and that between the Northwest Territories and Nunavut in 1993.

While the maps offer evidence of traditional “use and occupancy,” they are also indicative of changes in the political geography of northern Canada. These changes entail a *reorientation* in the meaning and role of land and land-based relations in the north. Among these is the gradual progression towards what might be called the *spatialization* of traditional Dene territories and lands; having never before conceived of their lands in areal terms, federal land claims procedures compelled Dene to represent their ancestral lands as *space*; made to conform with discrete political boundaries drawn on a map. In this respect, the maps of the land claims procedures reflect the colonial dimensions of space-making as the conversion of Indigenous modes of land tenure to those amenable to Western spatial norms. As Indigenous legal challenges to the Crown’s jurisdiction grew, the state moved to expedite outstanding land issues that threatened to impede or ob-

struct northern development. Land claims procedures introduced late in 1973 ostensibly provided Indigenous peoples with the ability to claim lands based on prior use and occupancy. In reality, however, spatial concepts of property, ownership, and even the idea of claiming land were incommensurable with Dene understandings of traditional land tenure and social organization.<sup>193</sup> Enclosed by political borders and governed through increasingly technical understandings of land use, this transformation of Dene land tenure into the spatial register is an outcome of colonial encounters and cartographic techniques that render “land” as an areal and mappable quantity.<sup>194</sup>

The Dene maps also highlight aspects of this reorientation that have greater implications for the social and political geography of northern Canada. This reorientation can be expressed *temporally* as the process of replacing or supplanting traditional modes of land tenure with those of the settler state. In the Northwest Territories, this transition is characterized both by the growth in speculation of the economic value of Indigenous lands for mineral and petroleum development, and by a reorientation of land in the context of Aboriginal-state relations. As Glen Coulthard writes in his discussion of what he calls grounded normativity, the effects of colonial expansion are experienced not only by removing Indigenous peoples from their lands, but by altering the role of land within Dene social life and structure.<sup>195</sup> As with the construction of the Mackenzie

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<sup>193</sup> See Paul Nadasdy, *Sovereignty's entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017).

<sup>194</sup> Bruno Latour, *Science in Action: How to Follow Scientists and Engineers Through Society* (Cambridge, MA: Harvard University Press, 1987); Gwilym Lucas Eades, *Maps and Memes: Redrawing Culture, Place, and Identity in Indigenous Communities* (Montréal & Kingston: McGill-Queen's University Press, 2015); Julie Cruikshank, *Do Glaciers Listen?: Local Knowledge, Colonial Encounters, and Social Imagination* (Vancouver: UBC Press, 2005).

<sup>195</sup> Glen Coulthard, *Red Skin White Masks* (Minneapolis: University of Minnesota Press, 2014), 78.

Highway, the impacts of large-scale development on the Dene economy have harmful effects on Dene social relations, evidenced by the migration of younger people away from their communities and from a lifestyle on the land.

Yet this reorientation can also be seen in changes in the relationship between Dene and the Crown, in particular through changes in the meaning of Treaty, which Dene viewed as the basis for Dene autonomy and self-determination. As noted in earlier chapters, Treaty was always at the forefront of Dene resistance. For the IB-NWT and the Dene political leadership, highway construction and changes to game laws since were signs that the federal government was breaking the terms of Treaty that had been established years before. Beyond the reorientation of Dene social relations, land claims policies were viewed as a reorientation of the relationship in Indigenous-state relations, and seen as the government breaking its earlier promise. In their efforts to resist these changes, Dene researchers and fieldworkers gathered evidence not only of traditional “use and occupancy,” but of the meaning of Treaty, evidence that could be used in support of Aboriginal title and rights. Dene thus adopted the techniques of the state (i.e. mapping and use of courts) as a form of re-appropriation. The Dene maps, in this regard, must also be situated in the wider context of Dene research, of strengthening the Dene movement from within, and of building towards a future that anticipated the achievement of Dene self-determination and ultimately Dene self-government.

This chapter examines the maps and research of the Dene land use research project in the context of organizing Dene resistance. Although this period is heavily influenced by the Mackenzie Valley Pipeline Inquiry, with many of the maps presented to demonstrate the impacts of a pipeline

through Dene lands, is it also set amidst Dene preparations of a land claims submission to the federal government. It was the federal government, and not the Berger Inquiry, that funded the Dene mapping research. Throughout, I develop an argument based on the temporality of the map, a reference to what anthropologist Tim Ingold writes of as the temporality of the landscape. Far from attempting to return to a former way of life, as was often described in government rhetoric, mapping constituted one aspect of building towards the future. The focus here is on the temporality of the maps; on the lived experiences that they were used to document, on the processes by which they were made, and by the broader history and meaning that they sought to articulate. Dene maps also sought to reject and resist official characterizations of traditional land use in the past tense, highlighted in part by the role of young people within the Dene movement, and their desire to retain and continue Dene traditions.

The chapter is divided into three sections. The first outlines land claims and use and occupancy research in northern Canada, distinguishing the Dene project from those of Inuit, Cree, and Innu in Labrador. In this section, I show how land claims were contingent upon the image of Indigenous peoples as “fixed” in time and in space. Dene reaction against this is examined in the second section, focused on travel and mobility in relation to Dene land tenure, laws, and social relations. Here, I highlight the functional and symbolic value of Dene trails in the mapping of Denendeh, an argument developed through reference to anthropologies of travel and its centrality to Dene cosmologies and life ways. The third section builds on previous discussions by showing how Dene relations to land were incorporated into the discursive and political strategy of the IB-NWT. This strategy consisted of efforts to illuminate both the endurance of Dene life ways and land tenure, while exposing continuous efforts of the state to appropriate Dene lands. In doing so,



Dene drew distinct connections between comprehensive claims and the history of treaty, elevating land claims to the national discourse on Aboriginal rights and the colonization of Indigenous peoples.

### *I. Mapping, Counter-Mapping and Temporality*

The Dene maps must first be seen in the context in which they were originally produced, namely as a byproduct of the comprehensive land claims process that was devised and gradually implemented in the wake of the *Calder* decision of 1973.<sup>196</sup> After the Supreme Court's ruling that Aboriginal title, and Indigenous peoples' rights to land, derived from their use and occupancy prior to contact with the Crown, Indigenous political organizations across the country began mapping historical land use in order to submit claims based on Aboriginal title. Although *Calder* was a technical defeat to the Nishga'a who had brought the case, the ruling created palpable anxiety for the federal government over the its potential uses by Indigenous groups to claim large amounts of land across the country, particularly in British Columbia, Québec and in the northern Territories. As a result, Pierre Trudeau's government worked quickly to devise political mechanisms for settling outstanding claims relating both to treated and untreated lands. Cast in the language of recognizing the rights of Indigenous peoples, the specific and comprehensive claims policies that were introduced in August of 1973 ostensibly provided a framework through which Indigenous groups could claim traditional territories - provided they showed evidence of historical "use and occupancy" of those lands.

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<sup>196</sup> Hamar Foster, Heather Raven and Jeremy Webber, *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights* (Vancouver: UBC Press, 2007).

The land claims era also marks a key reversal in federal Indian policy since the end of the Second World War. Whereas the White Paper of 1969 reflected efforts to narrow the wide array of Indigenous peoples to common administrative categories, the land claims framework emphasized distinctions between Indigenous groups as the basis for separate negotiations. Memos circulated at DIAND and the Department of Justice in February of 1973 suggest an atmosphere of anxiety over the possible uses of Aboriginal title by claimants, and a desire to diminish the potential for new legal precedents by splitting the different claimant groups apart. A note from Deputy Minister Basil Robinson to staff at DIAND in the week following the *Calder* ruling outlines these concerns. Note the care taken to distinguish the BC situation from the Dene, which the federal government was closely following: “It is very important that in considering the Nishga [sic] case Ministers should be aware that it is only one of a number of similar problems which are converging in 1973.”

All of these can be said to involve the issue of ‘aboriginal rights’ but it seems better to get away from this term. Accordingly, in the papers we have under preparation, we are using different rationales according to circumstances. In the case of the B.C. claim (not Nishga) compensation for loss of use is the basis on which we are working. In the N.W.T. [Dene] case we are thinking of something along the lines of providing benefits from resource development to compensate for the disturbance in the native way of life.<sup>197</sup>

The NWT case referenced by Robinson is discussed in greater detail below. For now, the note reflects two features of the comprehensive claims project. First, comprehensive claims reversed previous years of federal Indian administration, which had sought to unify the different categorizations of Indigenous peoples. The use of “different rationales” for different claimants is indicative of the strategy of dividing Indigenous groups from one another, and discouraging further

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<sup>197</sup> Memo to Minister, 07 February 1973, R3969-490-6-E Box 44 File 19, Basil Robinson fonds, LAC.

use of the courts. For the government, negotiation was a way around the courts, thus avoiding a refined definition of Aboriginal title that might assist Indigenous groups asserting land rights.<sup>198</sup>

A second aspect of Robinson's note can be expressed temporally by what can be described as a *grievance* framework of Indigenous claims. While the basis of the government's "Statement on Claims of Indians and Inuit People" in August 1973 was designed to clarify the process of claims negotiations, it was based on an image of Indigenous claimants as suffering from a loss of a way of life - an unfortunate but irreparable circumstance that could only be addressed through settlement and fiscal compensation. Statements by Minister Jean Chrétien repeated that land settlements were "not only for money and land, but involve the loss of a way of life."<sup>199</sup> Among officials, this was the rationale of land claims by Indigenous groups. A June cabinet memo states: "Their despair and sense of loss underlie their claims to Native Title. Such claims provide a rationale for bitterness and settlement is seen as a possible way out."<sup>200</sup> While such depictions of "loss" equate indigeneity with a *former* or *past* way of life, it also had a specific function in the context of federal and provincial relations. By characterizing claims as *grievances* requiring fiscal compensation, Ottawa could argue that this responsibility lay with the provinces. This was possible, Ottawa claimed, because while the British North America Act assigned "legislative authority" for "Indians and Lands reserved for the Indians" to the federal government, it made no

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<sup>198</sup> It should be noted here that Lloyd Barber, Claims Commissioner, also recommended negotiation as desirable to Native groups, for whom courts were impersonal and costly. Negotiation was also noted by the Indian Claims Commissioner, Lloyd Barber, as being favoured by Native groups both because they were less expensive than the courts but also thought to be more appropriate.

<sup>199</sup> Jean Chrétien, "Statement made by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development, on Claims of Indian and Inuit People" (Ottawa, 08 August 1973).

<sup>200</sup> Memo to Cabinet on Indian and Inuit Claims Policy, 05 June 1973, Basil Robinson fonds, LAC.

pronouncements on responsibilities for financial compensation.<sup>201</sup> Though the provinces argued that “full responsibility” for Indians included fiscal obligations, Robinson’s notes indicate how far DIAND and Justice were willing to go to pressure the governments of British Columbia and Québec into negotiations with Indigenous groups.<sup>202</sup> Of the provinces’ refusal to participate in the claims process, Robinson threatened that “if they do not agree to do so the federal Government will be obliged to enter into negotiations with the Indians directly and, if necessary, to assist them in the courts in asserting their title.”<sup>203</sup>

Northern land use and occupancy research evolved from the comprehensive claims strategy of clarifying Indigenous claims and establishing the bases for negotiation. Bryan and Wood have pointed to the proliferation of land use research of the early 1970s as a seminal period of Indigenous counter-mapping research, helping to establish trends in cartography that would later be used around the world.<sup>204</sup> Catalyzed by the land claims policies, land use research was carried out by Cree in northern Québec, Innu in Labrador, Inuit in present-day Nunavut and Inuvialuit Settlement Region, and in Denendeh. These aimed at demonstrating historical use and occupancy in preparation for legal claims and court proceedings, while also intending to show the adverse effects or impacts of industrial development slated for their lands. Of the northern land use studies, the *Inuit Land Use and Occupancy Project* is likely the best well known. It was compiled

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<sup>201</sup> *The British North America Act, 1867*, SS 1867, s. 91(24).

<sup>202</sup> Debates over responsibility for Indian Affairs long predate the comprehensive claims process. The issue had been raised during the White Paper preparation.

<sup>203</sup> Memo for Cabinet, Cabinet Document 671/73, 28 June 1973, Basil Robinson fonds, LAC.

<sup>204</sup> Joe Bryan and Denis Wood, “The Birth of Indigenous Mapping in Canada,” in *Weaponizing Maps: Indigenous Peoples and Counterinsurgency in the Americas* (New York: Guilford Press, 2015), 64-73.

between 1973 and 1975 with the oversight of Milton Freeman, a sociologist at McMaster University.

Like projects in Nunavut, northern Québec, and Labrador, the Dene project gathered the evidentiary bases of the Dene claim while demonstrating the likely impacts of the Mackenzie Corridor. In other ways, however, the Dene project contrasts with those of the Inuit, Cree, and Innu. For one, the Dene research has not been published or made publicly available, and access to it must be obtained through the Dene Nation in Yellowknife.<sup>205</sup> While the private storage of the maps highlights a skepticism of sharing information and data with public and government agencies, it also reflects a lack of resources made available to the Dene in maintaining funding through the research. As elaborated below, the circumstances of the Dene claim meant that the federal government initially refused to fund the project. DIAND agreed to fund the Dene research under conditions that it resemble or conform to the model of the Inuit project. Closely related to this, a second difference is the role of Dene in conducting the research. While other map projects were typically overseen by academic supervisors, the Dene mapping research was conducted almost exclusively by young Dene of the IB-NWT.<sup>206</sup> In its efforts to ensure clarity, DIAND made funding for land use studies contingent upon the participation and oversight of academics to sign-off on the project's methodology. This led the Dene leadership to hire anthropologist June Helm of the University of Iowa and her graduate student, Beryl Gillespie, to act as Land Use Research

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<sup>205</sup> My access was granted through the Dene Nation.

<sup>206</sup> See IB-NWT report from 1974 for list of all fieldworkers and staff. *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1974).

Advisor “in order to satisfy the Department of Indian Affairs’ concern regarding the technical control over the data gathering aspects of the land claims project.”<sup>207</sup>

A third notable feature of the Dene project can be seen in its nearly exclusive focus on trails. In contrast with the Cree harvest studies aimed at evaluating the effects caused by hydroelectric damming of the La Grande River, the Dene research centred on trails historically and currently used by Dene hunters and trappers. Trails and traplines were plotted onto topographic maps that were held together with scotch tape. Using what was referred to as the “trapper biography” or “mapping biography” method devised by Helm, trail maps documented the areal extent of Dene land use as recorded from lived experience, as well as of intergenerational knowledge transmission. Because the mapping of Denendeh was conducted independently from academic oversight, trail mapping was organized around the transmission of knowledge from elders and hunters to a younger generation of Dene.<sup>208</sup> This is important because it was this younger group of Dene that was also preparing to take responsibility for the development of Dene self-government - something that was inextricably linked to the Dene land claim and a crucial dimension of Dene research and resistance.

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<sup>207</sup> Peter Puxley to June Helm, 24 January 1974, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

<sup>208</sup> There is some small controversy over the role of Helm in the mapping project, and Helm herself mentions that she is upset by not having been credited with the research (Helm, 2001: 92). While Helm was instrumental in developing the original methodology, she is remembered by those directly involved as having played a minor role in the actual conduct of the mapping research. Given the conditions of her being hired, and the strong desire of the IB-NWT to conduct research free from external oversight, it is likely that Helm’s role was more symbolic than substantive.

Perhaps the most distinguishing feature of the Dene research from contemporary Indigenous mapping projects was its relation to the historical and legal contexts in which it was undertaken. Unlike Inuit, Cree, and Innu studies, the Dene mapping project was conducted in lands where treaty had been signed; Treaty 11 north of Great Slave Lake was signed in 1921, and Treaty 8 in the southern part extending north out of Alberta was signed in 1899, six years before the northern political boundary of Alberta was set along the 60th parallel. Not only does the existence of treaty distinguish the Dene from other northern mapping projects, it also shaped the research design of the Dene project relative to the broader objectives of the Dene. For the Dene, insistence on the recognition of treaty rights and the Dene understanding of treaty was integral to the broader Dene resistance of state efforts to redefine and reorient the meaning of Indigenous-Crown relations. Having made treaty, the Dene mapping project uniquely straddled the contextual shift in Aboriginal-state relations in the early 1970s alluded to previously by the shift from treaty relations to negotiated land claims. Dene used the mapping project not to claim land, but to restore the proper meaning of treaty to relations between Indigenous peoples and the Crown. As such, the Dene land use research was deeply bound with wider debates over Aboriginal rights in Canada.

This wider context opens discussions on Dene counter-mapping and its role in the Dene strategy. In particular, the Dene movement highlights the wider time-horizon of settler expansion and land appropriation that frames Dene struggle in the 1970s. In political geography and settler-colonial scholarship, counter-mapping has emerged as a means for Indigenous peoples to represent and reclaim traditional lands, thus offering a framework for discerning how colonial power is enacted

through representations of land and space.<sup>209</sup> One way this power has been expressed is as a form of inscription, in which mapping plays a crucial role in *making* space.<sup>210</sup> Mapping and cartographic science also embody the truth-claims of Western modes of representing and claiming space and land.<sup>211</sup> As Gwylam Eades notes, maps assume objective and real qualities largely because of the form in which they appear. “As with the printed word,” he writes “the map-reader often assumes that because something can be read on paper it must be true.”<sup>212</sup> This power can also be extended to questions of authorship and audience. As Bruno Latour argues, maps often achieve authority among Western cultures because they affirm the world views and methods of those who use and profit from their use.<sup>213</sup> The power of maps, however, also has a temporal dimension. As David Harvey notes in his discussion of mapping and the rise of modernity in the nineteenth century, part of the truth-claims of the map derive from their ability to “fix” space by extracting them from the flow of time, giving the appearance of a predicable and knowable order of the natural world to be seized and harnessed for possession, control and development.<sup>214</sup>

Such authority or truth-claims of maps highlights aspects of counter-mapping beyond those of simply reclaiming space or land. Despite the potential uses of counter-mapping by Indigenous

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<sup>209</sup> Nancy Peluso, “Whose Woods Are These? Counter-Mapping Forest Territories in Kalimantan, Indonesia,” *Antipode* 27 no. 4 (1995), 383-406.

<sup>210</sup> Rob Kitchin and Martin Dodge, “Rethinking Maps,” *Progress in Human Geography* 31 no. 3 (2007), 331-344; See also Denis Wood and John Fels, *The Nature of Maps: Cartographic Constructions of the Natural World* (Chicago: University of Chicago Press, 2008).

<sup>211</sup> See J. R. Short, *Cartographic Encounters: Indigenous Peoples and the Exploration of the New World* (London: Reaktion Books, 2009), 12.

<sup>212</sup> Eades, 2015: 100.

<sup>213</sup> Latour, 1987.

<sup>214</sup> David Harvey, “The Time and Space of the Enlightenment Project,” in *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (Cambridge, MA: Wiley-Blackwell, 1990), 239-259.



peoples to claim and protect ancestral lands from resource development, Bryan and Wainwright suggest that counter-mapping is inherently limited by what they refer to as the spatio-cartographic regime of the colonial state.<sup>215</sup> Even when Indigenous groups are successful in asserting their claims on the basis of traditional or historical use, they are faced with inherent limitations of translating Indigenous place-based cosmologies, knowledge systems and social orders into foreign languages and media. In the broader context of Indigenous resistance, counter-mapping still has the effect of reorienting traditional conceptions of land to the spatial and bounded form. Because disputes over land are typically arbitrated by the state itself, the effect is to affirm the state's authority and jurisdiction. As such, Indigenous resistance becomes enrolled in cartographic modes of production.<sup>216</sup> Resisting the authoritative power of maps is a much greater challenge, not only because they are based on challenges to claims to jurisdiction and ownership of land, but because they are bound with systems of knowledge linked with the colonial operation of power. For societies in which knowledge, truth and authority are transmitted orally, the challenges of mapping are not those of claiming space, but of translating this knowledge to modes of representation that are typically inadequate for depicting traditional land tenure.

These challenges can also be seen at the heart of the Dene struggle and early Dene mapping research. Bryan and Wood's observations concerning the Dene study are framed as part of Indigenous political awakening of the early 1970s, a sense of reclaiming processes of documenting and *knowing* land. For them, maps produced by Cree, Innu, Inuit and Dene constitute the origins of

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<sup>215</sup> Joel Wainwright and Joe Bryan, "Cartography, territory, property: postcolonial reflections on indigenous counter-mapping in Nicaragua and Belize," *Cultural Geographies* 16 no. 2 (2009), 153-178.

<sup>216</sup> Bjørn Sletto, "Indigenous Rights, Insurgent Cartographies, and the Promise of Participatory Mapping" *Portal* (2012), 12-15.

Indigenous counter-mapping in Canada, one of several modes of resisting the state's claims to jurisdiction over Indigenous lands and laws. Mapping thus "became an indispensable component of treaty negotiations throughout Canada, evolving apace with the legal reforms set in motion by the Supreme Court's *Calder* decision."<sup>217</sup> Similarly, Sophie McCall has written of the Dene mapping project in the context of a reorientation and reconceptualization of land and land-based relations. Dene researchers, she suggests, "used the act of mapping to reconceptualize the relationship between Dene people and the land, and between land use and research."<sup>218</sup>

Such arguments, and the processes in which Dene mapping was undertaken, allow for a different perspective of the role of Dene maps in the broader framework of shifts in the colonial-operation of power. As I emphasize below, these can be drawn out through discussions of the temporality, rather than the spatiality, of the map, shifting attention away from the inscriptive qualities of the map to the broader, national context of Indigenous struggle that the Dene sought to bring to attention. The temporality of the map can be illustrated in two ways. First, through the imposed temporal format of the comprehensive land claims policy, one predicated upon the notion that maps and Indigenous land claims were intended to offset the inevitable loss of a way of life. Dene produced land use maps with the intent of showing continuous modes of land tenure and the express desire to carry that forward for future generations. While this is expressed in discussions around mapping, I show below how it also appears throughout the testimony of many Dene who spoke at the Berger Inquiry about the future of Dene and of Dene lands. A second way this temporality can be examined is through the *role* of maps and mapping. The temporality of the

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<sup>217</sup> Bryan and Wood, 2015: 73.

<sup>218</sup> Sophie McCall, *First Person Plural: Aboriginal Storytelling and the Ethics of Collaborative Authorship* (Vancouver: UBC Press, 2011), 55.

map, in this regard, draws the conversation around Indigenous mapping back to the wider horizon of Indigenous struggle; that of survival, and outlasting the settler-colonial regime. The Dene maps, and their emphasis on trails and Dene mobility and movement, thus reflect an important aspect of Dene struggle of the 1970s, one that links to the long view of Dene relations with the Crown, and with the maintenance and revitalization of Dene life ways.

## *II. Time, Travel, and the Ethics of Mobility*

Suzanne Gully's testimony to the Berger Inquiry in August, 1975 is worth recalling. Gully's testimony, later recounted by Peter Kulchyski as the Sahtu story of Tusi Ko (Dry Loon), tells of a Dene man who finds strange wood chips in the water. Determined to find their origin, he builds a canoe from birch bark, roots and spruce gum and travels up river to seek out the source. He soon encounters a white man, who gives the Dene an axe and some clothes, saying he will soon travel further down the river "and in every little settlement [he] would build a store for the natives all along the Mackenzie, and to make sure that on your way back you stop at each settlement and let the people know... what the white men were intending to do, to put up a stores for them, where they can buy what they need."<sup>219</sup> The story is then woven into the discussion of the pipeline (interpreted by Mary Wilson):

... when I think back of how my father died out of starvation... now, too, since they talk about this pipeline...I think what will happen again if on account of this pipeline, all the animals and everything else is destroyed and we can't make our living off the land like we're

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<sup>219</sup> The testimony of Suzanne Gully was told at the community hearings in Fort Good Hope, 6 August 1975. *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 19 [Burnaby, BC]: Allwest Reporting, Ltd, 2003, 1845-1849.

used to do now... I don't think too much of myself but... I think of my children and their children in the future.<sup>220</sup>

Accounts such as Gully's highlight the subversive effect of stories, illustrated here by the inversion of exploration narratives. This particular story, later recorded as "A Dene Discovers the White Man," is discussed by Kulchyski as a subversion story; as one of Dene agency in the history of the fur trade, also centring the Dene explorer who "finds" the white man, "just as Dene and Métis guides would show Alexander Mackenzie the river that inappropriately bears his name."<sup>221</sup> There are many other instances of subversion stories that invert white narratives of the discovery of a valued resource; just as Mackenzie is thought to have discovered the main artery of the northwestern fur trade, stories of gold, copper, and oil evolve in the processes of re-storying and reclaiming the land by restoring Dene (and Inuit) toponymy or place names.<sup>222</sup>

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<sup>220</sup> *Community Hearings*, Vol. 19: 1848.

<sup>221</sup> See Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (Winnipeg: University of Manitoba Press, 2005), 158-159.

<sup>222</sup> Some examples of subversion stories include Julie Cruikshanks' account of the discovery of gold in Yukon, *Life Lived Like A Story* (1991) Emilie Cameron's discussion of copper by Kuglutuqmiut, *Far Off Metal River* (2015); and local stories of Dene locating oil at Norman Wells, *Dehcho: "Mom, We've Been Discovered!"* Denendeh: Dene Cultural Institute, 1988.

# A Dene Discovers the White Man

Before we ever saw any white man, we only knew one another; just the Dene around here. Sometimes some Dene came to Dehcho from inland, from their camping places out on a lake, and they saw a stick that had been cut with a saw or a steel axe. That was something strange for them.

One Dene wanted to find out where the wood came from and how it was cut. He didn't know how to go about it, so he thought of how to make a canoe. He took the bark off a birch tree, and he thought, "How am I going to put this together? How am I going to tie it together so it'll cover my canoe?"

He dug up the roots from trees, soaked them and then pulled them into a little string to sew the birch bark together. But there were holes where he punctured the bark to sew the pieces together. So he thought, "how am I going to cover those holes so the water doesn't go through?" He picked some gum off the spruce trees, melted it, and started covering all the holes. The Dene put his canoe in the water and headed up the river in search of somebody.

I don't know how long it took him, but he finally met a white man. They lived together for a while and the Dene showed the white man a net that he had made out of the bark of the willow.

Before they parted, the white man gave the Dene his axe and some of his clothes. And the Dene was told that the white man was going to come down his way by the Big River, and in every little camp he would build a store for the natives all along the River. The Dene was to let the people know that the white man was intending to put up stores for them, where they can buy what they need.

When the white man first came and brought some things with them, the natives were happy to get what they could to make life a bit easier.

SUZANNE GULLY  
(1900-1987)

From *Dehcho: "Mom, We've Been Discovered!"* Denendeh: Dene Cultural Institute, 1988: 15.

Simply put, stories are part of the settler claim. Similar dimensions of settler storying the landscape have been examined by Emilie Cameron, who shows how acts of *finding* and discovery narratives are fundamental to settler geographies, inscribed onto maps in the names of Euro-Canadian explorers throughout the north, “in a place where they have no stories.”<sup>223</sup> In addition to this “placement” or place-making through naming, I would add that such claims are relationally entwined to settler temporalities that depict Indigenous peoples as “frozen in time,” unmoving and unchanging. Explorers, settlers, and traders are perpetually in motion, as always *moving towards* in a linear manner. One can imagine how, for Alexander Mackenzie or Treaty Commissioner Henry Conroy, their own movement along the Dehcho might have informed their perceptions of people along the shores as unmoving or standing still.

Subversion is a critical feature of stories such as Gully’s, though the story is not *only* a subversion story that seeks to invert the power of discovery narratives. It is also an instance of speaking *with* or *among* Dene, as well as of speaking back or speaking against the state.<sup>224</sup> In Gully’s story, I would suggest that the power of subversion lies not only in the fact that discovery is made by the Dene, but in acts of travel and movement that make discovery and encounter possible.

Discovery and movement are, of course, intimately connected to one another. What is interesting here is the context in which Gully’s story is told - both to Berger, as the representative of Canada,

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<sup>223</sup> Cameron, 2015: 144. When, for instance, Samuel Hearne fails to locate sufficient stores of copper, he returns with tales of savage Indians to be civilized; See also J. Edward Chamberlain, *If This Is Your Land, Where Are Your Stories?* (Toronto: Vintage Canada, 2004).

<sup>224</sup> See Peter Kulchyski and Frank Tester, *Kiumajut (Talking Back): Game Management and Inuit Rights, 1900-70* (Vancouver: UBC Press, 2007). see also Sherrill Grace, *Canada and the Idea of North* (Montréal & Kingston: McGill-Queen’s University Press, 2001), esp. 229-260.

but also to Dene gathered at the hearings.<sup>225</sup> This is a critical point because it centres the question of the audience. Like the story of Tusi Ko, mapping is best understood in the exchange between teller and audience. Like subversion narratives, mapped trails speak back and against the spatial form of government maps of Treaty 11 and 8. But it also centres the question of form, that used in documenting Dene trails. I would argue that the nature of the Dene project, being one structured around knowledge exchange with the intent of building from within, is more closely related to oral history than it is to what is commonly associated with Western cartography. Recognizing this relationship of the format of the Dene project makes clear the fundamental distinction between recording “use and occupancy” and documenting Dene knowledge derived from lived experience. To understand the Dene project, both its subversive and constructive dimensions, it is crucial to centre questions of audience, form, and knowledge. It is also imperative to consider these within the broader temporal spectrum of Dene resistance and revitalization.

One of the ways that trails and their relation to Dene resistance can be illustrated is through the importance of travel to Dene. This can be framed with reference to what anthropologist Tim Ingold has termed “dwelling perspective”: a view that the “landscape is constituted as an enduring record of - and testimony to - the lives and works of past generations who have dwelt within in, and in so doing have left there something of themselves.”<sup>226</sup> Two features of Ingold’s discussion are notable here. First is the landscape, derived not from physical geographical features abstracted from topographic surveys, but from social relations developed from *within* it. Landscape, In-

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<sup>225</sup> In my own reading of Gully’s story, borrowing from Kulchyski’s account, the possibility that Gully was also speaking to younger Dene gathered at the hearings, as well as to Berger, made me wonder about the uses of the inquiry platform to stimulate dialogue among Dene.

<sup>226</sup> Ingold, 1993: 152.

gold writes, “is the world as it is known to those who dwell therein, who inhabit its places and journey along the paths connecting them.”<sup>227</sup> This is complemented by a second feature of dwelling perspective: its inherent temporality. By this is meant the continuous process of social reproduction over time, and its relationship to the perception of the landscape; it is the remembrance and maintenance of those who dwell within the landscape, and the renewal of those perspectives and lessons from one generation to the next. Social practices of travel, worn into the land in the form of Dene trails, have also an inherent temporality that attests to the lived experience of Dene over time. Movement, perception, and memory are bound *with* aural and visual experiences derived from and constituted in landscape.

Within this temporality of the landscape stories play an integral role in maintaining Dene experience and relations within the landscape and its places. “For both the archaeologist and the native dweller,” Ingold writes, “the landscape tells - or rather *is* - a story. It enfolds the lives and times of predecessors who, over the generations, have moved around in it and played their part in its formation.”<sup>228</sup> Stories testify to the varieties of that experience and contain wisdom, laws and instruction that continue Dene life ways. Note, for instance, how much of Gully’s story is devoted to instructing listeners on how to build a canoe. The bond between the *processes* of human life and the formation of landscapes in which people live is constituted in the social identity of the people who live there.<sup>229</sup> Connected through seasonal cycles of harvest, commemoration and gathering, travel and stories are inseparable from Dene social reproduction, economy and the

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<sup>227</sup> Ingold, 1993: 156.

<sup>228</sup> Ingold, 1993: 152.

<sup>229</sup> Ingold, 1993: 152.



continuation of Dene life ways. The relationship of travel to time constitutes Denendeh not only as a lived place but as one not inherently bound to or bounded by political borders or spaces.<sup>230</sup>

Place is embedded, relational, and dynamic:

[W]hile places have centres - indeed it would be more appropriate to say that they *are* centres - they have no boundaries. In journeying from place A to place B it makes no sense to ask, along the way, whether one is 'still' in A or has 'crossed over' to B... [N]o feature of the landscape is, of itself, a boundary. It can only become a boundary, or the indicator of a boundary, in relation to the activities of the people (or animals) for who it is recognized or experienced as such.<sup>231</sup>

In Denendeh, the temporality of the landscape can further be illustrated by reference to the relationship of travel, stories, and law. Here, trails are sites of interaction, exchange, transience and access that comprise the multiple aspects of Dene life ways, all of which are bound to the landscape through the retelling of stories. A primary example of travel's centrality to Dene is evidenced in the sharing and recording of legend stories, particularly those of the ancient figure of Yamoozha who travels throughout Denendeh making laws between animals and humans. Stories of Yamoozha, also known as Yamoria in Sahtu stories and Yampa Deja among Dehcho or Dene Thá, affirm the deep bonds between travel and social reproduction.<sup>232</sup> Yamoozha, whose name translates as "always walking," "always moving," "one who travels" or "one who travels the earth," is known to have fixed Dene laws and spread them throughout Denendeh.

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<sup>230</sup> The expression "life lived like a story" is perhaps best known as the title of Julie Cruikshank's book (1991), though a similar statement is also made by Madeline Drybones, as recorded by John B. Zoe in John B. Zoe, ed., *Trails of Our Ancestors: Building a Nation* (Yellowknife: Tłıchǫ Government, 2002): "The stories never die. We are still using the story. We live our lives like the stories."

<sup>231</sup> Ingold, 1993: 155-156.

<sup>232</sup> June Helm, *The People of Denendeh: Ethnohistory of the Indians of Canada's Northwest Territories* (Montréal & Kingston: McGill-Queen's University Press, 2002), 281-286.

Sahtu Elder and storyteller George Blondin writes of the relationship of travel and Dene cosmologies and relations through Yamoria's travels.<sup>233</sup> Blondin describes the Dene world as composed of spirit and energy, connected "like a string of beads."<sup>234</sup> Tales of "Yamoria the lawmaker" are also embedded in Dene toponymy as place-names, known in accordance with stories of Yamoria's travels in bringing laws to Dene. Like earlier legends of Mala Jeezon, who "traveled all over the world to help people," traveling stories of Yamoozha are intimately bound with Dene laws and helping others. In Sahtu traditions, Yamoria legends also refer to his brother, Yamoga, both of whom set about to establish laws throughout Denendeh. Because the territory is too vast for one traveler, the brothers split up, with Yamoga traveling along the Yukon border and Yamoria remaining east of the mountains. "Yamoria became more famous than his brother for helping people, while Yamoga became more widely known as a warrior who was always fighting."<sup>235</sup> Different from origin stories, recounted in Blondin's *When the World Was New*, Yamoozha stories tell of adaptation to evolving circumstances over time. As discussed by Andrews, Zoe, and Herter, Yamoozhah legends also temporally separate "floating time" and "linear time," which describes the recent past and succession after encounters with Europeans: "With the coming of Yamoozhah, the final agreements between animals and humans are completed, and they each

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<sup>233</sup> George Blondin, *When the World Was New: Stories of the Sahtú Dene* (Yellowknife: Outcrop, 1990); George Blondin, *Yamoria the Lawmaker: Stories of the Dene* (Edmonton: NeWest Press, 1997).

<sup>234</sup> Blondin, 1997: 49.

<sup>235</sup> Blondin, 1997: 81.

take their respective, and final forms, forever adhering to the relationship of respect worked out in ‘floating time.’”<sup>236</sup>

The temporality of travel can also be illustrated with reference to memory, though here it remains important to distinguish historical memory from the past tense so commonly ascribed to it. Travel holds a deeply ethical dimension of Dene identity as recounted in Alice Legat’s book, *Walking the Land, Feeding the Fire*, which centres movement and mobility as retentive and restorative in the Tłı̨chǫ conception of self and community. Her descriptions of efforts at “questing for knowledge” through the retelling and experiencing of stories affirm the forward movement of Tłı̨chǫ, and the retention of Tłı̨chǫ ways through their transmission to younger generations.<sup>237</sup> Walking the land, maintaining trails, and sharing stories are bound with keeping social relations by passing on knowledge through generations.

The inherently social nature of stories - and the interaction of teller and listener - also speaks to the relationship of travel stories to Dene social and political identity.<sup>238</sup> Just as Yamoria stories exceed definitions of myth and metaphor, stories do not contain or isolate Dene from the world

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<sup>236</sup> Thomas D. Andrews, John B. Zoe and Aaron Herter, “Yamoozha: Sacred Sites and the Anthropology of Travel,” in Jill Oakes, Rick Riewe, Kathi Kinew and Elaine L. Maloney, eds., *Sacred Lands: Aboriginal World Views, Claims, and Conflicts* (Edmonton: University of Alberta Press, 1998), 311. See also Andrews, 2011: 77-79. Of stories and the landscape, Andrews writes that the stories “help explain how landscape is empowered and becomes an agent in Dene worldview.” (Andrews, 2011: 79). See also June Helm and Beryl Gillespie, “Dogrib Oral Tradition as History: War and Peace in the Late 1820s,” *Journal of Anthropological Research* 37 no. 1 (1981), 8-27.

<sup>237</sup> Alice Legat, *Walking the Land, Feeding the Fire: Knowledge and Stewardship Among the Tłı̨chǫ Dene* (Vancouver: UBC Press, 2012), 18.

<sup>238</sup> Helm, 2000: 18. As evidenced in an old Tłı̨chǫ story, recounted by Helm, travel is closely bound with Dene social structure. She records the story beginning as: “There was a young man with great medicine who wanted to get married. He told his father and mother, ‘I think I will go traveling so I can find some people.’ When he said this, his father and mother knew he wanted to get married.”

beyond Denendeh.<sup>239</sup> Trails are means of encounter and interaction with non-Dene both within and outside of Denendeh, the results of which often leads to reflection on the distinctiveness of Dene. Legend stories also tell of encounters with non-Dene, and are retold as adaptations to contemporary conditions and circumstances. When, for instance, a Dene Elder compares Dene medicine with that of the Cree, it is evident that Dene trails are not limited to the confines of Denendeh.<sup>240</sup> Such encounters facilitated through travel also underscore the evolution of what might be described as Dene political identity, and the emergence of a broader collective Dene political identity similar to the pan-Indian movement emerging in the 1960s. Here, encounter between Dene and Euro-Canadians, evidenced by the importance of trails to commerce and Dene participation in the fur trade between the eighteenth and twentieth centuries, can be seen with respect to an evolving Dene political identity. This adaptation of trails to the fur trade reflects the evolving nature of Dene relations with travel. (June Helm, for instance, writes of people at Jean Marie River quickly transitioning from canoes to “kickers” to motorboats in a relatively short time.)

While Yamoozha stories thus hold distinctly temporal qualities binding travel, trails, and landscape, they can also be seen in the spatial dimensions of Denendeh. As from the trail map presented at the top of this chapter, Dene travel historically defies the political boundaries and neat articulations of Denendeh as territory or *space* in the manner discussed above. Trails show Dene pursuing hunting and trapping lines well beyond the confines of the Northwest Territories and

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<sup>239</sup> Ingold, 1992: 153: “But we should resist the temptation to assume that since stories are stories they are, in some sense, unreal or untrue, for this is to suppose that the only real reality, or true truth, is one in which we, as living, experiencing being, can had not part at all.”

<sup>240</sup> Helm, 2002.

reaching into northern British Columbia, Alberta, Saskatchewan in the south, and Yukon and Alaska to the west.

While re-telling and re-storying the landscape is integral to Dene social reproduction, transcribing these elements to the mapped form presents challenges to the representation of Dene land.

Within this transcription, there are distinct parallels between Western modes of recording historical memory and the ideological criteria embodied in maps that can also be seen in the intergenerational transmission of knowledge. By failing to represent these, the production of maps not only obstructs the transmission of knowledge as dynamic and relational; it denies the possibility of a continuous dynamism between past and future. This imbalance also reflects the disparity of textual and oral modes of documentation. Whereas the production of the map has the tendency to “fix” its documented features as static, oral transmission is a shared, reciprocal and dynamic process that defies completion. In part, Dene land research reflects an engagement with this disparity, and an attempt to enmesh *mapping* with *the map*. Tom Andrews writes of the ethnohistorical importance of maps, place names, and trails to the ongoing and continuous ways of being among Tłı̨chǫ. His dissertation, “There Will Be Stories,” is a promissory note of the continuity of Dene life ways as situated in the topographic and toponymic landscape, grounding Tłı̨chǫ traditions in the continuance of life on the land and its inextricable bond to telling and retelling stories. He writes of place names as mnemonic links “between storytelling and for historical and moral wisdom that link to identity, a sense of place.”<sup>241</sup> Traditional place names, he writes “serve as memory ‘hooks’ on which to hang the cultural fabric of a narrative tradition. In this way, phys-

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<sup>241</sup> Andrews, 2011: 19. See also Leslie Main Johnson, *Trail of Story, Traveller’s Path: Reflections on Ethnoecology and Landscape* (Edmonton: Athabaska University Press, 2010).

ical geography ordered by named places is transformed into a social landscape where culture and topography are symbolically fused.”<sup>242</sup>

In a similar vein, Ingold’s discussion of Indigenous mapping helps elaborate disparities between the dynamic nature of *mapping* and the inadequacy of the static and ostensibly complete *map*. Ingold adduces the “mapping mentality” of Western observers to articulate contrasts between Indigenous and Western constructions of environment and landscape, and showing how such mentalities alienate Indigenous peoples from their own lands. Maps, in this regard, are presumed beforehand to be the objective and factual basis against which stories and mapped accounts are judged to be true or not. As it concerns efforts to transcribe aural accounts of landscape to the mapped form, the inherent inability of the static map to document the dynamism of lived experience enacts a particular form of dispossessing power. An effect, Ingold writes, is a “mistaken attribution to native people of a sense of what it means to know one’s whereabouts that effectively treats them as strangers in their own country.”<sup>243</sup>

What it means to know one’s whereabouts in one’s own country is central to the appropriation at work in the land claims process. It is also central to Dene mapping and subversion. In the context of the Dene map research, however, this subversion is not simply speaking back, but of building within. As I show in the next section, for young Dene enrolled in the mapping research, mapping was also about revitalization and restoration. It was also about learning what it meant to “be

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<sup>242</sup> Thomas Andrews and John B. Zoe, “The Jdaa Trail: Archaeology and the Dogrib Cultural Landscape, Northwest Territories, Canada” in George Nichols and Thomas Andrews, eds., *At A Crossroads: Archaeology and First Peoples in Canada* (Burnaby: Archaeology Press, 1990), 172.

<sup>243</sup> Tim Ingold *The Perception of the Environment: Essays in Livelihood, Dwelling and Skill*, (New York: Routledge, 2000), 219.

Dene,” and incorporating these lessons into the Dene struggle for self-determination. But the broader context of the Dene land use research remains a crucial part to the Dene mapping project. As trails are also modes of encounter with non-Dene, mapping Dene trails also reflects relations between Dene and the Canadian state. As discussed below, this relationship and the enrolment of trails research through the land claims process is best understood by referencing treaty, and the importance of treaty among Dene and with mainstream Canada.

### *III. Mapping Denendeh, 1974-1976*

“Yamoria got the Dene started on self-education and self-government.”<sup>244</sup>

- George Blondin

The contexts outlined above - both the land claims research and Dene social relations through trails and landscape - thus bring us to the point of Dene mapping and land struggle of the 1970s. It also situates amidst the broader historical transition away from treaty relations and towards those governed by land claims, with the latter appearing to replace the former. As it relates to the mapping of Dene lands, trails also speak back against this perceived replacement of the treaty relationship. But the convergence of trail mapping and Dene resistance also centres Dene understandings of treaty itself, and the fundamental position that Dene had never ceded their rights to their lands and territories. And while the federal land claims policy of the early 1970s was viewed as yet another attempt by the federal government to take Dene lands, Dene mapping also built upon prior efforts to resist government violations of treaty. In June, 1967, Chief Jimmy

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<sup>244</sup> Blondin, 1990: 84.

Bruneau of the Rae Band wrote to Arthur Laing, still Minister of the Department of Indian Affairs and Northern Development, over the issue of game ordinances. “I do not understand why they forbid us to shoot ducks in the spring,” Chief Bruneau wrote.

When we first signed Treaty, we signed for this, for game. They promised us that as long as the sun is rising and the rivers don't stop running that nothing would be changed for us for hunting. There was to be nothing changed. This was from the time when Chief Murphy signed the Treaty. Everything is changing, changing, now. We don't see why. The sun has not changed. The rivers have not changed.<sup>245</sup>

The following year, he led the Rae Band in boycotting treaty payments, signalling the rise of Dene political activism in the north.<sup>246</sup>

This and similar references to Treaty arising throughout the late 1960s underscore an important basis of Dene political organization in the early 1970s. Like the growth in the number of treaty organizations in the south, Dene maintained that the original meaning of treaty had been to ensure their continued rights to hunting, trapping and fishing for all time. Treaty was fundamentally a temporal concept, intended to secure Dene rights to hunting, trapping and fishing in the ways that Dene had always done, and for all time. As with the discussion in the previous section, the meaning and maintenance of treaty is affirmed through the landscape. As Rene Fumoleau wrote in his book, *As Long As This Land Shall Last*, Dene understandings of treaty are originally rooted in Dene laws, social relations and land tenure.<sup>247</sup> For Dene, the meaning of treaty inheres in how it is remembered: that “there would be peace among [Dene and white man] as long as the

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<sup>245</sup> Letter from Chief Barnaby to Arthur Laing, June 1967, Box 1, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

<sup>246</sup> Important Dates and Events in the History of the Indian Brotherhood, [Folder: Workshop II], N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

<sup>247</sup> Rene Fumoleau, *As Long As This Land Shall Last: A History of Treaty 8 and Treaty 11* (Toronto: McClelland and Stewart, 1975).



Mackenzie River is flowing, and the sun goes back where it comes.”<sup>248</sup> Recalling the previous discussion of landscape, treaty is best understood in the temporal sense as an ethical framework from which to build and maintain relations over time. Embraced in this way, treaty reflected relations not only between the Crown and Dene, but among Dene who would come together for Treaty Days celebrations.<sup>249</sup>

### *The Paulette Caveat Case*

In the spring of 1973, several months after the *Calder* ruling and while DIAND was still developing its claims policy, the IB-NWT brought a lawsuit against the federal government, challenging its authority to dispose development permits in Treaty 11 lands, as well as those of Treaty 8 north of 60°. In what was known as the *Paulette Caveat Case*, the Brotherhood filed a caveat with the Territorial Land Titles Office, asserting its interest in lands slated for pipeline construction. If successful, the caveat would enable the Dene to halt development in lands demarcated as Treaty 11 territory (and Treaty 8 to the NWT-Alberta border). The Dene claim area totalled some 450,000 square miles of the Mackenzie basin. In filing the claim, the Dene sought to challenge the Crown’s use of Treaties 8 and 11 as evidence of extinguishment. The caveat was also an effort to force the government into negotiations with the Dene, and to restore the role of the Chiefs and of the band system that was being replaced by Settlement Councils of the Territorial Gov-

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<sup>248</sup> Testimony of Michel Landry at Fort Providence: “there would be peace among them as long as the Mackenzie River is flowing, and the sun goes back where it comes.” *Re Paulette’s Application to file a Caveat*, (1973), Volume 5, 342.

<sup>249</sup> June Helm writes about the importance of Treaty Days, annual renewals of Treaty in which Treaty Commissioners would travel through the valley after spring break-up to make payments. The occasional refusal by chiefs to take Treaty was an expression of protest.

ernment. Justice William Morrow of the NWT Supreme Court agreed to hear the case on the grounds that it might clarify the meaning of Aboriginal title. Lawyers for the Brotherhood believed a caveat suited the IB-NWT's hopes of publicizing the matter as well as incorporating the Chiefs into the process.<sup>250</sup> It was also strategically important that the case land in court, and a suit against the federal government was thought to be the quickest way to get the case into the courtroom and less lengthy and expensive than a suit against a private company.<sup>251</sup>

The case was designed by Morrow to resemble a public inquiry. This was made possible by the structure of the court, which often went on circuit throughout the Territories, but also by the withdrawal of Crown lawyers from the hearings on the grounds that the Dene claim was beyond the jurisdiction of the NWT court. Due to the absence of the Crown, Morrow appointed Dietrich Brand as *amicus curae*, or friend of the court, to pose in the place of the government. Throughout the summer of 1973, the court travelled throughout communities, deposing testimony of Elders and chiefs, many of whom had been present at the signing of Treaty 11 in 1921 and whose testimony was received as first-hand evidence of the meaning of Treaty to Dene. The Caveat Case drew wide attention from legal experts over the potential implications for treaty settlements across Canada.

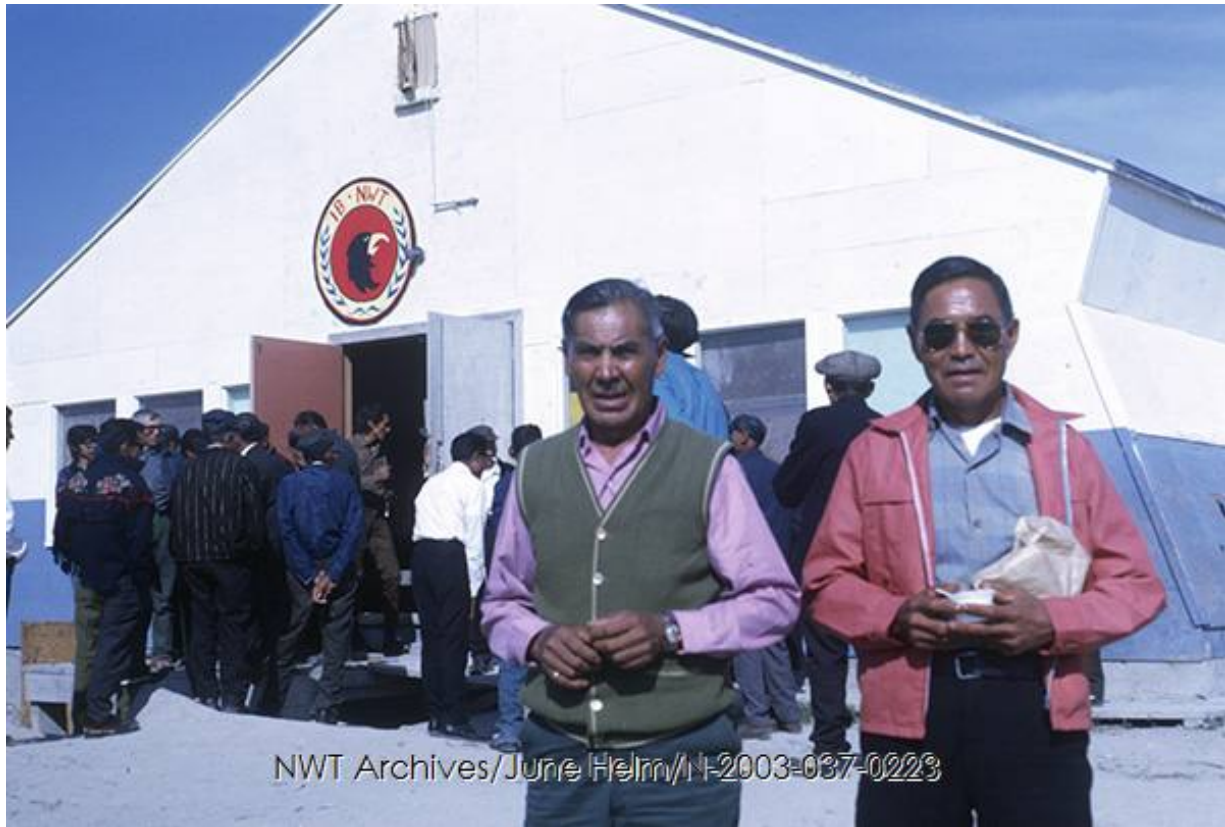
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<sup>250</sup> The Brotherhood even tested the use of a caveat when someone attempted to open a bar at Fort Rae against the wishes of the elders in the community

<sup>251</sup> Morrow later noted his surprise that the Brotherhood elected to sue the federal government rather than an oil company. See W. H. Morrow, ed., *Northern Justice: The Memoirs of Mr. Justice William G. Morrow* (Toronto: Osgoode Society for Canadian Legal History and the Legal Archives Society of Alberta, 1995).



**Fig. 4.1:** “They vested him with his uniform.” Testimony of Louis Caesar, Fort Good Hope, July 1973. The original text of Treaty 11 stipulated that Dene chiefs were to wear suits provided by the government while accepting treaty. N-1979-063: 0047, Richard Finnie fonds, NWT Archives. The caption in the NWT Archives reads: Chief Jimmy Bruneau of the Fort Rae Dogrib band, wearing his special uniform with gold braid and brass buttons replaced by the government every three years as one of the terms of Treaty 11, signed in 1921. The photo is from 1939.



**Fig. 4.2:** Louis Norwegian and Jimmy Sanguez at the IB-NWT meeting at Rae, 1971. N-2003-037: 0223, June Helm fonds, NWT Archives.

Of particular interest for the Dene claim is the strategic approach of the IB-NWT. In addition to producing witnesses with first hand accounts of Treaty, examinations of witnesses were intended to link the continuous patterns of land tenure to the Dene understanding of Treaty. This was predicated on first-hand accounts of treaty negotiations that rejected the position of the federal government that the signing of Treaty constituted an exchange of land and a transfer of title to Crown. On the contrary, Dene witnesses asserted that Treaty had been made as a peace and friendship agreement to secure the protection of Dene rights, and that negotiations had never included discussions of land or reserves in the first place. Instead, witness testimony details how the signing of Treaty altered Dene ways of life and social relations. Much of this directly undermined the Crown's position.

An example of this can be seen in discussions of the chief system that came about as the result of signing the treaty. Directly linked to the Crown's need to procure recognition of its land appropriation, Commissioner Conroy effectively deputized "chiefs" to sign Treaty on behalf of the band or community. Elders testified that this was impossible, as among Dene there was no pre-existing political hierarchy that would authorize any person to exchange land. In reality, during the three days of treaty talks, Dene selected representatives on the basis of their familiarity with the Hudson's Bay Company through the fur trade. Rather than being political leaders with the authority to speak for the community, however, their role was more akin to that of a spokesperson or ambassador. Phillip Moses of Wrigley and Johnny Jean-Marie Beaulieu of Fort Resolution both told Justice Morrow that the signing of treaty was the first instance of chiefs among Dene, and that those who signed became known among Dene as "Government Chiefs," "Treaty

Chiefs,” or more commonly “Hudson’s Bay Chiefs.”<sup>252</sup> When asked about the nature of the chief system that was brought in as a result of treaty, Louis Caesar at Fort Good Hope described how chiefs were given suits and medals to wear at ceremonies. “They put it on him,” he said. “They vested him with his uniform.”<sup>253</sup> Here is a longer exchange on the subject of treaty and chiefs from Fort Simpson:<sup>254</sup>

Q: Do you recall who the chief was of Fort Simpson?

A: There was no such thing as chief.

Q: There’s no such thing as chief?

A: No.

Q: Would there be such a thing as a traditional leader apart from a chief?

A: Well, the Hudson Bay used to have [them] and Old Norwegian was kind of the leader and spoke for the crowd so they don’t get in wrong and keep them in line.

COURT: Was he running the Hudson Bay?

A: No, but he was the Hudson Bay chief or head man.

[...]

Q: Do you remember who spoke on behalf of the Fort Simpson people in 1921?

A: Well, there was a Bishop there, Bishop Breynat.

Q: Did he speak on behalf of your people?

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<sup>252</sup> *Paulette et. al.*, 1973: Volume 4, 291-301. Testimony of Phillip Moses, Fort Wrigley, 16 July 1973; *Paulette et. al.*, 1973: Volume 5, 318-329. Testimony of Johnny Jean-Marie Beaulieu at his bedside in Fort Resolution, 17 July 1973.

<sup>253</sup> *Paulette et. al.*, 1973: Volume 6, 409-410. Testimony of Louis Caesar at Fort Good Hope, 18 July 1973.

<sup>254</sup> *Paulette et. al.*, 1973: Volume 4, 224. Testimony of Phillip Lafferty, Fort Simpson, 16 July 1973. This was referred to as Hudson’s Bay Chief by Johnny Kay of Fort McPherson, (Volume 7, 438). After the signing of treaty they no longer referred to Hudson’s Bay Chiefs but to Government Chiefs or Treaty Chiefs (Volume 7, 444).

A: Not on behalf of the Natives but he wanted the Natives to take the Treaty.

Q: Which Native person would have spoken on behalf of the people?

A: Well, none at the time would have spoken for the Natives.

This relationship of chiefs, treaty, and changing patterns of Dene land tenure can further be illustrated through discussions of borders, territories, and trapline registries. Contrary to the Crown's claims that treaty signatories were authorized to exchange lands, testimony reveals that chiefs held no such authority to land whatsoever. Exchanges instead show that chiefs were selected as representatives of bands and communities, not "bosses," a subject that often led to elaborations of the vast extents of travel.<sup>255</sup> Here, too, travel is expressed as evidence. Testimony describes travel through neighbouring bands and across political borders with Yukon, British Columbia, Alberta and Saskatchewan, and to the vast distances covered, especially at times when snow cover provided the least resistance to travel by dog-team. During the winter months, a team could cover upwards of 45 miles a day (more than 70 kilometres), traveling hundreds of miles in several days to cross territorial and provincial borders. Of the borders of the treaty territory presented at trial, Chief Baptiste Cazon of Fort Simpson stated that: "We do not have such a border before they made it on the map."<sup>256</sup>

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<sup>255</sup> Sutton's inquiries into the relationship of the Chief to land and people often began with him asking, "Are you the Chief of people or are you the Chief of a special area of land?" In their replies, the chiefs articulated their role in the community, but frequently distinguished their role as chief for the people from that over land. The purpose of Sutton's questioning was to show that Dene chiefs did not see themselves as authorities over land, and therefore not authorized to exchange land for money, goods, and other items stipulated in the terms of treaty. More specifically, chiefs did not view themselves as being in a position to trade land for money.

<sup>256</sup>*Paulette et. al.*, 1973: Volume 1, 58. Testimony of Chief Baptiste Cazon of Fort Simpson, given at Yellowknife, 09 July 1973.

Travel and trails, and their importance to Dene ways of life, are also illustrated by Elders' testimony. Testimony of Edward Sayine of Fort Resolution, for instance, shows how traveling along the trapline reflects a continuity of Dene ways:

Q: Is it true that you follow trails?

A: Yes, I follow my team.

Q: You go like the trail goes?

A: Yes, that is the trap line.

Q: Do you always go the same way on the trap line; do you go behind the same trees and in the same direction all the time?

A: Every year we use the same line... Yes, because the other man has his own line, and some are called registered lines and that is different, and that is my land and when you don't have registered land that means you can travel any place around [Fort] Resolution, and if it is registered land I can't go there and I can't trap in that land.<sup>257</sup>

Others, such as Alexis Arrowmaker, testified to relationship of Dene understandings of treaty with the continuation of hunting and trapping.

A: Sometimes we go out towards the north - northeast and east, and sometimes south. We just don't go by the map. We just go by where the animals are. We go here and there.

Q: Can your band go anywhere as far as you and other Indians are concerned; can you go anywhere within the Northwest Territories to hunt caribou?

A: Yes, we can go and hunt any place.

Q: What about fishing; how does one band member in your band keep away another band member from fishing in his place of fishing?

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<sup>257</sup> *Paulette et. al.*, 1973: Volume 3, 179. Testimony of Edward Sayine, Registered Treaty Indian, Chief of the Fort Resolution Band. Notice how registered trap lines are viewed as restrictions on travel.



A: Nobody stops nobody from setting their nets or fishing. They are all working together.

[...]

Q: Is it true to say that members of your band do not have special pieces of land that belong to them or special areas of water that belong to them, but that you say it belongs to all of you?

A: Nobody owns a small little piece of land. When the treaty first was signed they had an agreement that the whole land belongs to the Indians, so we called it our land, and we lived there, and that is how we lived, and then the white man came and so there was no small piece of land that a person owns.<sup>258</sup>

For the Dene, Treaty thus carried two related meanings. On the one hand was the original meaning of Treaty undertaken by the Dene signatories that agreement with the Crown was out of peace and friendship and intended to maintain good relations. This was the view of Treaty in line not only with the existing structure of social relations among Dene at the time, but evidenced by the ensuing years of Dene continuing to live on the land as they had before. On the other hand, Treaty had come to represent the evolving meaning of the relationship between Dene and the Crown, a view expressed by Dene as a series of broken promises. For the Dene, the meaning of Treaty and of Dene relations with the Crown was expressed through land and travel, with Dene mobility attesting to the continuity of Dene life ways and the wider understanding of Treaty's purpose in securing and protecting the Dene way of life. Yet while the two meanings of Treaty appear oppositional to one another, their dual meaning reflects a colonial reality faced by Dene. Like groups in the south, Dene were irrevocably bound to Treaty as a system of political and social organization, thus centring Treaty amidst the growth of a pan-Dene political identity, itself based in legal status of Dene as Indians under Canadian law. This left Dene in a position where

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<sup>258</sup> *Paulette et. al.*, 1973: Volume 2, 92. Testimony of Chief Alexis Arrowmaker at Yellowknife, 09 July 1973.

they could only *prove* their rights by referring to Treaty, and to relations with the Crown. Despite overwhelming evidence in support of the Dene position, and even indications of forgery and tampering by government agents in signing Treaty documents, Dene were forced to appeal to the Crown for recognition of its claims. In terms of the overall strategy or legal options available, this meant the Dene would have to delve further into the legal and political frameworks of Crown sovereignty through entrenchment, rather than cessation or breaking away from the Canadian state.

Morrow's judgment in September of 1973 came down in favour of the Dene, arguing not only that Dene had the right to file a caveat but that their claim merited a declaration of Aboriginal title. The ruling was immediately appealed by the federal government, and in 1976, the Supreme Court of Canada ruled for the federal government, agreeing that because the lands under dispute were Crown lands it was beyond the NWT Court's purview. It is also noteworthy, however, that the Supreme Court's ruling did not refute Morrow's finding of Aboriginal title. Nevertheless, the action of 1973 persuaded the federal government to reverse its previous decision not to fund the Dene land use research. The Dene land use research, which was just beginning as the Paulette Case was wrapping up, reflects this subversive approach to pursuing the Dene push for rights and recognition. It also reflects the fact that Dene had abandoned any notion that the federal government was a reliable partner in the pursuit of land rights, and was in fact the main adversary in the Dene struggle. Dene thus sought to control the process of researching their traditional territories, and articulating its meaning.

*The Dene Land Use and Occupancy Research Project*

“If there is one thing the Dene have learned it is that by doing things the Government way, the Government always wins more than we do.”<sup>259</sup>

- Richard Nerysoo

Nor was the Dene movement limited to the isolation of Dene from other groups in Canada. Throughout the western Arctic, the IB-NWT worked collaboratively with other Native organizations, namely the Métis Association of the NWT and the Committee for Original Peoples Entitlement (COPE), in jointly mapping the Delta region. Through ties to the National Indian Brotherhood, the NWT Brotherhood advocated for treaty rights, first for status Indians and later for all Dene and Métis in the Western Arctic.<sup>260</sup> The Brotherhood greatly expanded its activities throughout Denendeh and the north. In solidifying their claim, the Dene movement increasingly drew from a wider scope of influence and critical reflection on the state of relations between Dene and the Canadian state, attending to the struggles of Cree in northern Québec while also drawing heavily from the Alaska Land Claims Settlement of 1971. Dene activism channeled Marxist critiques of capital and property, as well as drawing heavily from the American Civil Rights Movement and the Indian Movement. In addition, the Dene leadership drew from re-

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<sup>259</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1976), 10.

<sup>260</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1975), 11.

sources compiled on anti-colonial struggles in Africa, particularly from Angola and Tanzania, often defining Dene terms of economic development.<sup>261</sup>

On the one hand, mapping was viewed as a medium for re-establishing bonds between elders and youth and of reclaiming the research process. A report prepared on the mapping project in 1976 underscores the importance of Dene owning the research process: “The research experience must remain within our community in order for it to contribute to our short-term objective of informed negotiations and our long-term objective of independence within Canadian society.”<sup>262</sup> As such it was essential to the future autonomy of Dene. On the other hand, mapping was a means of collecting a base of information upon which a land settlement could be built; of demonstrating use and occupancy, as stipulated by the government’s conditions for land claims negotiations. Finally, mapping and land use research was linked to the broader educational strategy intended for southern Canadians, and it was here that the Dene used the Berger Inquiry hearings to articulate Dene positions on colonialism in Canada. Of these, the first two are examined here, while the third relating to the educational strategy of the Dene for southern Canada is looked at more in the following chapter.

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<sup>261</sup> Cited from the Tanzania African National Union (TANU). *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1975), 26. “Any action which does not increase the people’s say in determining their own affairs or running their own lives is not development and retards them, even if the action brings them a little better health and a little more bread.” Also cited George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills, ON: Collier-MacMillan Canada, 1974): “Real community development can never take place without economic development. But, economic development without full local control is only another form of imperial conquest.”

<sup>262</sup> “Budget Submission Regarding Research Leading to a Settlement of Indian Land Claims in the NWT”, 01 August 1973, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

Dene mapping must therefore be considered not only in the context of comprehensive claims, but in the broader framework of shifting relations around treaty and Aboriginal rights. As discussed in a previous section, the claims process sought to sever Indigenous relations to and conceptions of land from their entrenchment in Canadian law. For Dene at the IB-NWT, land claims must also be situated amidst the contextual shift in settler-colonial relations, that outlined by Coulthard as the politics of recognition.<sup>263</sup> Trails, which draw from the Dene experience of living on the land and the maintenance of social relations embedded in treaty, are an affirmation of Dene understandings of treaty - and the basis of Dene participation with Canadian society. In the context of land use and occupancy research, however, trails reflect the shifting dimensions of settler-colonial power.

This is not simply in the imposition of a spatialized form of the land claim. According to Phoebe Nahanni, research director of the Dene mapping research, “land claims” and its inherent *spatiality* was adamantly rejected by her and the Dene leadership. As she told Berger:

It is becoming very clear that the words ‘land claims’ are not Dene words. They mean that we have already lost our lands and rights and only want compensation - some money and land in return. This is what the government claims but it is not our position. We know we own the land and we know we have the right to govern ourselves as a nation within Canada. Therefore, we are not going after a ‘land claim’, but are struggling to have Dene rights recognized. It is time we stopped using the government’s words - they only confuse our own people and do not say what we mean.<sup>264</sup>

Phoebe Nahanni, who along with Peter Puxley administered much of the project from Yellowknife, embodied the mapping research. Raised near Fort Simpson, Nahanni was among the

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<sup>263</sup> Coulthard, 2014.

<sup>264</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1976), 15.

first Dene to attend university, which she did from 1968 to 1972 completing an undergraduate degree in Geography at the University of Western Ontario. She later earned a Masters at McGill in the same discipline, the first Dene woman to do so. Situated amidst changing social relations among Dene, Nahanni's role and influence in the land use research underscores the priorities and orientation of many younger Dene. Younger Dene researchers received formal education through both residential schools, with some continuing to post-secondary education in southern Canada and the United States. Particularly in the North and South Slave regions, young people had also begun to spend more time in and around Yellowknife, now connected by the highway. Land use research was, in a sense, a return to the land project for researchers associated with it, as well as an entry into the politics of land claims. Like educational curricula and community development, land use research was a multipurpose exercise in enhancing Dene participation and control over land-based practices in ways that are distinctly temporal. In addition to treaty research leading to the *Paulette* case and community development, Dene sought to exert control over the research process, and a means of controlling future development. In the Annual Report of the IB-NWT of 1975, Nahanni wrote:

[I]t is becoming more and more evident that Land Claims means controlling our future and future generations. It means Dene control over every aspect of Dene people. The land-use research and the economic research is a back-up to what Dene people say.<sup>265</sup>

Mapping can first be thought of through relations between Elders and younger Dene, as evidenced in the mapping methodology itself. Mapping sessions would include a field researcher (typically they worked in pairs) conducting a "mapping biography" in which Elders and hunters would describe trails and routes used on the land, often through stories, which were then drawn

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<sup>265</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1975): 31.

onto topographic base maps, which the project requested through the Lands and Forestry Office in 1:500,000 scales. The lines on the maps, each drawn with different colours of pencil-crayon, referenced the trails of different hunters, both those in contemporary use and those used throughout the hunter's lifetime. Locations of wildlife were also marked in some cases. After preliminary interviews were completed, the maps would be returned to Yellowknife where they would be traced onto a single map and copied onto two overlays.

In addition to documenting the details of land use, mapping was educational. This is reflected in both the impacts of residential schools among younger Dene, and the continuing existence of the Territorial Government education system. Nahanni summarized the effects: "In reality a generation of our people are still experiencing trauma of suddenly being taken away from a stable way of life into an alien education system which only provided them with Grade 2 to Grade 9 education with no guarantee of sufficient wage employment."<sup>266</sup> This was also incorporated directly into mapping research. An unsuccessful application for place-name funding in 1974 contains the following:<sup>267</sup>

The effect of modern schooling on native communities is well documented. It tends to alienate the native child from his past and from his parents and other older members of his band... We have found from experience in other projects involving situations where the young learn from the old that this sort of effort can contribute much to the renewal of respect between the young and their past. This is naturally vital to community and individual self-respect. It is the most valuable result we can hope for.<sup>268</sup>

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<sup>266</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1976), 18

<sup>267</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1975), 30.

<sup>268</sup> Application for Assistance under the Explorations Program, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

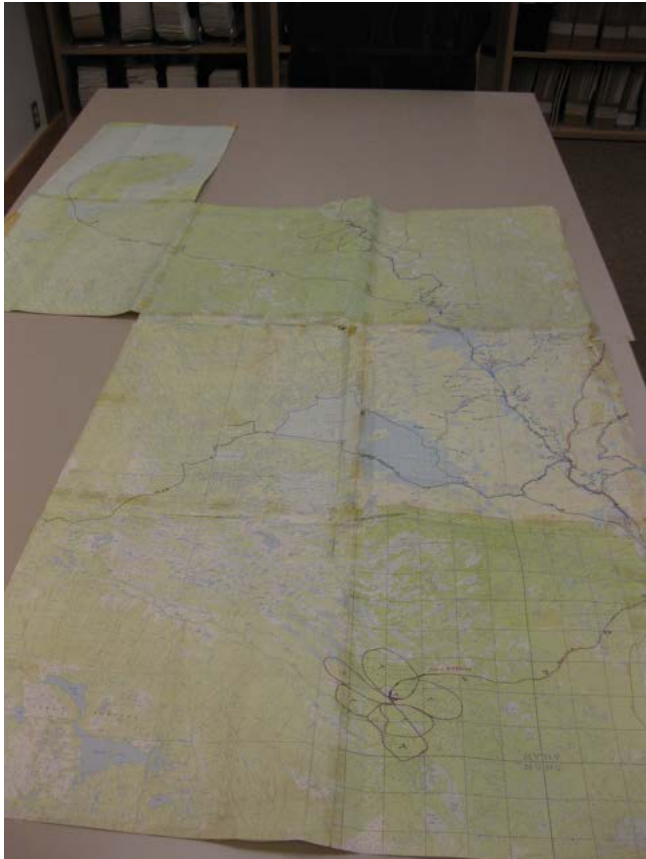


**Fig. 4.3:** Phoebe Nahanni (left) of the Dene mapping research, July 1980. N-1995-002: 6589, Rene Fumoleau fonds, NWT Archives.





**Fig. 4.4:** (Above) Trails of the Dene mapping research in the area surrounding Behchoko (Rae-Edzo). The colours represent the trails of different hunters.



(Left) Trail maps from the Behchoko area are represented here on eight topographic maps that have been taped together. More than 130 maps were required to show the extent of Dene land use throughout the Territories, and even these were incomplete. Only 1/3 sample of hunters and trappers was recorded.

Photos by the author.

The growing role of young people within the Dene movement can also be illustrated by the election of younger Dene to band and settlement councils. One person interviewed for this research, who has asked not to be named, described differences taking place in the selection of chiefs. In particular, those elected were often persons who had left the NWT and later returned. Southern ideas and education were also incorporated into northern intellectual and political circles through personal relationships. As one person described to me, this reversed the typical manner by which younger people came to occupy positions of influence within their communities. Younger Dene became spokespeople in their own right, acting as interpreters at legal hearings and the Berger Inquiry, as well as informing people in the communities about the land claims negotiations. This was often a difficult task. Field notes comment on the prevalence of alcohol and drinking in some communities, which hindered efforts to get people to talk.<sup>269</sup> Fieldworkers were also viewed as representatives of the Brotherhood, which put some in a conflicted position with respect to their role as researchers. Other researchers noted in their reports that they were under pressure to join settlement councils.

The mapping research was also instrumental in the inventorying of knowledge and information about the land in ways that enabled Dene to refute claims made by pipeline applicants and developers. At the heart of efforts to collect evidence of Dene land use was a belief that the evidentiary base of land use would assist the Dene in winning recognition of Aboriginal title. As a result, the mapping research sought to document a wide array of land-based activities that included the likely resource value of the land. This was done in an effort to determine the economic value of

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<sup>269</sup> “Talking to people is hard work - especially when you have to compete with the bottle or bread and butter issues.” From Georges Erasmus, Community Development Co-ordinator, “Memorandum to fieldworkers,” 12 June 1974, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

Dene land, believing that once the federal government was aware of the value it would be compelled to negotiate a just settlement with the Dene. As such, land-based knowledge became used in this evidentiary context to refute the “expert” findings of research consultants that had been hired by the oil companies. The mapping research was used to refute the applicant’s assertions of an eroding base of hunters using the land in the traditional way. Arctic Gas, citing a report prepared in 1972, claimed that only 96 of the population of 23,600 was employed in full-time or regular part-time trapping. In her presentation to the Berger inquiry in April of 1976, Nahanni presented the field researchers numbers as 1,075, and the total male working-age population as 7,830.

We have never pretended that the only future for us is a ‘return to the past’ in the sense of all Dene living off the land. Nevertheless, our evidence clearly shows that if support were given to land-based activities, comparable to the public support given to other sectors of the economy, and to the oil industry for example, there are many Dene who would continue to use the land as our maps clearly indicate they have used it.<sup>270</sup>

Trail maps also served this evidentiary base by defiance of categorizations of land, but also of the legal categories of Dene. One example of this is the definition of Dene itself, interpreted by the federal government under the rubric of treaty to mean status Indians. Here, too, trail maps cut across simplistic categorizations. This is reflected in part by the IB-NWT, which initially was formed to represent status Indians in the Territories but which gradually expanded to non-status and Métis. In many instances, the distinction between Dene and Métis existed only in criteria established by the federal government’s system of assigning “status” designation to descendants of Treaty signatories. Moreover, federal representatives insisted that Métis existed as a separate category from Indian, and were initially refused eligibility to file land claims:

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<sup>270</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1976), 17.

The Government told us that our field workers are not allowed to work with Métis people. We told them that the Dene way was for all the Dene to work together as one people. Because of this, we now have to make a new agreement before the Government will give us more money for field workers.<sup>271</sup>

For the Dene, such divisions were simply one of numerous tactics of the federal government that aimed to “divide and conquer” the Dene movement, and to buy-off individuals and communities.<sup>272</sup>

[T]he government has called some Indian people ‘Métis,’ and others non-status, and others Treaty Indians. This has left the native people weak and divided. The government has dealt with one Chief, or band, at a time and has not told the others what was going on. Right now Minister Chretien will not let the communities along the Mackenzie get together to discuss the highway and the pipeline. He is afraid of their strength together.<sup>273</sup>

Trail maps were also undertaken to encompass the land use in overlapping and shared territories, both with the Inuvialuit in the Delta and with the Métis Association that had been formed in 1972. Thus while representative of the wide array and vast territorial expanse of Indigenous land tenure, the basis of unity was a common pursuit not strictly of treaty but of Aboriginal rights and title.

When in the spring of 1974, the Indian Brotherhood and Métis and non-Status Native Association resolved to work together “towards the complete union of all our people under one organiza-

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<sup>271</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1976), 11.

<sup>272</sup> “Be prepared for many attempts by the government to ‘buy you off,’ individual from community, community from community. You have most to gain by sticking together.” *Divide and Conquer*, Undated. N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

<sup>273</sup> *Divide and Conquer*, Undated. N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

tional structure,”<sup>274</sup> DIAND threatened to cancel funding. A Cabinet memo on the subject of the Dene-Métis joint claims project reiterates the government’s position:

Essentially, the preliminary discussions now underway with both status and non-status groups, and any negotiations that may follow should be mainly about compensation for extinguishment of Indian title; justifiable because the Treaties were not fulfilled, in that reserves were not established, and because originally all the native peoples in the Treaty areas were given free choice whether to take Treaty, or scrip or cash payments as half-breeds...<sup>275</sup>

Divisions within the joint IB-NWT and Metis and Non-Status Indian Association also had implications for funding land claims research. Status Indians were thought to be dominating political organizations, and tended to “pay insufficient attention to the opinions and views of non-status Indians.”<sup>276</sup> The same document suggests that it was the Secretary of State who was “pressing for separate funding for Métis and non-status groups” in Yukon, BC, and NWT.<sup>277</sup>

Dene mapping therefore reflects not only the efforts to catalogue traditional land use and occupancy, but speaks to the conditions faced by Dene. Faced with terms that effectively coerced Dene to concede that theirs was a former way of life, Dene sought to utilize the mapping research to subvert the state’s efforts to narrow and isolate the Dene. Through the mapping research, Dene initiated a discursive strategy of building the Dene movement from within, organizing a younger generation of researchers, and by mobilizing across ge-

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<sup>274</sup> Fort Good Hope resolutions of 1974, MG 32, B 42, Box 5-23, Judd Buchanan fonds, Library and Archives Canada, Ottawa, Ontario.

<sup>275</sup> Memorandum to Cabinet, 06 December 1974, MG 32, B 42, Box 5-23, Judd Buchanan fonds, Library and Archives Canada, Ottawa, Ontario.

<sup>276</sup> Concerns Raised by Secretary of State, MG 32, B 42, Box 5-23, Judd Buchanan fonds, Library and Archives Canada, Ottawa, Ontario.

<sup>277</sup> Concerns Raised by Secretary of State, MG 32, B 42, Box 5-23, Judd Buchanan fonds, Library and Archives Canada, Ottawa, Ontario.

ographical and conceptual borders of what was viewed as Dene lands, and who was viewed as Dene. The wide range of experiences, nevertheless, remained grounded in Dene lands and traditional territories, and of reclaiming and reasserting Dene authority in their traditional lands.

### *Conclusion*

The 1976 annual report of the IB-NWT announces the end to the Dene mapping research, and the final stages of preparation for the submission of the Dene claim. Although the project continued in other ways, as will be discussed in later chapters, the conclusion of the Berger Inquiry brought numerous changes to the IB-NWT and its preparation of a land claims submission. Interesting here is how the maps, along with Dene participation in the land claims negotiations, is framed.

Nahanni wrote in 1977:

Our silence in the past does not mean consent. We are participating in the white man's system not because we accept it, but because we have no choice. We regard our participation as being *temporary* until such time as our right to choose our own institutions is recognized.<sup>278</sup>

This comes back to the broader question about the temporality of the maps, and their role within the longer trajectory of Dene struggle. Despite the wealth of ethnohistorical content, the maps are only incomplete representations of Dene life ways and land tenure. I would suggest, however, that this incompleteness is central to the point made by Phoebe Nahanni and the researchers of the mapping project, one that has since been reiterated in recent scholarship on Indigenous counter-mapping. Because the value of the research is in the continuous *process* of tracing trails and retelling stories, mapping is always an unfinished undertaking. Hébert and Brock, for in-

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<sup>278</sup> Nahanni, "The Mapping Project" in Watkins, 23. Emphasis added.

stance, have recently discussed how processes of mapping elicit tensions between mapping and the ostensibly complete map.<sup>279</sup> They write: “The power of counter-mapping may lie less in the relationships it represents, then, and more in terms of those it helps create, insofar as it contributes to assembling new publics in opposition to resource-extractive designs.”<sup>280</sup> Similarly, Bjørn Sletto notes of the mapped form, “By its very nature, Western cartography results in maps that fail to represent the complexities of indigenous landscapes.”<sup>281</sup>

Maps as temporary entities also suggests something different from the conventional way Indigenous counter-mapping is thought to be empowered. Rather than thinking of maps in the appropriation of settler space, the Dene mapping research can be framed temporally as part of a longer effort to outlast the colonial project. Maps are intended to bridge phases of colonial appropriation, of which the reorientation of land is one in a succession of efforts to alienate Dene from their lands. As I have suggested above, Dene mapping is a form of intergenerational knowledge transmission, as well as a legal tool for challenging the appropriative power of Western modes of space-making. Like Suzanne Gully’s telling of Tusi Ko, mapping contains both subversive and constructive elements.

I have thought about this in my own brief interaction with the original maps of the Dene mapping research. These are currently stored in a controlled environment at the Prince of Wales Northern Heritage Centre, and accessing them requires the permission of the Dene Nation. For a

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<sup>279</sup> Karen Hébert and Samara Brock, “Counting and Counter-mapping: Contests over the Making of a Mining District in Bristol Bay, Alaska,” *Science as Culture* 26 no. 1 (2017), 56-87.

<sup>280</sup> Hébert and Brock, 2017: 80.

<sup>281</sup> Sletto, 2012: 14.

variety of reasons, among them a lack of funding, the maps are now in a very fragile condition. The map mosaics are brittle and yellowing from age, and the scotch tape holding them together is dried in places, making the process of unfolding and displaying the maps an unnerving undertaking. Out of fear that they would crackle or tear in my handling, I decided to limit my time with them. This has left me wondering about the potential uses of the maps of Phoebe Nahanni's project. I have no doubt of their interest to scholars and researchers. The fact that so little has been published from the Dene research only adds to the intrigue of the maps.

A final comment can be made with reference to the "Trails of Our Ancestors" program that is currently operated by the Tłıchǫ government. In the late 1990s, as Tłıchǫ Dene were negotiating a self-government agreement with the federal government, "Trails of Our Ancestors" was begun as part of an effort to bring Tłıchǫ Dene together, to unite the Tłıchǫ communities, and to plan and prepare for Tłıchǫ self-government. In the summer months, delegates travelled from throughout Tłıchǫ territories to the meeting point at Behchoko, where negotiations were taking place. *Trails of Our Ancestors: Building a Nation*, documents the story of Tłıchǫ renewal and revitalization in the pursuit of a self-government agreement. Notably, the story of self-government is related through trails. "The traditional culture and teaching processes of the Tłıchǫ have been absent as people no longer travel together on the land.... The *Trails of Ours Ancestors* have now been paddled between all the Tłıchǫ communities, sometimes on trails that have not been traveled in close to half a century. Today hundreds of youth and elders have had the opportunity to travel the trails."



For John B. Zoe, chief negotiator of the Tłıchǫ self-government agreement that was finalized in 2005 and author of *Trails of Our Ancestors*, arriving at a self-government agreement is mirrored in revitalizing and restoring Tłıchǫ trails, of reconnecting with trails and stories that they enact. In addition to articles, pamphlets, journals, and videos produced by the Tłıchǫ, this includes efforts to restore Dene place-names throughout Tłıchǫ territory, part of a longer effort by Dene dating back to the 1980s seeking to replace a colonial nomenclature of European explorers with that of Dene place-names. This process is as closely bound with learning the names as with plotting them on the giant map that hangs on the wall of the Tłıchǫ offices in Yellowknife. When John B. Zoe speaks of preserving trails, it is not simply in the sense of commemorating a bygone past or reconnecting with a former way of life, but of carrying forward traditions that have fostered Dene since before encounters with Europeans. He stresses the importance of floating time, of stories of Yamoozha, and of restoring Dene ways. He also speaks of past struggles of Dene to come together and find common ground on which to build foundations for the future.

Maps are stories, for teller and listener, waiting to be retold. Trail maps convey a similar sense of momentum and potential. Because of their connection to stories, to places, and to traditional life ways, they exist not merely as inventories of knowledge to be tapped as “data,” nor are they cartographic technologies that inscribe particular power relations and authority on land. Their power lies in their ability to assist in the building of relations over time, a power that resides not in what the maps depict but in the stories and knowledge that are shared and maintained through their telling. When people speak of the decolonizing potential of the maps, it is not so much in reference to reclaiming lost lands, spaces or territories, but in revitalizing social relations, and learning the stories and languages that go with them. And this can only be done by Dene.

## CHAPTER 5 | A Choice of Futures: Speaking Around the Pipeline

Our Dene Nation is like this great river. It has been flowing before any of us can remember. We take our strength and our wisdom and our ways from the flow and direction that has been established for us by our ancestors we never knew, ancestors of a thousand years ago. Their wisdom flows through us to our children and our grandchildren to generations we will never know. We will live out our lives as we must and we will die in peace because we will know that our people and this river will flow on after us.

- Frank T'Seleie, Fort Good Hope, 05 August 1975

The Inquiry is nevertheless faced with fundamental questions relating to the future of the north. We look upon the north as our last frontier. We Canadians think of ourselves as a northern people. Maybe we have at last begun to realize that we have something to learn from the races of people who have managed to live for centuries in the north, people who never did seek to change the environment, but rather to live in harmony with it... [M]aybe it is time the metropolis listened to the voices on the frontier... Because what happens in the north will be of great importance to the future of our country. It will tell us what kind of people we are.

- Thomas Berger, Queen's University, 25 November 1975

Chief Frank T'Seleie's speech is arguably the best known moment captured in the historical record of the Mackenzie Valley Pipeline Inquiry. Given in T'Seleie's community of Fort Good Hope in August of 1975, the speech comes at the height of the community hearings of the Berger Inquiry. Like many of the community stops, the Fort Good Hope hearings were held over three days before crowded audiences of community members, Inquiry staff and radio and television media. Daily radio broadcasts of the hearings, translated in the multiple languages throughout the north, enabled northerners to follow the hearings throughout their course, carrying speakers' voices well beyond their communities. In television broadcasts across southern Canada, T'Seleie

could be seen confronting Bob Blair, President of Foothills Pipeline Ltd. who also attended the Fort Good Hope hearings. “You are coming to destroy a people that have a history of thirty thousand years,” T’Seleie told Blair. “Why? For twenty years of gas? Are you really that insane?”<sup>282</sup>

Yet T’Seleie’s name remains relatively unknown outside the north, as do the names of many Dene who spoke and encouraged the high levels of participation that is largely responsible for the Inquiry’s success. In southern Canada the Inquiry is commemorated with a focus on Thomas Berger himself, who between April of 1975 and September 1976 travelled throughout the communities of the Western Arctic listening to what people throughout the north had to say about the pipeline. A reprinting of *Northern Frontier, Northern Homeland* from 1987 features a new cover photograph of a lone Thomas Berger above the caption: “The controversial best seller that changed the attitudes of Canadians toward native land claims and altered the future of the North.” This legacy appears to have carried forward into today. Relating the Commission’s final report to current trends towards reconciliation in Canada, environmental historian Claire Campbell depicts Berger as ahead of his time. “Since the current political climate has brought certain classics back onto the best-seller lists,” she notes, “maybe *Northern Frontier, Northern Homeland* could be next.”<sup>283</sup>

Such discrepancies in the historical recollection of the Inquiry reside at the heart of ongoing Indigenous struggle to be heard. According to anthropologist Carly Dokis, such problems lie at the

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<sup>282</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry* Volume 18 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1777. Testimony of Frank T’Seleie, 05 August 1975, Fort Good Hope.

<sup>283</sup> Claire Campbell, “Northern Frontier, Northern Homeland: The Berger Report at 40, and an Experiment,” *niche-canada.org* 15 February 2017. Online at: <http://niche-canada.org/2017/02/15/northern-frontier-northern-homeland-the-berger-report-at-40-and-an-experiment/>

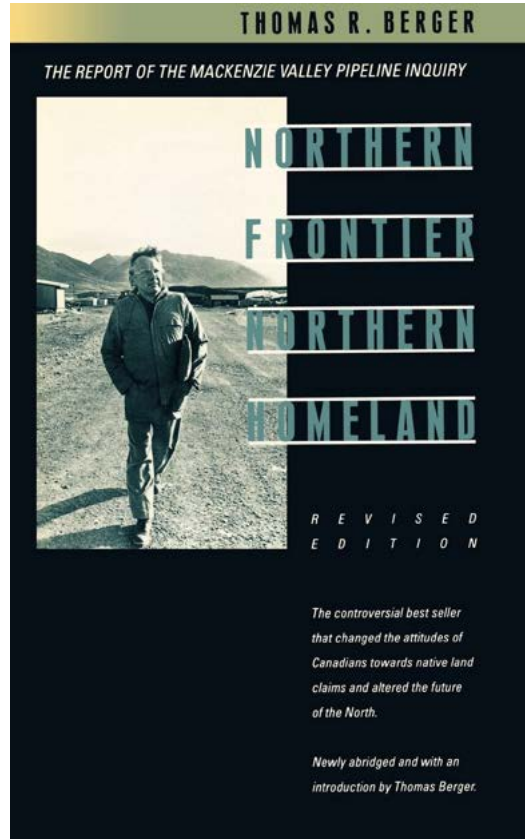
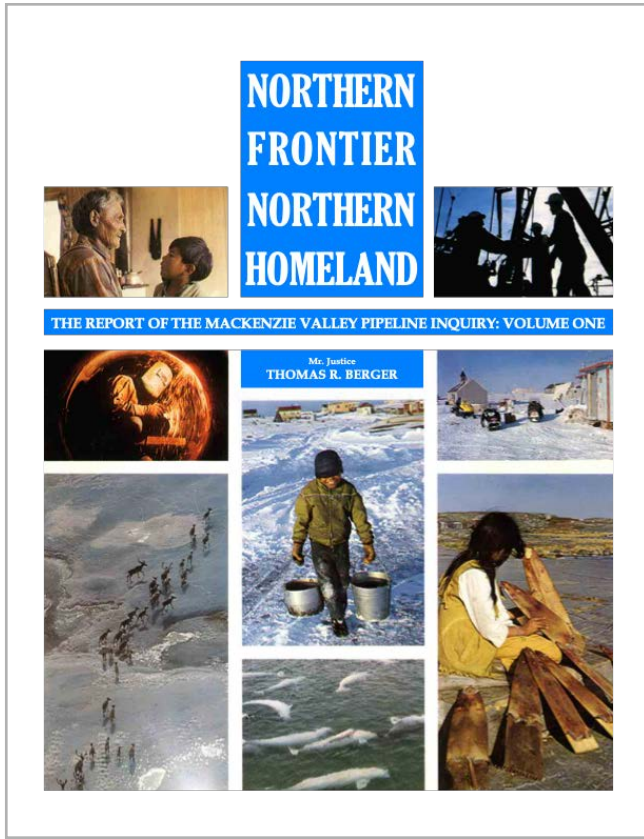
heart of contemporary environmental assessments and permitting procedures, exemplifying deep-seated power dynamics of *when* and *how* Indigenous speech is considered valid. Guidelines instructing companies of their duty to consult Indigenous peoples, she notes, have helped proponents to redefine what “consultation” means, and ultimately to evade it.<sup>284</sup> But the challenges of speaking and being heard also trace to the heart of settler colonial relations of power, and how indigeneity is known. Sophie McCall, author of *First Person Plural*, frames this as a discrepancy of *speaker* (Indigenous) and *listener* (non-Indigenous), as fundamental to how indigeneity is understood - or heard - by non-Indigenous people. In instances of speaking and listening, she suggests, the latter is often privileged over the former, so that the *process* of listening trumps the *substance* of speaking.<sup>285</sup> The centring of Berger in collective memory of the Mackenzie Valley Pipeline Inquiry is an example of how *listening* to Indigenous peoples is afforded greater weighting than what Dene, Inuit and Métis speakers actually had to say. Similar dynamics of speaking and hearing are present in the legacy of the Berger Inquiry, in which names like T’Seleie, Suzanne Gully, Phoebe Nahanni and others are rarely included.<sup>286</sup> I would argue, however, that gaps between speaking and listening are not only matters of historical memory and reflection. They can also be identified in the transcripts of the inquiry, particularly when participants invoked notions of the future. As in the excerpts above, both T’Seleie and Berger frame the pipeline debate through discussions of the future.

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<sup>284</sup> Carly Dokis, *Where the Rivers Meet* (Vancouver: UBC Press, 2015).

<sup>285</sup> Sophie McCall, *First Person Plural* (Vancouver: UBC Press, 2009). See also Megan Davis, “Listening but not hearing. <https://griffithreview.com/articles/listening-but-not-hearing/>

<sup>286</sup> “Landmark pipeline inquiry sparks interest 40 years later,” *CBCNews* Available online at: <http://www.cbc.ca/news/indigenous/landmark-pipeline-inquiry-sparks-interest-40-years-later-1.2647366> “I thought it was important to commemorate a unique historical moment when a handful of young aboriginal activists stopped the largest construction project in North America in its tracks.”



**Fig. 5:** Two editions of *Northern Frontier, Northern Homeland* from 1977 (left) and 1987. The central focus on Thomas Berger in the latter edition stands in contrast with the original.

In this chapter, I highlight differences in how Dene and southern Canadians approached the pipeline debate. I specifically examine future discourses and how these reflect broader patterns of speaking and hearing in ways outlined above. I argue that discrepancies in the memory of the Inquiry do not simply reflect conflicting historical interpretations of the pipeline debate and the period since, rather they reveal differences in how Dene (in particular) and southern Canadians approached the pipeline debate at the time. As a former member of the IB-NWT leadership told me, Dene often approached the Inquiry by speaking *around* the pipeline, using the pipeline as a platform to articulate the nature of colonialism, to elaborate the distinctiveness of Indigenous societies, and to posit the basis for Indigenous survival and restoration. Dene uses of the future - or future tense - reflect this array of subjects, centring on land, nationhood, and jurisdiction. At the same time, widespread support in southern Canada for the Dene movement is also expressed *around* the pipeline, albeit in different ways. These reflected popular consciousness of environmental degradation and global energy consumption, in particular. In Canada, energy debates proved to be central pillar of popular engagement with public policy in the 1970s. As I suggest here, however, debates over energy and its connection to modern consumerist culture, also influenced popular perceptions of indigeneity, evinced through depictions of traditional Indigenous lifestyles in harmony with nature, which obscured the Dene message. For southern Canadians, northern development was framed as nothing less than a national debate on the future of Canadian society, and a reflection on the meaning of Canada as a nation. It is also a framework through which indigeneity and its place within Canadian society, is reimagined at the national scale.

*Speaking: Future Tense, Jurisdiction, Land*

“In spite of the diversity of activity that the Brotherhood is now engaged in, it should be clearly understood that our central focus remains our land claim.”<sup>287</sup>

Dene invocations of the future highlight relationships of speech, law and land. Important here is the distinction of jurisdiction from sovereignty. Whereas jurisdiction is typically understood as a technicality of Crown sovereignty, geographer Shiri Pasternak frames disputes over jurisdiction as the “authority to have authority” on lands where traditional practices of care, custody and connection to land have been neither surrendered nor ended. Jurisdiction, she argues, sets up a historic struggle against the blanket claims of sovereignty over Indigenous lands, a struggle that is ultimately for survival - or survivance, as Gerald Robert Vizenor terms it - that aims to outlast official policies of assimilating Indigenous peoples and lands under the technical framework of Crown sovereignty.<sup>288</sup> Survival further underscores the grammar of Dene jurisdiction. Dene - whose struggles are shaped by federal land claims procedures - frame these in a broader temporal trajectory of colonial invasion and assimilation. Dene speakers also invoke the future to enact their jurisdiction, not as a return to the past but as the restoration of laws and lands and the resurgence of identity and practices. Dene speech and references to the future are also similar to those cited by Pasternak, who recalls the lessons of Barriere Lake Alqonguin Toby Decoursay: “When we meet new people,” he says, “we are going to shake hands.” Like stories and lessons passed on

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<sup>287</sup> *Annual Report of the Indian Brotherhood of the Northwest Territories* (Yellowknife: IB-NWT, 1975), “President’s Report.”

<sup>288</sup> “The condition of Indigeneity in North America is to have survived this acquisitive and genocidal process,” writes Audra Simpson. “and thus to have called up the failure of the project itself.” Simpson, cited in Shiri Pasternak, *Grounded Authority* (Minneapolis: University of Minnesota Press, 2017), 268. See also, Gerald Robert Vizenor, *Manifest Manners: Postindian Warriors of Survivance* (Lincoln: University of Nebraska Press, 1994).

through time, Decoursay's use of future tense "prepares the listener for the ongoing promise of the next relationship, the certainty of restoration."<sup>289</sup>

*Juris - "Law"*

"You are here on the behalf of your Government to ask us our opinions on the plans your people have for our land."

- Frank T'Seleie

Jurisdiction can also be seen as the register of Dene authority. The term "jurisdiction," combining *juris*, meaning "law," and *dicere*, "to speak," is a mode of enacting law and authority through speaking. I read Dene speech to the Inquiry in the register of jurisdiction, locating the pipeline debate with a wider setting of the authority to have authority. Law - *juris* - can be seen through the context of land claims of the 1970s, but it can also be framed as a question of terms; on whose terms is authority for land derived? Pasternak refers to the "deep time and space of Algonquin life," as the grounds for Algonquin authority and its maintenance through practices of care and custody. A similar temporality underscores Dene assertions of jurisdiction, which I noted in the previous chapter's discussion of transitions from floating time to linear time with the arrival of Euro-Canadians. This entanglement of Euro-Canadian and Dene legal orders also contributes to Dene assertions of jurisdiction. As in T'Seleie's quote above, Dene authority and jurisdiction is not simply rooted in Dene land tenure prior to contact, but is maintained through continuous relations with the Canadian state. Dene jurisdiction is also rooted in Treaty relations with the Crown and thus draws on international legal concepts of Aboriginal title, and situated in the political context of land settlements, which ran parallel to the Inquiry hearings.

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<sup>289</sup> Pasternak, 2017: 269.





**Fig. 5.1:** Above: Phoebe Nahanni with Thomas Berger at the hearings for the Mackenzie Valley Pipeline Inquiry. *Annual Report of the IB-NWT* (Yellowknife, 1976). Below: Submissions of the mapping project to the Berger Inquiry at Yellowknife, April 1976. N-1995-002: 4199, Rene Fumoleau fonds, NWT Archives



Law and authority on (or over) land further ground regional identities and political activism throughout Denendeh and across the north. Dene broadened solidarity with other political organizations. Through the Federation of Natives North of 60°, Dene, Métis and non-Status Association, ITC, COPE and the Council of Yukon Indians, lobbied Berger on both the terms and the method of the Inquiry. Wah-Shee, who served as president of both the IB-NWT and the FNN pushed that funding be made available to intervenors, and that the Inquiry establish hearings at each of the communities affected by the proposed pipeline. “So great are the ramifications of the pipeline that any discussion of it cannot be other than helpful to the fullest discussion of many important matters. We believe that this provides a unique opportunity for the views of our people to be heard.”<sup>290</sup> Within the Mackenzie region, the Dene leadership organized behind the slogan “land and unity,” and warned against the “divide and conquer” strategies of the Department.<sup>291</sup> During the first General Assembly of the IB-NWT at Fort Good Hope in June, 1974, Dene and Métis passed resolutions calling for the “recognition of our Aboriginal claim and the development of the mechanisms which will assure continuing and permanent equal participation of the native people in all future development of the Mackenzie District,” and a united Dene and Métis approach to land settlement based on the “formalization of title to traditional lands.”<sup>292</sup> The one year grace period granted by Berger also saw the Dene and Métis increasingly vocal in criticism of government. Dene were also increasingly critical of the proposed settlement of the James Bay Agreement in northern Québec, and aligned with Inuit in their rejection of a similar model of ex-

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<sup>290</sup>Statement of the Indian Brotherhood of the Northwest Territories to Mr. Justice Berger, 22 April 1974, RG126 Box 74, LAC. Berger himself attributes the community hearings to a discussion with George Kodakin, who urged Berger to spend time in the communities before the hearings began.

<sup>291</sup> Divide and Conquer, N-2002-014, Box 1, June Helm fonds, NWT Archives, Canada.

<sup>292</sup> James Wah-Shee to Rev. Wilbur K. Howard; Wah-Shee to Buchanan, 16 August 1974, B2005-0001 Box 45-01, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.

tinguishment: “While we appreciate the pressures that the Cree and Inuit people have been negotiating under, our initial reaction is that the model has fallen short of a just settlement.”<sup>293</sup>

Funding provided yet another layer to the land claims struggle. Buchanan sought to narrow the scope of the Dene claim by threatening to cut funding to the Dene claims research. In January of 1975, Buchanan wrote to Wah-Shee:

While it is not for me to suggest the lines along which you and your Committee should develop and present a claims proposal on behalf of the Indian people of the Mackenzie Valley, it does concern me that very large amounts of money are being requested for claims development purposes, with no clear understanding between us about the direction in which we are moving in pursuing the claim. I shall find it very difficult to maintain support in the Government for your whole claims project, unless I am able to give some assurance that you are working toward a realistic basis for the commencement of negotiations.<sup>294</sup>

Journalist John David Hamilton later reflected that Department officials “played the negotiations game expertly.” “When Ottawa was displeased with the way things were going,” he wrote, “it simply cut off funds.”<sup>295</sup> Internal memos at Indian Affairs illustrate how funding was leveraged to undermine the Dene political leadership, and to restrict the IB-NWT to land use and occupancy research that would speed up the settlement process, “rather than to native associations that

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<sup>293</sup> Press Release on behalf of the IB-NWT, MANWT, COPE, 15 November 1974, B2005-0001 Box 046-07, Peter H Russell fonds, University of Toronto, Toronto, Ontario, Canada. The ITC statement reads: “Until Mr. Buchanan expressly and publicly states that the government of Canada is prepared to discuss and negotiate Inuit land claims in the Northwest Territories, limits or constrains because of any considered or arrived at land claims settlement in James Bay and Quebec, or in other parts of Canada, the Inuit Tapirisat of Canada will not engage in further discussions as to a settlement of Northwest Territories Inuit land claims with Mr. Buchanan’s government.”

<sup>294</sup> Judd Buchanan to James Wah-Shee, 31 January 1975, B2005-0001 Box 046-07, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.

<sup>295</sup> Hamilton, John D., 1994: 139.

have political aims beyond the scope of land claims.”<sup>296</sup> Funding also illustrates the practical struggles faced by Dene in dealing with a Department intent on narrowing the land claims process. To combat the narrowing of this focus, the Dene leadership engaged southern Canadians through what became known as the Southern Support Group (SSG), a small group of academics and researchers that worked to “create a climate of understanding and support” for the Dene land claim while also reporting on the “general mood and attitude of southern Canada” towards the land claim.<sup>297</sup> The SSG evolved in the late summer of 1974 through James Wah-Shee’s friendship with Don Simpson of the International Development Research Centre at the University of Western Ontario, and his collaboration with Peter Russell, a legal scholar and Principal of Innis College at the University of Toronto. Leading up to and throughout the Inquiry, the SSG procured resources for the promotion of the Dene message, tapping labour organizations, educational institutions, citizens groups, and churches in support of the Dene. With funds from the Canadian Catholic Conference, the SSG opened an Ottawa office - which it shared with the National Indian Brotherhood - to keep the leadership abreast of political developments and parliamentary debates pertinent to the Dene.<sup>298</sup> The Dene also received grants from OXFAM, highlighting the emerging popularity of the Dene movement and its reach beyond northern Canada.

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<sup>296</sup> Relations with Indian Brotherhood of the Northwest Territories, MG 32 B 42, Box 5-20, Judd Buchanan fonds, LAC.

<sup>297</sup> Report on the Status of the Southern Support Group, 25 February 1976, B2005-0001 Box 045-03, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada. The SSG concentrated on liaising with southern supporters, labour unions and Aboriginal rights groups (such as the Canadian Association in Support of Native Peoples). The efforts of the SSG reflect the political and legal strategies of the Dene focus on land. *As Long As This Land Shall Last* by Father Rene Fumoleau, establishes historical basis for the Dene position at the Paulette Caveat Case in the summer of 1973. *This Land Is Not For Sale* by Hugh and Karmel McCullum, was published in 1975 as a critique of the land claims process and an argument support the inherent rights of Dene to a proper land settlement respecting their jurisdiction.

<sup>298</sup> Ottawa Office Proposal Presented by IB-NWT and Metis and Non-Status Native Association of the NWT, B2005-0001 Box 045-01, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.

*Dicere - "To Speak"*

"This is the first time in the history of my people that an important person from your Nation has come to listen and learn from us, and not just come to tell us what we should do, or trick us into saying 'yes' to something that in the end is not good for us."<sup>299</sup>

- Frank T'Seleie

Dene speech can similarly be read in the register of jurisdiction and across multiple scales of engagement with Canadian society. Testimony, much of it presented in English by younger Dene, often centres on the distinctiveness of Dene society from mainstream Canada, and links this distinctiveness to a discourse on rights and nationhood.<sup>300</sup> Dene speech, in part, situates Dene in stories and official histories of Canada. Jim Antoine, chief of Fort Simpson, for instance, tells Berger that the story of Indigenous peoples in Canada is "like a history that you never hear of or read in the history book."<sup>301</sup> This history is also likened to speech and its relationship to jurisdiction and survival: "If we have to fight for our survival, we will. That is exactly what my people are doing when they talk to you, Mr. Berger. They are fighting for their survival, their survival as a free people, as a nation."<sup>302</sup> The relationship of speech and jurisdiction - or speech as the enact-

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<sup>299</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry* Volume 18 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1768. Testimony of Frank T'Seleie, 05 August 1975, Fort Good Hope.

<sup>300</sup> Many of the younger people spoke in English, which they had acquired through experiences of schooling in either Residential, day schools and post-secondary schools outside of the north.

<sup>301</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 26 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 2620. Testimony of Jim Antoine, Fort Simpson, 09 September 1975. This also shares articulations of unofficial and untold histories of Canada, as presented in the 1970 documentary, "The Other Side of the Ledger." For Jim Antoine, speech is integral to autonomy: "For a long time Indian people in Simpson haven't been speaking up, but since last year a few of us realized that we're going to have to start speaking up, otherwise I don't know what's going to happen to us here in Simpson... I think we could decide for ourselves how we want the future to be for ourselves, and for the young ones and the generations that are yet to come."

<sup>302</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 13 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1179. Testimony of Richard Nerysoo.

ment of jurisdiction - are further expressed through Dene articulations of nationhood, a key concept through which Dene articulate Indigenous relationships with the Canadian state and with Canadian society more generally.

T'Seleie's address to Berger also offers several insights into how Dene utilize the pipeline debate as a wider national conversation about Indigenous-settler relations. Particularly noteworthy here is T'Seleie's references to nationhood, and the manner in which it is entwined with Canadian nationhood. The nation of Canada, as T'Seleie refers to it, is also a reference point for Dene nationhood, and the alignment in opposition to the pipeline. T'Seleie acknowledges Berger as both a representative of the Government of Canada, and also as a representative of the nation of Canada, highlighting differences within that concept:

Whether or not your businessmen or your Government believes that a pipeline must go through our great valley, let me tell you, Mr. Berger, and let me tell your nation, that this is Dene land and we the Dene people intend to decide what happens on our land.<sup>303</sup>

There is a great force within your own nation to change the system under which you operate so that it becomes more human.<sup>304</sup>

T'Seleie's use of the future also establishes the relational nature of Dene jurisdiction and its relationship to Canada. In addition to highlighting the uses of the pipeline debate as a platform, the passage below underscores the essential uses of future tense as a means of expressing Dene society as distinct from that in south Canada:

Mr. Berger, there will be no pipeline.

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<sup>303</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry* Volume 18 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1769. Testimony of Frank T'Seleie, 05 August 1975, Fort Good Hope.

<sup>304</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry* Volume 18 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1775. Testimony of Frank T'Seleie, 05 August 1975, Fort Good Hope.

There will be no pipeline because we have plans for our land. There will be no pipeline because we no longer intend to allow our land and our future to be taken away from us so that we are destroyed to make someone else rich. [...]

There will be no pipeline, Mr. Berger, because we the Dene people will force your own nation to realize that you would lose too much if you ever allowed these plans to proceed.

It is your concern about your future, as well as our concern about ours, that will stop the pipeline.<sup>305</sup>

Here, T'Seleie's speech illustrates how the concept of Dene nationhood is entwined with that of Canadian nationhood and Canadian identity. Not unlike the use of maps and stories to counter official projections and representations of the state, the use of "nation" subverts and redefines its meaning. In the spirit of awakening that reverberates through T'Seleie's message, references to the Dene nation reflect the nature of the Dene struggle: to speak, to act, to communicate what has always been there.<sup>306</sup> At its core, however, nationhood is not a new concept.

For the Dene people, it was nothing very new or different to declare ourselves a nation. We have always seen ourselves in these terms. We have our own land, our own languages, our own political and economic system. We have our own culture and traditions and history, distinct from those of your nation.<sup>307</sup>

We saw ourselves then as we see ourselves now, as different from the white man. We do not say we are better or worse than the white man. We are proud of who we are, proud to

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<sup>305</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry* Volume 18 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 1770-71. Testimony of Frank T'Seleie, 05 August 1975, Fort Good Hope.

<sup>306</sup> See *Indian Brotherhood of the Northwest Territories: Information Package* (Yellowknife, NT: Indian Brotherhood of the Northwest Territories, 1973), 3. T'Seleie, *Community Hearings*, 2003: 1774: "You have forced us into communities and tried to make us forget how to live off the land, so you could go ahead and take the resources where we trap and hunt and fish. You encourage us to drink liquor until we are half crazy and fight among ourselves. What else is the Territorial Government willing to subsidize to make sure that prices are the same throughout the Northwest Territories? Does it subsidize fresh food or clothing, or even pop in the same way? No, only liquor. Try to buy anything else at Yellowknife prices throughout the north. The government knows very well that liquor helps keep my people asleep, helps keep them realizing what is really happening to them and why. I know very well, too, Mr. Berger, because I use to drink. I am not the only one of my people who is waking up."

<sup>307</sup> T'Seleie, *Community Hearings*, 2003: 1771.

be Dene, and loyal to our Nation, but we are not saying we do not respect you and your ways.<sup>308</sup>

Here T'Seleie's references are to the Dene Declaration, a six-hundred word statement asserting Dene rights to be regarded as a nation within Canada adopted at the second General Assembly in July 1975. The Declaration, which insists "on the right to be regarded by ourselves and the world as a nation," also addresses the multiple layers of Dene jurisdiction, at once aligned with global anti-colonial movements in Asia, Africa and South America, as well as those in Canada. "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." Moreover, the Declaration is rooted in land settlement. "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."

While the Dene Declaration receives much attention in historical accounts of the Dene movement, I highlight it here to show how Dene speech was met by government officials, who sought to undermine it. Although the Dene Declaration has no official attribution, it was thought to have been written by a more decidedly leftist faction of the Brotherhood.<sup>309</sup> It was soon followed by a shift in leadership throughout the fall and winter of 1975-'76, which forced James Wah-Shee out as president of the IB-NWT, who was eventually replaced by Georges Erasmus.<sup>310</sup> A significant point of departure concerned the political strategy of the IB-NWT, and whether or not Dene

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<sup>308</sup> T'Seleie, *Community Hearings*, 2003: 1773.

<sup>309</sup> Sabin, 2016: 188.

<sup>310</sup> Press Release of the IB-NWT, 04 November 1975, B2005-0001 Box 045-02, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.



should participate with the Territorial Government or continue to seek autonomous political institutions. Wah-Shee, who ran for and was elected to Council in 1975, maintained that Dene, Métis and Inuit could effectively secure control of the Council through their majority in the Northwest Territories.<sup>311</sup> Within the IB-NWT leadership, however, the decision to run for a territorial seat was viewed as a capitulation to the government, and a conflict of interest.

Government officials pounced on the dispute to justify more funding cuts and to alienate the “radical” elements of the Dene movement. Buchanan famously dismissed the Declaration as “gobbledegook,” and insisted that Dene assertions of nationhood was tantamount to rights based on ethnicity.<sup>312</sup> Hodgson lobbied to cease funding for the Dene, noting that it was “beyond the comprehension of the general population” that the Department would fund such an organization.<sup>313</sup> Buchanan, however, felt good progress was being made in the Joint NIB-Cabinet Committee that might be impaired if the Declaration was allowed to exacerbate relations between Government and the Dene.<sup>314</sup> Still needing a negotiating partner to finalize the land settlement, Buchanan hoped the conflict would alienate the younger leadership and bring a return of the Chiefs. The Department’s continued recognition of the IB-NWT as the negotiating body for

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<sup>311</sup> James Wah-Shee to Inuit Councillors, 13 August 1975, B2005-0001, Box 045-02, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada. Joining George Barnaby and Lena Pedersen as its only Indigenous representatives. “I feel that such a motion is essential if we native people are to protect ourselves against the continuing influx of white transients,” Wah-Shee wrote to Inuit councillors. Wah-Shee’s platform of bringing a 10-year residency eligibility requirement for voting in Territorial and municipal elections ultimately failed to pass through Council, and Wah-Shee resigned his seat shortly after.

<sup>312</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 59 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 6523-6526. Testimony of Gary Loeb, 26 May 1976.

<sup>313</sup> Stuart Hodgson to Judd Buchanan, 12 December 1975, N-2010-005 Box 41-7 Stuart Hodgson fonds, NWT Archives, Canada.

<sup>314</sup> Dene - Land Claims, 1976, MG 32, B 42, Box 3-19, Judd Buchanan fonds, LAC.

the Dene land settlement is based on hopes that tensions would subside and the Chiefs “may succeed in gaining the degree of influence over the Brotherhood’s policies which we would like to see.”<sup>315</sup> They suggested that the Declaration highlighted the influence of non-Dene leftists on staff, whose involvement with the Dene traced to the Company of Young Canadians.

According to Erasmus, then Director of Community Development with the IB-NWT, the Declaration was intended to embarrass the Canadian government into an alternative approach to land settlement. “Canada claims to support the rights of nations in Africa, for example, to self-determination,” Erasmus wrote to Dene fieldworkers in August, 1975. “What the Dene Declaration does is to challenge the government of Canada to practice what it preaches at home.”<sup>316</sup> Others, such as Peter Russell, later told Berger that the Dene position was rooted in the constitutional principles of Canadian confederation. The “radicalization” of the Dene movement, and efforts to undermine the Dene claim, highlight a fundamental dynamic of future tense and the federal land claims policy, one in which a Dene future - one not circumscribed by broader narratives and structures of Canada - is itself a radical proposition.

Towards the end of the community hearings, Erasmus reflected on the importance of the Inquiry.

Addressing Berger, he says:

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<sup>315</sup> Relations with Indian Brotherhood of the Northwest Territories, undated, MG 32, B 42, Box 5-20, Judd Buchanan fonds, LAC.

<sup>316</sup> “Letter from Georges Erasmus to Dene fieldworkers, Re: The Dene Declaration and the Land Settlement, 11 August 1975,” capekrusenstern.org, <http://capekrusenstern.org/docs/erasmusletter.pdf> (Accessed 03 November 2016). Erasmus makes reference to a longer version that had not yet been released, noting that “if enough community peoples read and discuss this paper by this October with community meetings etc, perhaps we may bring the long version of the Dene Declaration at the next Indian Brotherhood general assembly planned for this fall.”

It is true that the Inquiry has played an important role in the history of the Dene nation. But I think that really you are not our only hope... You have been with us for over two years now. I think you have come, you have entered the Dene nation at a crucial time, at a time when we have just been - we have experienced colonization for over fifty years and we have now begun to reassess the kind of future that we want for ourselves... Our struggle is for self-determination. We want to be in charge of our lives and our future... I think we agree that our struggle is in the interests of Canada as a whole.<sup>317</sup>

As throughout much of the community hearings, Erasmus's comments navigate the multiple contexts of Dene speech. As above, this reflects how Dene utilized the pipeline as a platform and for building support for a land settlement - one based upon jurisdiction and authority, but also on the distinctiveness of Dene from southern Canada. Ultimately, these play out in the register of jurisdiction and through its inherent future tense, oriented towards the awakening, restoration, and speech of Dene. Just as Dene do not seek to a return to the past, nor does the founding of Dene institutions segregate Dene from southern parts of Canada. As T'Seleie, Erasmus and others note, Dene jurisdiction is intimately bound with southern perceptions and political support. But it is, ultimately, an expression of Dene identity and an assertion of Dene authority on traditional lands. How these expressions and assertions were heard is examined in the next section.

*Hearing: Thomas Berger and the Temporality of the Frontier*

Covering the inquiry for *The Globe & Mail* in the summer of 1975, journalist Martin O'Malley, assessed the Mackenzie Valley pipeline debate this way:

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<sup>317</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 72 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 8062-8063. Testimony of Georges Erasmus.

The North is the battleground of just about every cause there is today: environment, development, pollution, nationalism, socialism, capitalism, energy. It's all there. As the Spadina Expressway focused attention on urban transportation in the 70's, so the North now focuses attention on where we're going as a country, on how we shall live in the next century.<sup>318</sup>

Although the subject of Indigenous rights is notably missing from O'Malley's list, others have reflected on its importance to the popular appeal of the Inquiry among southern Canadians. Historian Robert Page, in *Northern Development: A Canadian Dilemma*, centres the appeal of environmental and Indigenous issues amidst the "curiously disparate" list of causes that the Inquiry gave voice to.<sup>319</sup> Political scientist Frances Abele also writes of the "unusual constellation" of social movements drawn into the pipeline debate.<sup>320</sup> The Inquiry, she has recently written, reflects the "historical moment in which it appeared - a period of less than a decade in which both Canadian and global energy relations were turned upside down, and the fundamentals of natural resource-based economic development of the North were changed forever."<sup>321</sup> The Inquiry as historical moment also highlights differences in how the pipeline debate was engaged in northern and southern parts of Canada. O'Malley later wrote: "If it became evident throughout the north that the inquiry, to the natives, was more about a land

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<sup>318</sup> Martin O'Malley in *The Globe & Mail*, 26 July 1975. Quoted in the Southern Support Group Newsletter #2, December 1975. B2005-0001 Box 045-03, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.

<sup>319</sup> Robert Page, *Northern Development: The Canadian Dilemma* (Toronto: McClelland and Stewart, 1986), x. "In spite of the massive public relations campaign by the applicants, the liberal conscience of middle-class Canada became disturbed by the environmental and native issue."

<sup>320</sup> Frances Abele, "The Berger Inquiry and the Politics of Transformation in the Mackenzie Valley," (Unpublished PhD dissertation, York University 1983), 124. "The youth revolt of the 1960s, the national native movement, the emergence of environmentalism as an organized political interest, and a resurgence of Canadian nationalism all tended in different ways to challenge the postwar settlement in Canadian social relations."

<sup>321</sup> For scholarly literature on the Mackenzie Valley Pipeline Inquiry, see: Sheena Kennedy Dalseg and Frances Abele, "Language, Distance, Democracy: Development Decision Making and Northern Communications," *Northern Review* 41 (2015), 207-240.

settlement than a pipeline, it also became evident across southern Canada that the inquiry was more about the fear and loathing of modern living than a pipeline.”<sup>322</sup>

Central here is the framing of Indigenous rights in relation to northern development and the pipeline debate. As O’Malley, Page and Abele note, the Mackenzie Valley Pipeline Inquiry served as flashpoint and conduit for an array of causes and organized movements aimed at conscious articulations of the state of modern society. This raises the question of where Indigenous rights fit among these causes - and modern society - and what this indicates about the manner in which southern Canadians engage with these. I suggest that this question is closely bound with the legacy of the Berger Inquiry as it is perpetuated in southern Canada. For many in attendance at the southern hearings, the Inquiry broadened into wider meditations of what O’Malley refers to as “modern living”; northern development fostered debates on environmental preservation, public engagement in government, and global energy consumption and resource use, all of which reflected broader questions of national identity and the ethical profile of Canadian society.

Discourse of Indigenous rights must also be situated in the context of widespread ignorance of the nature of Indigenous rights.<sup>323</sup> As exemplified by Pierre Trudeau’s comment following the *Calder* decision in 1973, concepts of Aboriginal rights, treaty, and what it means to be Native were misunderstood or unknown throughout Canadian society. “Perhaps you have more

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<sup>322</sup> Martin O’Malley, *The Past and Future Land* (Toronto: Peter Martin Associates Limited, 1976), 231.

<sup>323</sup> For a particularly good example, see Dick Turner, *Sunrise on Mackenzie: A Northerner Speaks Out* (Saanichton BC: Hancock House, 1977).

legal rights than we thought you had when we did the White Paper,” Trudeau said.<sup>324</sup> Cree scholar and activist Leroy Little Bear, speaking in Toronto in May, 1976, put it this way: “So far, [neither] the Canadian Government, nor the people at large, have come to grips with [Indigenous rights]. It is probably more correct to say that they do not want to come to grips with these issues.”<sup>325</sup> Though often sympathetic to Dene and Inuit, southern Canadians often engage subjects of northern rights *through* associations with other issues; this reflects how southern Canadians *hear* discourses of Indigenous rights. References to the northern future highlight how the Inquiry sought to harmonize southern interest and support with Indigenous rights, but it also indicates how southern Canadians imagined and engaged with indigeneity in the context of Canadian identity. For Berger himself, the Inquiry represented nothing less than a national debate on the future of Canada. “What happens in the north will be of great importance to the future of our country,” he was fond of saying. “It will tell us what kind of people we are.”<sup>326</sup>

Such framings highlight what I refer to as the temporality of the frontier; the use of the pipeline debate as a national debate, and the use of the frontier as a forum on the future of Canada. Here, I point to Berger’s use of the appeal of the frontier-homeland dualism. In addition to being the title of the final report, *Northern Frontier, Northern Homeland*, the frontier-homeland dualism juxtaposes popular notions of “the North” with the experiences of Dene, Inuit and Métis. Berger leans

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<sup>324</sup> Quoted from W. Lackenbauer, *Battle Grounds: The Canadian Military and Aboriginal Lands* (Vancouver: UBC Press, 2011), 204.

<sup>325</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 59 [Burnaby, BC]: Allwest Reporting, Ltd., (2003), 6571. Testimony of LeRoy Little Bear, Toronto, 26 May 1976.

<sup>326</sup> Transcript from Corry Lecture delivered by Thomas Berger, Queen’s University, 25 November 1975, RBSC-ARC-1031-18, Box 19-5, Thomas Berger fonds, University of British Columbia, Vancouver, BC, Canada.

heavily on frontier-homeland themes as a unifying framework and to express the magnitude and scale of the pipeline debate. In his prefatory letter to Warren Allmand, (who had replaced Judd Buchanan by the time of the report's submission) Berger writes:

I discovered that people in the North have strong feelings about the pipeline and large scale frontier development. I listened to a brief by northern businessmen in Yellowknife who favour a pipeline through the North. Later, in a native village far away, I heard virtually the whole community express vehement opposition to such a pipeline. Both were talking about the same pipeline; both were talking about the same region – but for one group it is a frontier, for the other a homeland.<sup>327</sup>

This conception of the frontier helps to contextualize Berger's use of future tense and his own manner of speaking *around* the pipeline. In *Northern Frontier, Northern Homeland*, he guides readers through distinctions between traditional and industrial societies, between Western and Indigenous knowledge systems, and between subsistence economies of hunting, trapping and fishing with those of non-renewable resource extraction and wage labour. Yet the frontier-homeland binary remains oriented to the frontier, and its use by Berger reflects less an effort to replace the frontier than a reorientation of its meaning within Canadian popular imagination. Berger later reflected that his efforts at the time of writing the report were to “help Canadians discover the true North,” dissuading people of “popular tales that have perpetuated misconception down through the ages” while centring the human element; those who live there.<sup>328</sup> Here, the frontier is reimagined from a regional or spatial entity to a temporal one representing a historical crossroads or a decisive moment in the national trajectory. As he tells an audience at the opening of the southern hearing in Vancouver:

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<sup>327</sup> Canada. Mackenzie Valley Pipeline Inquiry. *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry*, [Ottawa, ON]: Mackenzie Valley Pipeline Inquiry (1977), vii.

<sup>328</sup> Thomas Berger, *Northern Frontier, Northern Homeland* (Vancouver: Douglas & McIntyre, 1987), 2. “To be sure, there is another North, a land that never was, except in popular tales that have perpetuated misconceptions down through the ages.”

We Canadians think of ourselves as a northern people, so the future of the north is a matter of concern to all of us. In fact, it is our own appetite for oil and gas and our own patterns of energy consumption that have given rise to proposals to bring oil and gas from the Arctic. It may well be that what happens in the north and to northern peoples will tell us what kind of a people we are. That is why we are here to listen to you tonight.<sup>329</sup>

Yet this future discourse, like the frontier, targets southern audiences specifically. In contrast with the above, Berger's opening remarks to northern audiences instead encourage local participation and buy-in to the Inquiry, and do not make the same allusions to the future or frontier:

I am here so that you can tell me what you think, and so that you can say what you want. I want you, the people [who] live here, who make the north your home, I want you to tell me what you would say to the Government of Canada if you could tell what was in your minds. I want to hear from anyone who wishes to speak. You have the right to speak, to tell me what the pipeline will mean to you, to your family, and to your life.<sup>330</sup>

Differential framings of southern and northern hearings also indicates differences in Berger's approach to northerners and southerners. This difference - and the apparent need for it - frames the question of how southern Canadians engaged with Indigenous issues. While Page, Abele and others have reflected a wide array of subjects channeled through the pipeline debate, the focus here is on southern engagement with Indigenous issues and Indigeneity more generally. As Page writes: "In spite of the massive public relations campaign by the applicants, the liberal conscience of middle-class Canada became disturbed by the environmental and native issue."<sup>331</sup> The subsections below illustrate overlap between Indigenous rights and popular appeal.

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<sup>329</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 49 [Burnaby, BC]: Allwest Reporting, Ltd., (2003), 4767.

<sup>330</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 1 [Burnaby, BC]: Allwest Reporting, Ltd., (2003), 2.

<sup>331</sup> Robert Page, 1986: *x*. (From preface) "In spite of the massive public relations campaign by the applicants, the liberal conscience of middle-class Canada became disturbed by the environmental and native issue."



*i. The Northern Heritage: Wilderness and the Likeness of Experience*

[The North] is a heritage, a unique environment that we are called upon to preserve for all Canadians. The decisions we have to make are not, therefore, simply about northern pipelines. They are decisions about the protection of the northern environment and the future of northern peoples.<sup>332</sup>

One way that Indigenous rights and popular interest in the pipeline debate overlap can be illustrated through widespread embrace of wilderness motifs at the southern hearings. Amidst this is an undercurrent of change and transition apparent in shifting attitudes towards frontier exploitation.<sup>333</sup> Not unlike American environmentalism in the late 1960s and early 1970s, Canadian environmentalism provided a link between social causes and political activism.<sup>334</sup> In Canada, environmental protection encompassed a similar breadth of subjects, among them a devotion to

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<sup>332</sup> *Northern Frontier, Northern Homeland*, 1977: vii.

<sup>333</sup> David Williams has written of the about-face in attitudes towards northern development in the years between 1958 and 1974. See David I. Williams, "Environmentalism, Development, and the Last Frontier: The rise of Environmental Thought and the Canadian North, 1958-1974," (Unpublished Masters Thesis, University of Alberta, 1995).

<sup>334</sup> Historian Adam Rome has argued that the American environmental movement served as a "big-tent" for left-leaning organizations, anti-Vietnam War protesters and women's groups among them. Rome shows that environmentalists appropriated aspects of the peace movement, etc., in Adam Rome, "Give Earth A Chance" *The Journal of American History* 90 no. 2 (2003): 525-554. see Rome, fn. 3 for extensive lit review of American environmental movement history; See also Michael Egan, *Barry Commoner and the Science of Survival: The Remaking of American Environmentalism* (Cambridge, MA: MIT Press, 2007); Paul Ehrlich, *Population Bomb* (New York: Ballantine Books, 1968); J. Brooks Flippen, *Nixon and the Environment* (Albuquerque: University of New Mexico Press, 2000); J. Brooks Flippen, *Conservative Conservationist: Russell E. Train and the Emergence of American Environmentalism* (Baton Rouge: Louisiana State University Press, 2006); Terrence Kehoe, *Cleaning Up the Great Lakes* (DeKalb: Northern Illinois University Press, 1997). For discussion of Nixon's use of environmental initiatives in the context of Cold War diplomacy, see, Jacob Darwin Hamblin, "Environmentalism for the Atlantic Alliance: NATO's experiment with the 'Challenges of Modern Society,'" *Environmental History* 15 no. 1 (2010), 54-75.

wilderness protection and the rise of political organizations in its name.<sup>335</sup> Highlighting the attraction of southern imaginations to northern Canada, Page writes: “In the highly politicized atmosphere of the late sixties and early seventies, wilderness became one of the political catch phrases for the rhetoric of dissent... For many who had no immediate intention of experiencing it, wilderness was the symbolic escape from their feeling of entrapment.”<sup>336</sup> Such concerns aligned with a creeping protectionist sentiment, making the north a place to be defended. The so-called “Manhattan Affair” of 1969-1970, a diplomatic skirmish between Canada and the United States over the legal status of the Northwest Passage, arising from the sailing of an American oil tanker - *S.S. Manhattan* - through the Arctic Archipelago, helped cultivate a “crisis” atmosphere over the security of Canada’s Arctic sovereignty that extended to American economic and industrial dominance across the north.<sup>337</sup> Trudeau later wrote of the Manhattan sailing that no incident in Canada’s history “had so aroused the chauvinism of the Canadian public.”<sup>338</sup>

Wilderness also establishes a sense of fleeting national identity that is also linked with a presumed erosion or decline of Indigenous peoples. The last line of the quote at the top of this sec-

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<sup>335</sup> Frank Zelko, “Making Greenpeace: The Development of Direct Action Environmentalism in British Columbia” *BC Studies* No. 142/143 (2004), 197-239. According to Zelko, the embrace of wilderness both aligned with American initiatives (particularly the Sierra Club), but also reflected the growth of environmental activism, and the transition of wilderness preservation into a political cause.

<sup>336</sup> Page, 1986: 33.

<sup>337</sup> See Edgar Dosman, *The National Interest: The Politics of Northern Development 1968-75* (Toronto: McClelland and Stewart, 1975); Ross Coen, *Breaking Ice for Arctic Oil: The Epic Voyage of the SS Manhattan Through the Northwest Passage* (Fairbanks: University of Alaska Press, 2012); Michael Byers, *Who Owns the Arctic?: Understanding Sovereignty Disputes in the North* (Vancouver: Douglas & McIntyre, 2009).

<sup>338</sup> Ivan Head and Pierre Trudeau, *The Canadian Way: Shaping Canada’s Foreign Policy, 1968-1984* (Toronto: McClelland & Stewart Inc., 1995), 32. “These emotional outpourings were healthy, insofar as they aroused awareness of the geography and ecology of the high Arctic, but were distressing to the extent there was a distinct anti-American bias to them.”

tion offers insights into the enrolment of Dene and Inuit into the wider national conversation around the pipeline. Namely, it equates the protection of the northern environment with the preservation of northern peoples and the safeguarding of Indigenous welfare from material changes in the landscape. Moreover, it enjoins Indigenous welfare to conservationist ethics and activism, placing the homeland - Indigenous lands - within the collective need to reimagine its meaning. This form of inclusion of Indigenous peoples underscores what Shepard Krech III refers to as the “ecological Indian.” Krech references the figure of Iron Eyes Cody, the iconic American Indian featured in the anti-pollution “Keep America Beautiful” campaign of 1971, to highlight popular associations between environmentalism and social constructions of “the Indian” in mainstream society. Cody, portrayed by Italian-American actor Espera Oscar de Conti, exemplifies how popular notions of Indigeneity remain and are reified through associations with natural themes of ecological preservation and environmental protection.<sup>339</sup>

Environmental appeal also guided public engagement with the pipeline debate. Public opinion, according to a University of Calgary study, ranked “protection of the natural environment” as the highest priority for Canadians on the pipeline issue.<sup>340</sup> Symbolic and emotive reactions to wilderness underscored perceptions of likeness between Native northerners and southerners with

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<sup>339</sup> Shepard Krech III, *Ecological Indian: Myth and History* (New York: W. W. Norton & Company, 1999). In *The Imaginary Indian*, Daniel Francis argues that the recurring figure of “the Indian” is a marker of changing perceptions towards Indigenous peoples among the non-Indigenous segments of Canadian society. See also Kent Redford “The Ecologically Noble Savage,” *Cultural Survival Quarterly* 15 no. 1 (1991), 46-48. He says that “The idealized figure of centuries past had been reborn, as the ecologically noble savage.”

<sup>340</sup> O'Malley, 1975: 233. “The environmental concern of the late ‘60s and early ‘70s Canada is not a fad or a passing whim. Canadians today do have a deep concern for the natural environment. They consistently rank it as being important, indeed usually the most important of several momentous problems involved in the construction of the pipeline, and they appear by their answers to be willing to make sacrifices on behalf of the environment.”

a predilection for northern wild places. Pierre Trudeau, who spoke loftily of northern regions “as yet undespoiled and essentially in a state of nature,”<sup>341</sup> connected these through discourses of land: “What held such people together was not love for each other, it was love for the land itself, the vast empty land in which for more than three centuries a certain type of man has found himself uniquely at home.”<sup>342</sup> Similar sentiment is expressed in submissions by naturalists and citizens ecology groups, who lament (and equate) the loss of wilderness and the historical import of the pipeline debate. This also reflects an association of Indigenous peoples with the natural environment. The Halifax Field Naturalists told the Inquiry:

... we can feel a great sympathy for the people of the Canadian north. As a naturalist organization, there is a growing awareness over much of the industrialized world that we must now renew our intimacy with the land... [W]hile many Southern Canadians are attempting to rekindle their feelings for the land, there already exists a society where such values are an integral part of the culture. This society can be found among Canada’s northern peoples.<sup>343</sup>

Frequent parallels are drawn between the north and the conquest of the plains of central and western Canada: “As it was with the west, the north now too is seen as a vast, unending and inexhaustible area,” a member of the Manitoba Naturalists told Berger. “Our society hopes that we as a people have finally learned from the past.”<sup>344</sup>

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<sup>341</sup> Canada. 1969. Speech from the throne to open the 2nd session of the 28th Parliament of Canada. [Ottawa]: [Govt. of Canada].

<sup>342</sup> Quoted from Blair Fraser in Page, 1986: 34.

<sup>343</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 67 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 7726. Submission of Halifax Field Naturalists by Paul Keddy, Halifax, Nova Scotia.

<sup>344</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 57 [Burnaby, BC]: Allwest Reporting, Ltd. (2003), 6158.

Berger, too, draws heavily from wilderness motifs, later writing that it was his admiration of the Porcupine caribou herd that migrate annually between northern Alaska and the Yukon flats, in motivating his decision to recommend against a pipeline across the Yukon: “I confess the sight of this magnificent aggregation of animals... had helped me make up my mind to recommend that no pipeline be built along the coastal plain.”<sup>345</sup> Berger also uses environmental and wilderness tropes to frame Dene, Inuit and Métis:

We should recognize the links between attitudes to environment and attitudes to native peoples. The assault upon the environment was also an assault on their way of life. To be sure, it was often an assault carried out under the banners of benevolence and enlightened progress, but it was nonetheless an assault. The native peoples and their land were, and to some extent continue to be, under siege.<sup>346</sup>

Similar to Krech’s argument, broader associations of Indigeneity with environmentalism of the time cast Dene, Inuit and Métis in the role of the human face of environmental degradation. As from testimony of wilderness, there is an undercurrent of focusing on the pastness of Indigeneity. By recasting not only native northerners but Native lands as in need of protection and defence, wilderness discourses bridge those of national identity and indigeneity. Rather than emphasize distinctions between Indigenous and non-Indigenous (modern, southern) ways, it is also a distinction that collapses categories between them.

### *ii. Participatory Democracy and Choice*

It would appear that the people who are enthusiastic about full scale development of the North are a powerful force in most departments. In opposition there is a fairly large group concerned about ecological damage in the North and a small group genuinely concerned

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<sup>345</sup> Berger, 1987: 3. See also Martin O’Malley, “Birds, whales could tip scales in Berger report,” *The Globe & Mail*, 18 November 1976, 7: “It is obvious, too, that Judge Berger personally is fascinated by testimony at the inquiry about the whales, and about caribou, moose, polar bears, grizzlies, foxes, and about the myriad birds that use the Mackenzie Valley.”

<sup>346</sup> *Northern Frontier, Northern Homeland*, 1977: 29.

with the impact of development on people. There is an imbalance in government research on the North in favour of environmental concerns as opposed to social concerns. There is a \$13 million project to generate questions that the government should be asking the companies when they seek the right of way... The issues within this research are almost exclusively environmental ones.<sup>347</sup>

- Don Simpson to Georges Erasmus

While wilderness and environmental motifs help establish a profile of public sentiment towards northern development, these concerns were articulated by a groundswell of participatory politics in Canada. This is apparent in the range of interest and citizens groups present at the southern hearings, which included environmental organizations, industry representatives, civil rights groups, labour unions, chambers of commerce and development boards, energy and science researchers, educators and student groups, women's groups, and an array of left-leaning political organizations.<sup>348</sup> Their involvement and advocacy on a similarly wide array of causes further underscores the Inquiry's appeal as a public forum for national debate. This involvement can also be seen to centre around the theme of choice. Choice is multiply used to frame the decision over pipeline routing - and whether to pursue a northern Yukon route versus the Alaska Highway route, to alternatives to contemporary industrial economics, and ultimately to the choice faced by Allmand and the federal government over whether or not to approve the pipe-

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<sup>347</sup> Don Simpson to Georges Erasmus, 03 May 1974, B2005-0001 Box 45-01, Peter H. Russell fonds, University of Toronto, Toronto, Ontario, Canada.

<sup>348</sup> Paul Litt, "Trudeaumania: Participatory Democracy in the Mass-Mediated Nation," *The Canadian Historical Review* 89 no. 1 (2008), 27-53. For historian Paul Litt, Pierre Trudeau's election in 1968 marked the onset of a period of optimism and renewal of public faith in public institutions and elected officials. Bruce G. Doern and Thomas Conway, *The Greening of Canada: Federal Institutions and Decisions* (Toronto: University of Toronto Press, 1994), 62. "But at the same time, he was thought not to be a risky appointment because he was known to be ambitious for a future Supreme Court position."

line.<sup>349</sup> Berger also references choice in granting political power to Indigenous groups, as their having decisive power or choice in their future.

If the native people are given the right to make their own choices, the future will be hard and difficult - both for them and for us... Here the moral, political and economic questions intersect. Here we are faced with the fundamental problem of the future of the North: whose preferences should determine the future of the North?<sup>350</sup>

Participatory politics further highlights the relationship of environmental discourse and Indigenous rights. Specifically the Inquiry's design as a form of impact assessment reflects Berger's own desire to enhance public participation.<sup>351</sup> He wrote to Inquiry Staff: "I have been guided by the conviction that this Inquiry must be fair and it must be complete. We have got to do it right."<sup>352</sup> For Berger, doing it right meant conducting "an Inquiry without walls," a reference to the high technical and expert-driven methods of conventional impact assessment. A paper by Ian Waddell, Associate Counsel for the Commission, asked: "Can public inquiries become an instrument of participatory democracy, wherein the decision-making process is opened up and taken out of the ex-

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<sup>349</sup> *Northern Frontier, Northern Homeland*, 1977: 34.

<sup>350</sup> *Northern Frontier, Northern Homeland*, 1977: 112.

<sup>351</sup> The use of environmental impact assessments in the early 1970s, with its quasi-judicial approach to scientific inquiry, has also been cast as a means restore popular faith in public institutions, by bringing public input and human judgment to bear on issues that had become dominated by technical expertise. Terrance Kehoe writes: "By the late 1960s, however, many government officials also embraced the concept of increasing citizen participation in the regulatory process." Kehoe, 1997: 112.

<sup>352</sup> Structure and Activities of the Mackenzie Valley Pipeline Inquiry, 04 November 1975, RBSC-ARC-1031-18 Box 19-5, Thomas Berger fonds, University of British Columbia.

clusive control of experts and civil servants?"<sup>353</sup> Ed Weick, socio-economic advisor to the Inquiry, noted the tendency of impact assessment to "leave choices to the Government," and called instead for the "freeing-up" of impact assessment by "bringing together politicians, analysts and the public so that all may share a common pool of information."<sup>354</sup> The novelty of Berger's inquiry, he wrote, was that it "was not merely an extension of conventional methodology, [but...] a fundamentally different approach, based on a more realistic concept of how society is composed and how it works."<sup>355</sup> Berger later elaborated his own belief that public policy debates ought to go beyond the production of expert research that "just sit on the shelves" and do more to engage the public.<sup>356</sup> "I think that a public inquiry can respond to the need for some extension of the regular electoral process on the social level, a process in which the public can contribute to the identification and discussion of the issues," he told an audience at Carleton University.<sup>357</sup>

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<sup>353</sup> Public participation in decision-making - Commission of Inquiry, the Berger Commission, by Ian Waddell, RBSC-ARC-1031-18, Box 18-8, Thomas Berger fonds, University of British Columbia. "One of the problems about inquiries, indeed also about permanent commissions, most notably the National Energy Board, and the Canadian Transport Commission is that they become an exclusive forum for lawyers and experts to do their thing." (7)

<sup>354</sup> The Mackenzie Valley Pipeline Inquiry and the Methodology of Impact Assessment, by Ed Weick, 09 September 1977, RSBC-ARC-1031, Box 18-8, Thomas Berger fonds, University of British Columbia.

<sup>355</sup> "The Mackenzie Valley Pipeline Inquiry and the Methodology of Impact Assessment," Weick, 1977: 4.

<sup>356</sup> "Commissions of Inquiry and Public Policy" (Speech by Thomas Berger at Carleton University in Ottawa, 01 March 1978), RBSC-ARC-1031-18 Box 19-2, Thomas Berger fonds, University of British Columbia. The first part of the quote is from p. 4, the second part from p. 9.

<sup>357</sup> "Commissions of Inquiry and Public Policy" (Speech by Thomas Berger at Carleton University in Ottawa, 01 March 1978), RBSC-ARC-1031-18 Box 19-2, Thomas Berger fonds, University of British Columbia.



Yet here, too, presumptions of progress in the rise of popular environmental concerns should be viewed critically. An interesting interpretation of the emergence of impact assessment and participatory politics is offered by Douglas Torgerson, who argues that the adoption of the participatory model by Berger - as opposed to a technocratic or expert-driven model - reflects wider trends in the policy sciences and social phenomena of public engagement. Both of these centre the human dimensions of public policy. He cites the replacement of economics with social sciences - sociology specifically - as placing a greater emphasis on the human dimensions of the inquiry process. In part, he argues, this accounts for the popular appeal of Berger presiding over the Inquiry. Yet for Torgerson, this reorientation does not constitute a fundamental reversion from positivist approaches to profiling, projecting, assessing, and evaluating the effects of development. Rather the emergence of environmental paradigms - which retain a quantitative focus - gradually replaces the value of social assessment. "In theory, practice, and legislation," he writes, "at times, the study of social impacts is seen as a phase or an integral part of a broader environmental impact assessment."<sup>358</sup>

This underscores the dominance and popularity of environmental frameworks in the context of policy debates and how social impacts appear as marginal to those of environmental research. In the conduct of the Inquiry, similar emphases on environmental over social assessments are also highlighted by Inquiry staff. Moreover, these also point to the political utility of environmental politics at the time. Cabinet memos pertaining to

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<sup>358</sup> Douglas Torgerson, *Industrialization and Assessment: Social Impact Assessment as a Social Phenomenon* (Downsview, ON: President's Advisory Committee on Northern Studies, York University, 1980), 136.

the newly created Environmental-Social Committee (or Environmental-Social Advisory Group), located within the Task Force on Northern Oil Development (the government's primary agency for evaluating the benefits of a Mackenzie Valley pipeline), highlight the political dimensions of environmental research.<sup>359</sup> An early cabinet memo on the formation of the E-SC from March of 1971 reads:

Public sentiments with respect to environmental protection are very sensitive at this time and it is felt that government could gain a good deal of favourable publicity with an announcement of this program.<sup>360</sup>

[An advisory group] would not only bring a good deal of expertise to bear on the environmental and social problems of northern pipelines but it would also serve as a public sounding board.<sup>361</sup>

Both Waddell and Weick draw similar conclusions in their concerns over environmental and social assessments. Weick writes:

It is unfortunate that legislators have made distinctions between social and environmental assessments and have often introduced elements of unnecessary rigidity into the whole assessment question... Often, they represent divisions and fragmentations that exist in the bureaucratic and political worlds, and not in the broader society.<sup>362</sup>

### *iii. Energy Politics and Wise-Use of Resources*

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<sup>359</sup> Memorandum to Cabinet, 31 March 1971, RG85 1994-95/764 Box 2, Library and Archives Canada.- Dosman, 1975: 166. While the Liberals endowed the E-SC with a generous \$15 million budget, the Committee had no clear mandate or research profile and, according to Edgar Dosman, "was a direct product of public pressure and was reluctantly put forward in an atmosphere of crisis."

<sup>360</sup> Memorandum to Cabinet, 31 March 1971, RG85 1994-95/764 Box 2, Library and Archives Canada.

<sup>361</sup> Draft Memorandum to Cabinet: Re: Proposed Environmental-Social Advisory Group on Northern Pipelines, Undated, RG85 1994-95/764 Box 13, Library and Archives Canada.

<sup>362</sup> Weick, 1978: 8. See also Waddell, "The details about the effect of the pipeline on the animals and to some extent on the environment are unimportant compared to the social impact of the construction of the pipeline on the native people. Simply put according to Morrow: it will destroy the people."

A final pillar can be seen in the popular appeal of energy and conservationism in Canada. Energy is a medium through which southern Canadians expressed an emerging consciousness of the global dynamics of consumption, wealth accumulation and the depletion of the world's resources. It was also closely linked with demands for greater transparency in government policy, with issues of environmental degradation, and with national politics. As Caroline Desbiens has written, debates over hydroelectric power and national unity are linked through Québécois identity with energy production in the early 1970s.<sup>363</sup> That project was the context for the eventual negotiation of the James Bay Northern Québec Agreement. Historian Henry Trim also places energy debates closely amidst questions about the future.<sup>364</sup> Facilitated by government agencies such as the Science Council of Canada, Trim argues that the rise of a conserver mentality within the government bureaucracy "introduced Canadians to the question of long-term sustainability and generated discussion of the country's economic, social, and environmental future."<sup>365</sup> Energy also frames the pipeline issue, turning attention to matters of wise-use and the utility of conventional resources. Berger writes:

We have never had to determine what is the most intelligent use to make of our resources. We have never had to consider restraint. Will we continue, driven by technology and egregious patterns of consumption, to deplete our energy resources wherever and whenever we find them? Upon this question depends the future of northern native people and their environment.<sup>366</sup>

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<sup>363</sup> Caroline Desbiens *Power From the North* (Vancouver: UBC Press, 2013). That project, which was instrumental in pressuring the signing of the Northern Québec and James Bay Agreement in 1975, was wielded by provincial leaders (notably Robert Bourassa and René Levesque) as integral to Québec's political autonomy within Canada and a marker of Québécois identity.

<sup>364</sup> Henry Trim, "Planning the Future: The Conserver Society and Canadian Sustainability. *The Canadian Historical Review*, 96 no. 3 (2015), 375-404.

<sup>365</sup> Trim, 2015: 403.

<sup>366</sup> *Northern Frontier, Northern Homeland*, 1977: 200.

Among the supporters of Dene in the pipeline debate, arguably none is greater than that of church groups. Submissions from church groups to the Inquiry - denominations of the Anglican and Roman Catholic churches, in particular - outnumber those of all other interests groups. In light of the history of missionary activity in northern Canada, the role of the churches in the pipeline debate reflects a longer relationship with Dene.<sup>367</sup> The embrace of the Dene cause - particularly by the Catholic Church - can also be interpreted as a form of contrition, specifically over the role of the Catholic bishop Gabriel Breynat in the signing of Treaty 11, and the widespread confusion and anger later engendered by it. In the summer of 1921, Breynat, who by that point was well known to Dene, traveled with the Treaty Commission and was instrumental in convincing Dene to accept Treaty. Even at the time, many were skeptical of the benefits of Treaty, and some later cited the presence of the bishop as the reason for signing.<sup>368</sup> Church influence was also felt through the operation of Residential and Day schools in the Northwest Territories. Moreover, church involvement can also be attributed to the high number of Dene affiliated with Catholic and Anglican churches, and the continuing strength of these throughout the postwar period.<sup>369</sup>

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<sup>367</sup> For an early history of religion in the Northwest Territories, see Kerry Abel, "Prophets, Priests and Preachers: Dene Shamans and Christian Missions in the Nineteenth Century," *Historical Papers* 21 no. 1 (1986), 211-224; June Helm, *Power and Prophecy Among the Dogrib Indians* (Lincoln: University of Nebraska Press, 1994); Antonio Gaultieri, *Christianity and Native Traditions: Indigenization and Syncretism Among the Inuit and Dene of the Western Arctic* (Notre Dame, IN: Cross Roads Books, 1984). More recently, see David S. Walsh, "Spiritual, Not Religious: Dene, Not Indigenous: Tł̨ch̨ Dene Discourses of Religion and Indigeneity" in Greg Johnson and Siv-Ellen Kraft, eds. *Handbook of Indigenous Religion(s)*, (Boston: Brill, 2017), 204-220.

<sup>368</sup> Alex Tesar, "Treaty 11," *The Canadian Encyclopedia, Historical Canada*. <https://www.thecanadianencyclopedia.ca/en/article/treaty-11> (Accessed 08 April 2019).

<sup>369</sup> The influence of Catholicism was particularly pronounced in the Mackenzie Valley region, so much so that in the 1980s Dene Nation president Stephen Kakfwi tried on multiple occasions to arrange for a visit by Pope John Paul II. The Pope eventually did visit Fort Simpson in 1987.

But the role of church groups extends beyond issues of the north, and reflected more what the north symbolized to southerners. Church groups raised questions of social values and morals in Canadian society. The Roman Catholic Church also used the annual Labour Day message of 1975 to express the church's support for Dene and Inuit land claims, "Northern Development At What Cost?"<sup>370</sup> "It is important to remember that native people are on the cutting edge of turning the direction of our society's growth from materialism and consumerism to a fundamentally human concept."<sup>371</sup> Pipeline opposition was particularly pronounced from the Anglican Church. Archbishop Ted Scott said: "I believe that this issue of aboriginal rights is so crucial an issue that our response to it will be central in determining the inner meaning of Canada as a nation."<sup>372</sup> Others used the pipeline debate to advocate for the "the physical as well as the spiritual well-being of man," further reflecting the church's focus on resource management and energy politics.<sup>373</sup> The Presbyterian, Lutheran, United, Roman Catholic and Anglican Churches jointly established Project North.<sup>374</sup>

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<sup>370</sup>"Bishops demand Ottawa settle Indian claims" *Toronto Star*, 27 August 1975. Found in B2005/0001 Box 045-02, Peter H. Russell fonds, University of Toronto.

<sup>371</sup> Russell Hatton, Anglican Church, Ottawa. Quoted in O'Malley, 1976: 231.

<sup>372</sup> Page, 1985: 229.

<sup>373</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 52 [Burnaby, BC]: Allwest Reporting, Ltd., (2003), 5246. Testimony of Father Gauthier of the Energy Committee, Council of Social Affairs for the Roman Catholic Diocese of Calgary, May 1976.

<sup>374</sup> René Fumoleau, "Stories from the North; Lessons for the South," (A speech on the 40th Anniversary of Citizens for Public Justice and the Public Justice Resource Centre, Vancouver, Wednesday, May 19, 2004). Available online at: <https://www.cpj.ca/sites/default/files/docs/fumoleau.pdf> in which the Quakers and the Mennonite Central Committee were also partners. Robert Page writes that: "many people in Project North were upset with the materialism and possessive individualism that industrial capitalism had injected into Western values and were attracted by the non-materialist and communal sharing implicit in the Dene and the Inuit way of life." Page, 1985: 229.

Church involvement also offers insights into how indigeneity is framed for popular consumption. Of particular note among Church groups were instrumental in linking the pipeline debate to broader themes of wise-use of resources. A letter from Sister Mary Michael to her MP reads: "... why risk the destruction of a people by building a pipeline that will ultimately do us very little good? Let us put our money into more reliable forms of power, and in the meantime, try to emphasize the conservation of existing supplies of fossil fuel."<sup>375</sup> Similar comments are common at the hearings, particularly from church groups. Sister Frances Bonokoski from Winnipeg told the Inquiry:

The native peoples of the north have always had a deep respect for Mother Earth and perhaps we have much to learn from them about stewardship of resources... We, as the body of sisters, are committed to re-examining our value system and lifestyles and support a change of social priorities among all Canadians according to gospel values.<sup>376</sup>

Themes of wilderness, environmental protection, and energy consumption variously cast Dene, Inuit and Métis as both the human face of the exigencies of "modern society" while also holding up Indigeneity as a resource or example to be drawn from. In addition to placing Indigenous peoples outside of the "modern," Indigeneity itself represents an inherent challenge to mainstream society and values. This must also be seen in the appropriate historical context. Amidst a period of questioning the direction and nature of Canadian society, the notion of Indigenous peoples challenging environmentally destructive development is likely intended to be inclusive of Indigeneity. Berger writes in the concluding chapter:

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<sup>375</sup> Letter from Sister Mary Michael to MP Anthony Abbott, 15 March 1976, B2005-0001 Box 045-03, Peter H. Russell fonds, University of Toronto.

<sup>376</sup> *Community Hearings of the Mackenzie Valley Pipeline Inquiry*, Volume 57 [Burnaby, BC]: Allwest Reporting, Ltd, 2003, 6193-6194. Submission of Sister Frances Bonokoski, Winnipeg, Manitoba.

The native people are raising profound questions. They are challenging the economic religion of our time, the belief in an ever-expanding cycle of growth and consumption.<sup>377</sup>

Dene and Inuit thus emerge as “wise-use” ambassadors of resources, or as challenging the conventional social and economic mores of Canadian society. Couched in the language of environmental degradation and social values, Indigenous northerners are set in a broader framework of national identity. Along with related notions of Dene and Inuit as the human face of environmental degradation, this underscores a core theme of Berger’s final report; namely, that the questions in the north are a matter of collective responsibility.

It is interesting, then, to read the contrast between Berger’s concluding Epilogue and the chapter immediately preceding it. Chapter 11, “Native Claims”, is both a lengthy and detailed overview of land claims, of the context of contemporary activism among Dene, Inuit and Métis, and of the history of broken promises of treaties and other arrangements that have fostered skepticism and mistrust among Indigenous groups. It is here, too, that Berger elaborates arguments for Indigenous societies as distinct and different from those of mainstream Canada, calling for the realization of the pluralistic vision of Canadian society adopted as the basis of confederation. Likely influenced by the testimony of legal scholars such as Peter Russell of the Southern Support Group, this chapter is uniquely framed as an articulation of Indigenous rights predicated upon the distinctiveness of Dene and Inuit from southern Canadians. It is here that the text of *Northern Frontier, Northern Homeland* most closely adheres to the positions of Dene and Inuit political leaders.

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<sup>377</sup> *Northern Frontier, Northern Homeland, 1977*: 199.

Yet it is also this chapter that raises the question of the necessity for such a broad inquiry. On its own, the chapter reads as a perfectly sufficient justification for Berger's recommendations. Why the need for all the others? This question returns to that at the top of the chapter - of why the broader context is necessary to translate the words of Dene speakers.

*Conclusion: The Pipeline as Platform and as Prism*

Frances Abele alludes to the Inquiry as a prism - "catching the energy from all of these social movements, refracting it to display their essential elements."<sup>378</sup> As above, the number of disparate movements that passed through the Inquiry reiterates the Berger Inquiry as a seminal moment in Canadian social history of the 1970s. But the notion of the Inquiry as a prism can also be framed as a means of distorting speech and messages relating to Dene rights, autonomy and jurisdiction. These discourses, rooted in materialist conceptions of Indigenous practices and attachments to land, framed the Dene struggle differently than how Dene leaders framed it themselves.

This distortion has been made apparent by recent studies centring disparities between Indigenous speech and its representation. In *Where the Rivers Meet*, Carly Dokis examines Dene testimony

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<sup>378</sup> See Frances Abele, "The Lasting Impact of the Berger Inquiry into the Construction of a Pipeline in the Mackenzie Valley," in Gregory Inwood and Carolyn Johns, eds., *Commissions of Inquiry and Policy Change: A Comparative Analysis* (Toronto: University of Toronto Press, 2014), 106. Recent scholarship on the Berger Inquiry generally does not examine the Inquiry in the context of Aboriginal rights. Instead, recent analysis of the Berger Inquiry have tended to emphasize the format of the inquiry as a model of debate and exchange, often contrasting it with contemporary inquiries. See also Kim Stanton, "Truth Commissions and Public Inquiries: Addressing Historical Injustices in Established Democracies" (PhD diss., University of Toronto, 2010).



at the 2010 inquiry into the construction of the Mackenzie Gas Project. She argues that that processes of environmental assessment - increasingly technical in how environmental indicators are derived and evaluated - skews testimony and renders Dene opposition as part of the political process of obtaining pipeline approval. While Dokis contrasts contemporary resource management in the Northwest Territories with the design and conduct of the Berger Inquiry, similar dynamics of speaking and hearing are evident in the widespread appeal of the pipeline debate of the 1970s. As I have argued above, the use of environmental assessment to facilitate Indigenous participation is rooted in conflating Indigenous welfare with the protection of the natural environment.<sup>379</sup> I would suggest that this remains true today, as environmental discourses continue to mask underlying structures of colonial power and the denial of substantive legal rights to Indigenous peoples in Canada. Inuit activist Sheila Watt-Cloutier, for instance, has utilized climate change discourse to steer much needed popular and political support towards a range of social, economic, cultural and political issues faced by Inuit throughout circumpolar states. But Watt-Cloutier is also quick to point out that threats posed by environmental degradation are symptoms of deeper, structural imbalances in relations with Canada. These imbalances are rooted in and perpetuated by colonial regimes which prioritize economic development over investment in social institutions, which privilege state sovereignty over Inuit jurisdiction, and which consistently exclude Inuit knowledge, preferences and concerns from political decisions that affect Inuit lives.<sup>380</sup>

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<sup>379</sup> D.J. Gamble, "The Berger Inquiry: An Impact Assessment Process," *Science* 199 no. 4332 (1978), 951. As D.J. Gamble noted of Berger's final recommendations: The operative belief seems to have been that if enough studies were done, if enough documentation presented, somehow all would be well and the project could proceed as originally planned. It was a belief that implied a choice - a choice so thoroughly expected that many people in industry, government, and the population at large are now bewildered at the findings of the Inquiry and its recommendations.

<sup>380</sup> See also Alethea Anarquq-Baril (2016), *Angry Inuk*.

Popular associations of environmental narratives and Indigeneity also underscore the temporality of indigeneity. Here, I refer to the #NoDAPL movement, which in the late summer of 2016 evolved from a prayer camp on the Standing Rock reservation into a ten-thousand person resistance to the expansion of the Dakota Access Pipeline.<sup>381</sup> Resistance to the pipeline, which included a contingent from Fort Good Hope, was the largest Indigenous protest since the takeover of Wounded Knee in 1973.<sup>382</sup> While the Standing Rock resistance differed in many ways from the American Indian Movement of the 1970s, Philip J. Deloria and others have drawn comparisons in the ways that non-Indigenous activists engaged in the protest.<sup>383</sup> They write: “Most non-Native people we talked with about the occupation could agree on the significance of sacred places, or the spiritual and environmental importance of clean, safe water, or perhaps arguments about cultural patrimony and history. These were the familiar tropes associated with the ‘American Indian.’”<sup>384</sup> They are also tropes through which support for the Dakota Access struggle has been deliberately cultivated by playing upon popular notions of Indigeneity, which the authors point out, are less complicated than the intricate history of treaties, agreements, executive orders, and legal and administrative protocols dating back to the mid-nineteenth century: “Pictures of

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<sup>381</sup> For a longer historical context, see Nick Estes, “Fighting for Our Lives: #NoDAPL in Historical Context,” *Wicazo Sa Review* 32 no. 2 (2017), 115-122.

<sup>382</sup> Carolyn Weldon, “Water Protectors: From Fort Good Hope to Standing Rock,” *nfb.ca*, <https://blog.nfb.ca/blog/2016/11/17/water-protectors-fort-good-hope-standing-rock/> (Accessed 15 October 2018).

<sup>383</sup> Philip J. Deloria, K. Tsianina Lomawaima, Bryan McKinley Jones Brayboy, Mark N. Trahan, Loren Ghiglione, Douglas Medin and Ned Blackhawk, “Unfolding Futures: Indigenous Ways of Knowing for the Twenty-First Century,” *Daedalus* Volume 147 no. 2 (2018), 6-16. “For environmental activists, the protest against Dakota Access was also part of a three-pronged strategy: trying to slow production, trying to change patterns of consumption, and trying to reduce oil infrastructure.”

<sup>384</sup> Deloria, *et. al.*, 2018: 7.

painted faces, horses, bison, lodges, and landscapes often reflected self-aware strategic essentialisms meant to drive politically powerful narratives that demanded engagement.”<sup>385</sup>

Yet the authors also point out that these essentialisms are built upon widespread ignorance and assumptions of the “pastness” of Indigenous peoples.<sup>386</sup> This pastness and its popularity preclude fundamental questions at the heart of contemporary settler colonialism and settler-Indigenous relations. “What does it mean to live on Indian land?,” they ask. “What does it mean that Indian people are still here?”<sup>387</sup> For them, much as Frank T’Seleie expressed in his speech to Berger, the context of Indigenous struggle is its inherent future tense; for the survival of the uniqueness, sovereignty, and centrality of Indigenous peoples. “Indian people are engaged with history,” they write, “but they should not be viewed in terms of the past, but through the lens of futurity.”<sup>388</sup> I would argue that critiques offered by Deloria and others can also be applied to the Mackenzie Valley Pipeline Inquiry of the 1970s, as well as ongoing struggles against pipeline expansion in western parts of Canada. There remains a strategic necessity to build non-Indigenous support to apply political pressure. Amidst this is another dimension of a struggle to be heard, not only by proponents of industry and within the government, but among those who are aligned with achieving the same outcomes as Indigenous protesters.

I would argue that the Mackenzie Valley Pipeline Inquiry - and the legacy associated with it - reinforces an underlying and ongoing problem in settler conceptions of Indigenous struggle;

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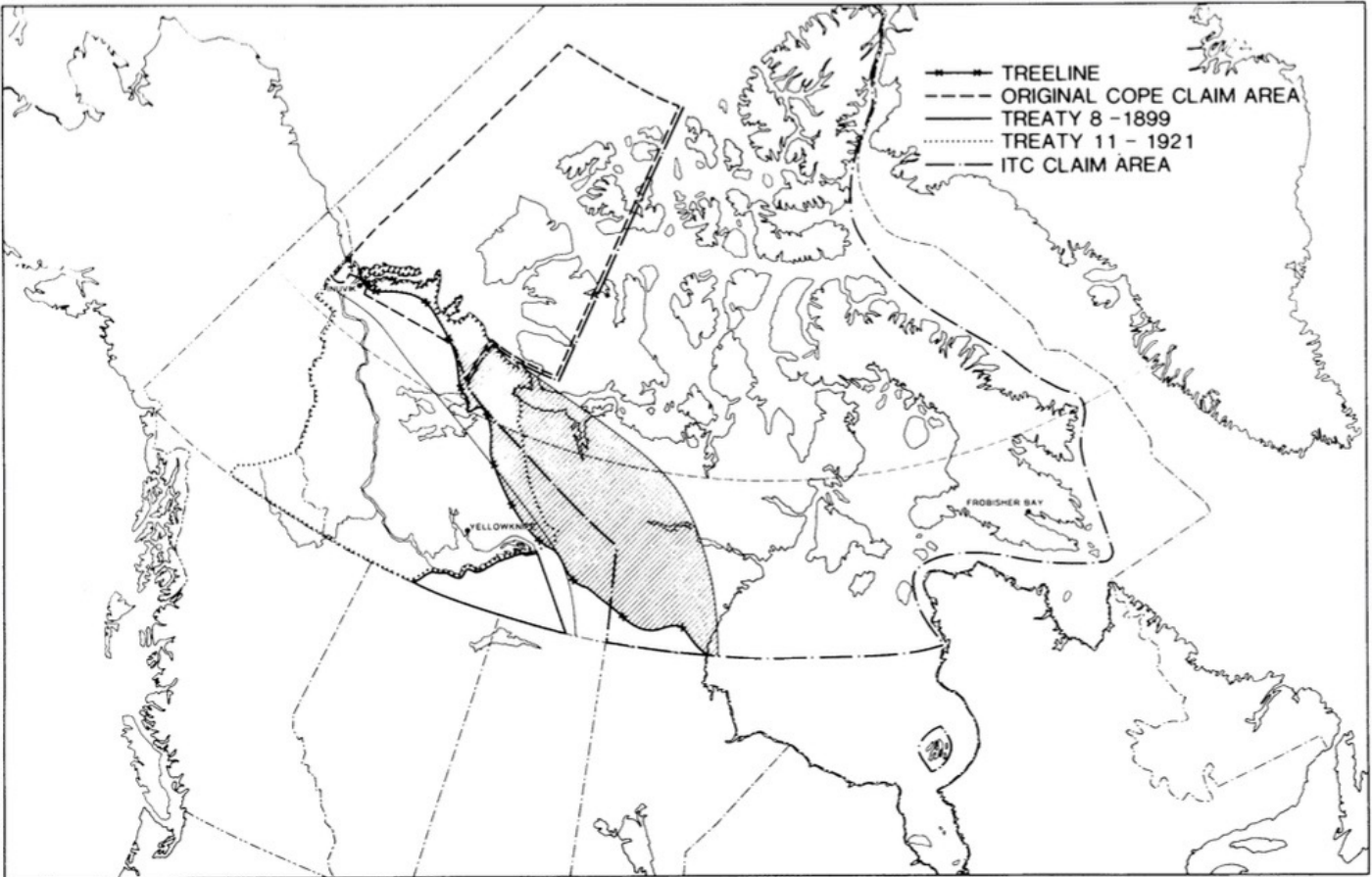
<sup>385</sup> Deloria, *et. al.* 2018: 8.

<sup>386</sup> Deloria, *et. al.* 2018: 8.

<sup>387</sup> Deloria, *et. al.*, 2018: 8.

<sup>388</sup> Deloria, *et. al.*, 2018: 9.

namely, how easily that struggle is forgotten. More than forty years later, the legacy of the Berger Inquiry remains tethered to the misguided notion that it was the work of the Inquiry - of Berger - that stopped the pipeline. More importantly, such recollections are not based on the immediate and long-term impacts of the Inquiry on the Dene, Inuit and Métis. *Northern Frontier, Northern Homeland* was effectively shelved by federal and territorial governments, and instead a whole new round of commissions was established to stay the course of constitutional development, land claims settlement, and ultimately the division of the Northwest Territories. How the Dene navigated these is the subject of the final chapter.



**Fig. 6:** A map of the various claims submissions from Dene, Métis, Inuit and Inuvialuit political organizations. The extensive shaded area in the centre marks the widest extent of overlap between Dene/Métis and Inuit claims.

## CHAPTER 6 | What the Border Divides

“Division has been a fact of political life in the north, and it has passed through the Territorial constitutional development scene like a recurring wave, always with new and different facets.”

John Parker, Commissioner of the Northwest Territories, 1979-1989  
*Arctic Power* (Peterborough: The Cider Press) 1996: 80.

“All Native tribes in North America have grown familiar with the tactics of the intruding White culture, a process of playing two sides against the middle.”

Antoine Mountain

A. Mountain and S. Quirk (1993). "Dene Nation: An Analysis."  
Sòmbak'è, Denendeh: Dene Nation.

“It’s not as some people keep referring to us as looking back. We are not looking back. We do not want to remain static. We do not want to stop the clock of time. Our old people, when they talk about how the Dene ways should be kept by young people, they are not looking back, they are looking forward. They are looking as far ahead into the future as they possibly can. So are we all.”

Georges Erasmus

*Denendeh*, 1984: 65

The signing of the Nunavut Land Claims Agreement at Iqaluit in the spring of 1993 brought questions of territorial division full circle from where they had begun in 1961, with an important difference. Whereas division was considered a likely impediment to political development in the Eastern Arctic, the Nunavut Agreement (as it is now known) placed Inuit at the forefront of Indigenous governance in Canada. Nunavut, with its adoption of consensus-style public government, was considered a crucial bridge to the future of Crown-Aboriginal relations. “[I]f Nunavut

does succeed in producing responsible representative government,” former NWT Commissioner Gordon Robertson later wrote, “it may do a great deal to allay apprehensions that now make it difficult for both Aboriginals and non-Aboriginals to work out the differing kinds of solution that will be necessary in other parts of Canada.”<sup>389</sup>

The foregrounding of Nunavut also marks a now familiar relationship between Indigeneity and the cultivation of Canada’s jurisdiction over traditional Dene and Inuit lands. Namely, the narrative surrounding Nunavut celebrated a particular role and relationship of Indigenous peoples within Canada. With Nunavut, Inuit emerged *ahead* of other Indigenous groups, namely the Dene and Métis, who, in their own efforts to negotiate a land claims settlement - Denendeh - were cast as spoilers to the Inuit dream. “Dene snare an Inuit dream on a lonely stretch of tundra,” read one newspaper headline after a failed round of negotiations on NWT-Nunavut border.<sup>390</sup> Nick Sibbetson’s comment that Inuit had become the “darlings of the North” reflected deeper sentiment that the terms of division were weighted in favour of Nunavut.<sup>391</sup>

These lateral effects highlight the manner by which Dene and Inuit were made to compete over dividing the Northwest Territories throughout the 1980s and early 1990s. This competition between northern Indigenous groups recalls dynamics similar to those of Samuel Hearne’s eighteenth century account of the “Bloody Falls massacre” near Kugluktuk, Nunavut. According to Hearne’s story, an exploration party of Dene commissioned by Hearne to seek copper deposits on

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<sup>389</sup> Gordon Robertson (2005) *Memoirs of a Very Civil Servant: Mackenzie King to Pierre Trudeau* (Toronto: University of Toronto Press): 208.

<sup>390</sup> Geoffrey York, “A major setback: Dene snare an Inuit dream on a lonely stretch of tundra”, 04 April, 1987 Saturday, *G&M*

<sup>391</sup> Annelles Pool “Dene and Feds settle overlap issue,” *Native Press* 24 February 1984: 2.

behalf of the Hudson's Bay Company encountered and slaughtered a group of Inuit camped out along what was labeled the Coppermine River. Hearne's depictions marked the savagery of his Indian guides, but it also left its mark on the colonial landscape in the years following. As geographer Emilie Cameron argues, popular (i.e. southern) fascination with Hearne's story has re-ordered Kugluktukmiut relations with copper, with Canada and with one another over many generations since.<sup>392</sup> For non-Inuit and non-Indigenous Canadians, the story has also worked to solidify Canada's claims to belonging - and ownership - of Inuit and Dene lands based on long-standing appeals to the mystique of Canada's imagined northern geographies. Citing the installation of a plaque to commemorate Hearne's massacre legend, Cameron notes the relationship of northern stories to Canada's material claim to northern lands: "[B]y extension, Qablunaat have less capacity to matter, less material claim, over a land in which they have no stories."<sup>393</sup>

Another dimension of Hearne's account is also evident here - that of the relationship of Dene and Inuit, and Hearne himself. In normalizing the "savagery" of Dene and Inuit, Hearne's account masks the fact that it is his pursuit of copper that is the primary cause of the violence he records. Designating himself as witness or impartial observer, Hearne hides the broader dynamics of a form of violence that continues to inform the structure of settler expansion and state power; namely, how competition among Indigenous groups is facilitated by the state, and how this competition is enrolled in the state's claims to authority and jurisdiction in Indigenous lands. These dynamics also run through the division of the Northwest Territories, positioning the border - and acts of border-making - in a similar role. Central here is the subject of overlapping claims among

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<sup>392</sup> Emilie Cameron, *Far Off Metal River: Inuit Lands, Settler Stories, and the Making of the Contemporary Arctic* (Vancouver: UBC Press, 2015), 8-9.

<sup>393</sup> Cameron, 2015: 144.



Dene, Métis, Inuit and Inuvialuit, who are made to compete for lands, resources and rights through Canada's land claims process - a process that insists upon clear and definitive partitioning of space. Like Hearne's account, division pits Dene and Inuit against one another in a contest to delineate overlapping territories and the rights to resources there. This process - which occurs under pressures for economic and political development - typically compels one group to settle with the Crown ahead of others, inevitably making substantial concessions to rights and resources. Settlement, which can also be framed temporally as the finalization of agreements, not only facilitates the hardening of divisions between claimant groups; because there are incentives to finalize agreements in a timely manner, the process also virtually ensures that one group will emerge before others. In the case of territorial division, it is the Inuvialuit and Inuit who assume this role, albeit at the cost of conceding Aboriginal rights and title.

These dynamics also mask areas of common interest, familial connections, and community among the four main Indigenous groups implicated in the division debate. While Hearne's own account centres on violence, his journals also note good trade relations between Kugluktukmiut (Coppermine Inuit) and Dene. This mixture of competition and comradery between Indigenous groups further highlights what can be seen as the structural violence of political and geographical division of the Northwest Territories. While Dene and Inuit supported each other's political objectives in principle, the practical realities of negotiating and implementing agreements over shared lands produced and exacerbated tensions between them. At stake are not only rights to traditional territories, but the nature and terms of future agreements between Indigenous groups and the Crown - terms which also propagate a particular image of Canada's relationship to In-

digenous peoples. When the federal government celebrates the creation of Nunavut, it also celebrates a model of Indigenous government that extinguishes Aboriginal rights and title.

This chapter examines the role of overlapping claims in the division of the Northwest Territories with a specific focus on relationships among northern Indigenous groups. While the finalization of division centres on the creation of Nunavut, I emphasize the lateral effects of overlapping negotiations, particularly as these impacted the Dene and their pursuit of self-government through the creation of Denendeh. Rather than view tensions between Dene and Inuit as an obstacle to claims settlement, however, I argue that competition between neighbouring Indigenous groups aids the “perfection” of the state’s jurisdiction, reflecting how differences of interests, cultures and geography are exploited through the federal land claims process. Two areas are examined. First, I highlight the role of overlapping claims within the process of dividing of the Northwest Territories. Far from simply drawing a boundary separating Eastern and Western Arctics, division includes questions of constitutional development of northern Canada and Indigenous-state relations. Here, I address structural dimensions of overlapping claims and how these reorder socio-political relations between the state and Indigenous groups. Second, I examine how the subject of history is brought to bear upon the division debate, highlighting the particular relationship of history to geographical and political division. As I show in sections addressing overlapping claims between Dene-Inuvialuit and Dene-Inuit, the arbitration of overlap areas culminates in the pitting of historical information, data, and maps against one another, reformatting and repurposing “traditional” use and occupancy research and knowledge. By looking specifically at the location of the boundary, I show how the state is situated as a mediator of conflicts between claimant groups, and how these groups are coerced into the land claims framework.

## *I. Structural Dimensions of Overlapping Claims*

The boundaries reflect officialdom's wish to reduce geographic reality (with its frequent complexities) into neat straight lines so beloved of 19th century western Canadian and American politicians... One could have hoped that any new political lines in the Canadian North would exhibit more imagination for long range satisfactorily functional boundaries than we have drawn in the past.<sup>394</sup>

- William Wonders, 1984: 81.

While the subject of overlapping claims emerges in a powerful way in northern politics of the 1980s, its roots extend further to histories of government intervention, laws and policies. These underscore what can best be referred to as the structural dimensions of overlapping claims. In the Northwest Territories, overlapping claims stem from the dual contexts of political development and land claims negotiations among the federal government, territorial government, and the four main Indigenous political organizations. Respectively, these are the Dene Nation, Inuit Tapirisat Canada (ITC), the Committee for Original Peoples' Entitlement (COPE) and the Métis Association of the NWT. Two broad themes stand out here in relation to northern political geography. The first of these - the constitutional development of the Northwest Territories - can be framed with reference to broader questions of the legitimacy of the Government of the Northwest Territories, which comprises much of the available literature on the subject of territorial division and northern governance throughout the 1980s and 1990s. This question of legitimacy - which was challenged by Indigenous activism dating from the early 1970s - centres on representation and responsible government in the north, and emanates from a longer history of encouraging (or coercing) northern Indigenous peoples to participate in (depend upon) the Territorial Government. In the late 1970s and early 1980s, the legitimacy of the GNWT again comes to the fore through

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<sup>394</sup> William Wonders, *Overlapping Land Use and Occupancy of Dene, Metis, Inuvialuit and Inuit in the Northwest Territories* (Ottawa: Indian and Northern Affairs Canada, 1984), 21.

challenges by the Dene leadership, in particular. Notably, the fact that Indigenous peoples had begun to utilize the GNWT did not signal a reversal of the longstanding position that the GNWT was a colonial arm of the Department of Indian Affairs. As Richard Nerysoo remarked in 1977: “[B]ecause I am running [for Council] does not indicate it is a legitimate government. I intend to use it as a forum.”<sup>395</sup> While the aftermath of the Berger Inquiry raised questions of the role of Indigenous groups within the territories, it also saw both federal and territorial governments doubling-down on their efforts to bolster the GNWT as the primary governing body in the north. This consisted of various efforts by Council members to undermine Indigenous political bodies, as well as efforts to bolster the Territorial Government in the face of challenges by the different Indigenous groups.<sup>396</sup>

A second major theme arising in the late 1970s pertains to the political and geographical division of the Northwest Territories into two separate political jurisdictions, ostensibly placing these on the path to provincial status. This subject - which concerns locating political boundaries - links more closely to the division of the Northwest Territories and the drawing of NWT-Nunavut border in 1991, a process arrived at through arbitration only after bilateral negotiations reached a stalemate. More specifically, division centres on overlapping claims in lands traditionally of common use but now claimed by both sides to be included in their respective jurisdictions. Overlapping claims, ultimately, alters the process of dividing the Northwest Territories from one of

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<sup>395</sup> Parker, 1992: 72.

<sup>396</sup> The Drury Commission - created in 1977, supposedly to make the GNWT more responsive to Indigenous northerners - was roundly rejected by Indigenous groups as another means of placing the interests of the Territorial Government ahead of Indigenous northerners.

solidarity and broadly shared objectives to one characterized by acrimony, distrust and accusations on both sides of a “land grab.”

The relationship of constitutional development and the political-geographical division of the Northwest Territories underscores the structural dimensions of overlapping claims. Overlapping claims - which may initially appear as disputes over traditional lands and territories - have deeper roots in the legal, political and historical setting of Canada’s claim to Indigenous lands. Overlapping claims are not limited to territorial disputes, rather they are a means to hasten the extinguishment of Aboriginal rights, which include rights to land, resources and governance. As facilitators of extinguishment, overlapping claims are integral to the *process* of settler expansion, and the manner by which Canada exerts influence and exercises claims to Indigenous lands.

This argument centres on the disparity between principled support and solidarity among Dene, Inuit, Inuvialuit and Métis, and the gradual disunity and competition engendered by the processes of negotiating land claims agreements. This disunity can be traced through the late 1970s into the 1980s. By 1977, four different proposals had been received by the Office of Native Claims which, through Indian Affairs, pursued negotiations with the respective groups. The Inuvialuit, represented by COPE, submitted their proposal *Inuvialuit Nunangat* (“The land of the Inuvialuit”) in 1977, for municipal-style government in the Mackenzie delta and Beaufort Sea areas, as well as Banks Island. The Inuvialuit Final Agreement was eventually signed in 1984, and was the culmination of fourteen years of research and negotiation, dating back to intensive offshore oil and gas exploration in the Beaufort Sea and Banks Island.<sup>397</sup> Northern political

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<sup>397</sup> Peter Usher, *The Bankslanders: Economy and Ecology of A Frontier Trapping Community*, [Ottawa, ON]: Department of Indian Affairs and Northern Development, Northern Science Research Group, 1971.

groups, by contrast, sought unified agreements that both guaranteed resource rights and political rights. The Métis proposal, *Our Land, Our Culture, Our Future*, called for the recognition of Aboriginal rights for all Indigenous peoples living in the Mackenzie Corridor, and proposed the creation of a Native Senate - or a Senate of the Mackenzie Corridor - to be elected by the Indigenous population and with power over resource development and to regulate the renewable resource sector. The Métis proposal, which did not include non-native control, was ultimately labeled by Aboriginal rights scholar Peter Russell as the most radical of the northern land claims submissions (and the least likely to win approval).<sup>398</sup> The Métis proposal was soon withdrawn after the Métis and Dene agreed to continue to pursue a joint claims negotiation through the Dene/Métis Negotiations Secretariat.

The ITC's Nunavut proposal is most notable as the main impetus for dividing the Northwest Territories. It was generally regarded as "the most ambitious of the Canadian aboriginal proposals for self-government."<sup>399</sup> The Inuit proposal was initially submitted in 1976, but retracted after Inuit expressed concerns over its legalistic nature and the lack of consultation with communities. A modified Nunavut proposal submitted in 1977 called for the creation of a separate Inuit territory with an Inuit-controlled government based upon recognition of the inherent rights of Inuit as Aboriginal peoples in Canada. Much like the Inuvialuit proposal, the Nunavut submission treated

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<sup>398</sup> "When one reads the fine print in each document, however, it is interesting to find that the Métis proposal is considerably more radical, specifically in its political proposals." Peter Russell, "An Analysis of the Land Claims Position of the Metis Association of the Northwest Territories," in Robert Keith and Janet Wright, eds., *Northern Transitions: Second National Workshop on People, Resources and the Environment North of 60°*, Volume II (Ottawa: Canadian Arctic Resources Committee, 1978), 334.

<sup>399</sup> Peter Jull, "Building Nunavut: A Story of Inuit Self-Government," *The Northern Review* 1 (1988), 59.

the protection of Inuit culture, language and way of life as central to the cause of an Inuit-led government.

The fourth proposal of 1977 was that of the Dene, best known as the Metro Proposal.<sup>400</sup> The Metro Proposal - so named for its adoption of a “United Nations” style mode of government - was the Dene’s second submission and an attempt to clarify lingering ambiguities from the Dene Declaration, which federal officials flatly rejected as an ethnically-based approach to rights and land claims. The Metro Proposal was also presented as a model of governance for the whole north, and envisioned the creation of three new northern territories: one for the Dene and Métis - Denendeh; one for the Inuit and Inuvialuit - Nunavut; and one for the non-native population.<sup>401</sup> The underlying purpose was to secure Indigenous rights to self-government, while retaining an overarching political structure to facilitate shared interests among the three northern bodies of government.

While the Dene proposal shared common roots in the insistence on Aboriginal rights and title as the basis for Indigenous self-government, it differs from the other proposals in its broad appeal. For instance, the Dene proposal specifically addresses the Inuit claim, criticizing the existing structure of the GNWT:

This form of government ignores the existence of two aboriginal nations in the North, with their own functioning systems of government - the Dene and the Inuit - and lumps us together in an oppressive institution based on non-native practice... This present form of government will allow the continuing oppression of native interests until a time when we are so outnumbered that it will be impossible to be self-determining people in our home-

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<sup>400</sup> “The Metro Proposal,” in Keith and Wright, 1978: 265-266.

<sup>401</sup> See Coulthard, 2014: 164.

land...Thus we fully endorse the recent proposal made public by the Inuit NWT Land Claims Commission, calling for an Inuit Territory governed by an Inuit government.<sup>402</sup>

At the same time, however, the creation of Nunavut posed immediate threats to the Dene position. A major concern for the Dene/Métis was the threat to Indigenous voting power in the Northwest Territories. As of the late 1970s, when the Dene leadership again sought to utilize the GNWT as a forum for Indigenous political development, this was facilitated by the fact that Dene, Inuit, Inuvialuit and Métis combined to form a voting majority in the north. The creation of Nunavut - with a population of roughly 80% Inuit - threatened to relegate Dene, Inuvialuit and Métis to a minority position versus non-Native voters.

The Dene position further highlights a disparity between principled support among Indigenous groups and the practice of reaching a settlement. This disparity - which is the main source of conflict and competition between groups - highlights what Turner and Fondahl (2015) refer to simply as “the overlap problem” in Canada: the structural dimensions of overlapping claims. Yet the pervasiveness of the “overlap problem” indicates it is best viewed as a *condition* of settler jurisdiction, rather than a procedural problem or obstacle to settlement. First, overlapping claims are so pervasive as to constitute a fixture of Indigenous-state relations.<sup>403</sup> Second, resolution of overlapping claims is typically time-consuming, contributing to the lengthy periods taken to finalize land claims agreements.<sup>404</sup> Finally, overlap disputes are a direct result of the federal land

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<sup>402</sup> “The Metro Proposal,” in Keith and Wright, 1978: 266.

<sup>403</sup> In its 2014 Annual Report, the BC Treaty Commission characterized the overlap problem as “one of the biggest challenges” to finalizing negotiated agreements. *Annual Report of the BC Treaty Commission*, (Vancouver: BC Treaty Commission, 2014), 1.

<sup>404</sup> A 2015 report notes an average of twenty years to reach agreements, and have produced a significant backlog of claims that remain to be settled. See Douglas Eyford, *A New Direction: Advancing Aboriginal and Treaty Rights* (Ottawa: Aboriginal Affairs and Northern Development Canada, 2015).



claims process, and are thus attributable to the state itself and its efforts to resolve outstanding questions of land ownership and title.<sup>405</sup> While these are often couched as the need to clarify questions of title, the effects of the land settlement process work doubly to undermine Indigenous assertions of jurisdiction and to fragment the unity among Indigenous groups.

Moreover, the problem of overlapping claims arises not from the fact of historical or contemporary shared use by Indigenous groups, but from stipulations that clear boundaries of use and jurisdiction be determined prior to finalizing claims settlements. This tension is fostered by both the terms of the land claims framework, and by negotiation strategies engendered by it, and manifests in conflicts over possession and access to land. According to Devlin and Thielmann, the land claims negotiations framework compels claimant groups to seek the maximum areal extent of traditional territory, with the expectation that their claim area will be reduced through ensuing rounds of negotiation.<sup>406</sup> Maximizing the claim area leads Indigenous groups to over-claim traditional lands, causing conflict with neighbouring groups. Turner and Fohndal, in their assessment of claims in British Columbia, also point out how, for these reasons, land claims procedures and Aboriginal law can actually act as deterrents to settlement. Referring to overlapping claims in BC, they find “that the Crown and the BC Supreme Court have provided powerful disincentive for some Indigenous groups to reconcile contested territorial claims with their Indigenous neigh-

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<sup>405</sup> Overlapping claims are a direct result of federal land claims procedure of partitioning and reorder social, political and territorial relations. See Christopher Devlin and Tim Theilmann, “Overlapping Claims: In Search of a ‘Solid Constitutional Base,’” (Paper presented for the CBA Aboriginal Law Section’s Annual CLE, 12-13 June 2009, Victoria, BC).

<sup>406</sup> Devlin and Thielmann, 2009.

bours. They also demonstrate, together, the variously constituted political identities and territorialities of some of the groups involved in claims negotiations.”<sup>407</sup>

The main source of tension can be elaborated with reference to the different layers of jurisdiction and boundary making. Anthropologist Brian Thom argues that overlapping claims enact the replacement of Indigenous legal geographies with those of Western legal-cartographic regimes. Much like the inscriptive power of maps drawn to “spatialize” Indigenous lands, border-making enacts the replacement of Indigenous modes of territory - traditionally governed through custom, protocol, kinship - with formal and technical ones of Western states.<sup>408</sup> At the same time, border-making *within* settler states - i.e. land claims within Canada - facilitates particular forms of settler colonial power that mark a contrast to border-making between sovereign nation-states. As international relations scholar Andrea Brighenti argues, while international borders represents sites of potential disputes between nation-states, border maintenance is crucial to reifying diplomatic norms of the international system.<sup>409</sup> In the context of Canada’s land claims process, however, tensions amongst claimant groups do not support Indigenous jurisdiction over traditional territories. By installing Western modes of territory and rules governing space, bordering works to erode further the bases for recognition of Indigenous sovereignty, namely by extinguishing Aboriginal rights and title and affirming those of the state as the default or underlying sovereign

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<sup>407</sup> Christopher Turner and Gail Fondahl, “‘Overlapping claims’ to territory confronting treaty-making in British Columbia: Causes and implications,” *The Canadian Geographer* 59 no. 4 (2015), 476.

<sup>408</sup> Brian Thom, “The Paradox of Boundaries in Coast Salish Territories,” *Cultural Geographies* 16 no. 2 (2009), 179–205.

<sup>409</sup> Andrea Brighenti, “On Territory as Relationship and Law as Territory” *Canadian Journal of Law and Society* 21 no. 2 (2006), 65-86.

authority. The creation of the border separating Dene and Inuit territories emerges as a form of concession, an acquiescing to the state's terms of negotiation.

The Government of Canada, ultimately, is the primary beneficiary of this arrangement. Tensions between groups result in a refashioned role of the state, which intervenes as an arbitrator in the dispute. In this regard, overlapping claims offload processes of state expansion onto Indigenous groups while advancing its jurisdiction through reaching a final, clear outcome. These further underscore the value to the state derived from offering preferential treatment to one group over the other, or the benefits of coming out *ahead* of neighbouring groups. Moreover, the multi-pronged negotiations process enacts a separation of land-based and political rights. While Indigenous claimants compete with one another over land allocation, political and resource rights are negotiated exclusively between claimant groups and the federal government. Individual groups are thus prone to being boxed in by multiple concurrent negotiations, a condition that can erode their negotiating position. The state also effectively becomes the central reference point for the articulation of claims and the criteria by which these are judged. What is ultimately being arbitrated, however, extends beyond the delegation of land and resources; because the criteria for dispute resolution pertains to the available evidence or data of traditional use and occupancy, arbitrating overlapping claims also entails the evidentiary (often archaeological) bases for "traditional" use. In effect, mediating overlapping claims requires the arbitration of history itself.

While the condition of overlap in the NWT exists across scales too numerous to examine here in full, the Dene experience of negotiating overlap agreements with the Inuvialuit and with the Inuit offers insights into how division operates to erode Indigenous solidarity and ultimately preserve

(and improve) the state's claims. Although it is the Nunavut claim that is the catalyst for division, the Inuvialuit claim - which was negotiated prior to the creation of Nunavut - offers several insights into the nature of overlapping claims and their role in shaping the land claims negotiations environment. Both are similar in that Inuvialuit and Inuit positions evolve from being based on recognition of Aboriginal rights to eventually agreeing to extinguish those rights in exchange for economic and "cultural" rights. Against the backdrop of both Inuvialuit and Inuit negotiations is the continuation of the Dene struggle for the recognition of Denendeh and the creation of a Dene government. As from the Metro Proposal and subsequent policy statements by the Dene Nation, the Dene viewed the entrenchment of Aboriginal rights and title in the Canadian Constitution as vital to the achievement of Dene political goals in the Northwest Territories. In this regard, the Dene vision and strategy was inherently broad, reflecting not only the conditions of Dene in the NWT but of Indigenous peoples in Canada. But overlap disputes and negotiations with both Inuvialuit and Inuit highlight the fragility of this position. As Inuvialuit and Inuit pursued their own political goals of finalizing agreements with the federal government, the Dene found themselves increasingly cornered.

Much as Samuel Hearne's depictions of violence between Dene and Inuit is a useful means of masking Canada's own role in the conflict, overlapping claims leading to the division of the Northwest Territories must be placed in the wider structure of settler expansion, and must recognize the role of the state itself. It is also worth recalling Hearne's use of narrative as a technique for masking his own role in the dispute. The narrative - which clearly marks Dene as the initiators and Inuit as the victims - resembles those surrounding land claims negotiation, which place Inuit *ahead* of Dene and other Indigenous groups. In the following two sections, I examine the

other side of this narrative by looking more closely at the Dene position relative to both Inuvialuit and Inuit claims. In doing so, I show how the land claims process - and ultimately the creation of the border dividing the Northwest Territories - reorders relations among Dene, Inuvialuit and Inuit, and with the land itself.

## *II. Overlap and the Inuvialuit Settlement Region: 1978-1984*

Overlapping claims can first be illustrated through negotiations between Dene and Inuvialuit over the creation of the proposed Western Arctic Region (WAR), exposing the historical roots of conflicts over traditional lands. First, history itself becomes a source of conflict between Dene and Inuvialuit, who contest the history of the southern delta. Wildlife harvesting, in particular, reveals underlying arguments made by Dene with regard to the historical presence of Inuvialuit in what Dene viewed as their Treaty territories. This further sheds light on the wider context of Aboriginal and treaty rights in Canada. Second, overlap and the means for arbitrating overlapping claims disputes indicate a shift in the role of the state as the overseer of conflict. This is evidenced by federal reluctance to involve itself in overlap disputes, and the eventual appointment of an independent arbitrator to resolve overlapping claims. From these points can be seen the role of the state itself, as both Dene and Inuvialuit leaders both cited the land claims process itself as the primary source of conflict.

Tensions from overlapping claims in the proposed Western Arctic Region stem from an Agreement-in-Principle (AIP) reached between the federal government and COPE in October, 1978.

The agreement - which anticipated a final settlement by the fall of 1979 - was the basis for COPE's settlement and agreement to extinguish Aboriginal rights. Between 1978 and 1984, when a settlement was finally reached, Dene and Inuvialuit clashed over land allocation and harvesting rights in the southern delta, areas claimed by Gwich'in and Sahtu Dene as traditional harvesting areas. The AIP, which was negotiated without Dene consultation, sowed mistrust between the Dene and Inuvialuit leaderships. Then Dene Nation president Georges Erasmus demanded that the federal government delay ratification of the COPE agreement until an overlap arrangement had been agreed upon with the Dene.<sup>410</sup>

Dene-Inuvialuit tensions point to the role of historical evidence, as it pertains to overlapping claims. COPE's claim, which originates amidst the political activism of the early 1970s, entails longer histories of settlement in the delta, as Inuvialuit followed whaling, reindeer farming, and fur industries from Alaska and across northern Yukon. An HBC trading post that was established at Aklavik in 1913, and which also concentrated Gwich'in Dene hunters and trappers in the area, facilitated both the presence and immersion of Inuvialuit with Dene families and communities, and by the early 1930s the populations of both were roughly on par. The establishment of Inuvik as a hub for postwar industrial prospecting further solidified the Inuvialuit presence around the delta and Banks Island, and was ultimately a catalyst for the establishment of COPE in 1970, out of the need to safeguard the cultural, economic and political interests of Inuvialuit. In this political struggle of the early 1970s, Inuvialuit shared common objectives of Dene, namely in hopes to

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<sup>410</sup> Chronology of Correspondence, G-2014-075, Box 2, NWT Archives, Canada.

advance Indigenous legal rights, and to ensure that industrial development follow the settlement of Indigenous land claims.<sup>411</sup>

Overlapping claims, however, exacerbated and often created tensions between Inuvialuit and Dene, who expressed concern that COPE's agreement would prejudice the Dene/Métis land claim. These arose over the ordering of negotiations; namely, that the federal government was eager to resolve land settlements, and would grant rights to Inuvialuit at the expense of their respective agreements. Similar concerns were also shared by the Kitikmeot Inuit Association in the east, and by the Council for Yukon Indians in the west. Both criticized COPE's claim as speculative in nature; an effort to claim lands considered to be potentially mineral and petroleum rich, rather than traditional harvest sites. Despite the historical setting, overlapping conflicts were thus very much products of the political and legal contexts of the late 1970s and early 1980s.

One instance of historical dynamics entering the overlap dispute can be illustrated by early Dene responses to the COPE's efforts to include southern portions of the delta, areas claimed by hunters from Aklavik and Arctic Red River (Tsiigehtchic) to be both traditional and contemporary harvesting grounds. This stretched further to Sahtu communities of Colville Lake, Fort Good Hope, and as far as Fort Franklin (Deline), where the band council submitted a letter of

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<sup>411</sup> For an excellent overview of Inuvialuit history, see the online exhibit, "Taimani" (At That Time) Inuvialuit History Timeline, online at <http://www.inuvialuithistory.com>. For background information on the Inuvialuit claim leading to the Inuvialuit Final Agreement, see *Western Arctic Claim: A Guide to the Inuvialuit Final Agreement* (Ottawa: Department of Indian Affairs and Northern Development, 1984).

protest to the federal government.<sup>412</sup> These placed the Inuvialuit claim in a broader historical context. A letter from Chief Freddy Greenland of the Aklavik Band to COPE President Sam Raddi, stated:

The Dene... strongly disagree with your land selection around the delta area as you are aware this land belongs to the Dene. The old timers at [a community meeting in July, 1978] pointed out that at one time there were no Inuvialuits living in the Mackenzie Delta. Gradually they moved in and settled into our land and the Dene were good enough to let them in to hunt and fish and trap. Now COPE is attempting to claim Dene land... We request that the Mackenzie delta be omitted from your land claim as this is where the Dene have strived and lived from time immemorial.<sup>413</sup>

Greenland suggested that Inuvialuit were “latecomers” to the region who retained stronger ties to Alaska than to the delta, noting that “the majority of the Inuvialuit in the Mackenzie delta are from Alaska and they had already benefitted from the Alaska land claim.” This was a reference to the roughly one thousand Inuvialuit who applied for benefits from the Alaska Native Claims Settlement Agreement of 1973, though the total number who actually qualified for benefits was less than fifteen percent of that number.<sup>414</sup> Others argued that Inuvialuit were claiming “a lot of land which they never used.”<sup>415</sup>

While the Kitikmeot Inuit Association criticized the speculative nature of COPE’s claim, the Dene response centred on harvesting rights for Inuvialuit. Specifically, Dene took issue with Sec-

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<sup>412</sup> While maps from Treaty 11 do include the delta region, it is interesting to contrast these with the IB-NWT maps used during the *Paulette Caveat Case* of 1973. Here, the IB-NWT actually excluded southern portions of the delta from their claim area - an omission that can be best understood as an acknowledgment of the Inuvialuit presence and a desire to avoid conflict with them.

<sup>413</sup> Freddy Greenland to Sam Raddi, 28 July 1978, G-2014-075, Box 1, NWT Archives, Canada.

<sup>414</sup> Telex, “Chief Freddie Greenland to Sam Raddi” 28 July 1978, G-2014-075, Box 1, NWT Archives, Canada. See Wonders, 1984: 50. Wonders notes that 140 Inuvialuti qualified for benefits.

<sup>415</sup> Notes from meeting, ONC field trip on overlapping claims, G-2014-075, Box 1, NWT Archives, Canada.



tion 14 of the Agreement-in-Principle stipulating the nature and extent of Inuvialuit rights to hunt, trap and harvest in the southern delta. On this issue, the Dene Nation successfully lobbied the federal government to assure the Dene that an agreement with COPE would not be ratified until an overlap agreement with the Dene had been concluded. But the response of the federal government also shifted the nature of the overlapping conflict, centring the historical and evidentiary basis for arbitrating a resolution to overlapping areas. Early in 1979, staff from the Office of Native Claims (the federal land claims negotiating body) organized a field trip to delta communities “for the purpose of presenting and explaining basic information” and to “acquaint non-Inuvialuit [Dene] with the Wildlife provisions” under Section 14 of the AIP.<sup>416</sup> Hoping also to gather harvesting information that might be used to arbitrate the dispute, the Department issued a questionnaire for hunters and trappers ahead of community meetings, with the intention of retrieving them upon arrival.<sup>417</sup> Yet Dene roundly rejected the survey exercise, and kept the information from the ONC representatives. Fearing that submitting their information would “place them under the control of COPE,”<sup>418</sup> hunters from Arctic Red River (Tsiigehtchic) withheld harvesting information from federal officials, “as the people are doubtful of the benefit to them.”<sup>419</sup> People

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<sup>416</sup> Airhart to Faulkner, 05 December 1978, G-2014-075, Box 1, NWT Archives, Canada.; “Notes from COPE Overlap Field Trip”, 29 January to 02 February, 1979, G-2014-075, Box 1, NWT Archives, Canada. Communities visited were Fort Good Hope, Colville Lake, Aklavik, Arctic Red River, Fort McPherson, Old Crow, Inuvik.

<sup>417</sup> Overlap, 1978, G-2014-075, Box 1, NWT Archives, Canada. “If members of your band have traditionally taken wildlife within any part of the Western Arctic Region or the Northern Yukon, it will be important to have the necessary information about this so that the matter can be dealt with,” Faulkner wrote to the chiefs. Fort Good Hope, Colville Lake, Aklavik, Arctic Red River and Fort McPherson, as well as in Old Crow and Inuvik.

<sup>418</sup> Notes from meeting, ONC field trip on overlapping claims, G-2014-075, Box 1, NWT Archives, Canada.

<sup>419</sup> Notes from meeting, ONC field trip on overlapping claims, (p. 3), G-2014-075, Box 1, NWT Archives, Canada.

at Fort McPherson refused to fill out the questionnaire entirely, while others sent the results directly to the Dene Nation offices at Yellowknife.<sup>420</sup> They maintained that a map showing all Inuvialuit and Dene registered traplines would support their arguments, and that the IB-NWT had already collected extensive harvesting research and trail maps from the Dene/Métis mapping research, and that the Dene Nation was in possession of information that supported their position.

Dene also frequently cited Treaty 11 and its absence from the COPE agreement. While also historically rooted in prior use and occupancy (Canada's terms), treaty further emerged as a wedge between Dene and Inuvialuit. Dene continued to pursue the entrenchment of Aboriginal and treaty rights in the Canadian constitution. The relationship of Dene-Inuvialuit overlapping claims to treaty can be illustrated by two points: For instance, Dene rejection of Section 14 of the COPE agreement pertains primarily to the terms by which Inuvialuit rights are established, and the ability of the federal government to grant harvesting rights to Inuvialuit or other Indigenous groups. The implication was that the federal government had the authority to grant Dene lands to Inuvialuit. The COPE agreement appeared to authorize - or at least solicit recognition from COPE - of the right of the federal government to do so. Dene rejection of the COPE agreement must therefore be seen not only as rejection of COPE's claim, but of Canada's claim.

Treaty further separated Inuvialuit from Dene along lines of both legal status and political strategy. Central here is the negotiation of Aboriginal rights in the *Constitution Act* of 1982, specifically a series of First Ministers conferences ostensibly to determine the meaning of Aboriginal rights under Section 35. The conferences - held between 1982 and 1987 - were ultimately re-

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<sup>420</sup> Notes from meeting, ONC field trip on overlapping claims, (p. 3), G-2014-075, Box 1, NWT Archives, Canada.

duced to a series of stall tactics by the First Ministers, and subsequently failed. The concurrent negotiation of Aboriginal rights was further brought to bear on Dene-Inuvialuit negotiations, as well as on COPE's relationships with both Inuit and Yukon Indians, both of whom expressed worries over the extinguishment clause in the COPE agreement. When John Munro, who also attended the First Ministers conferences, refused to remove the extinguishment clause from the COPE agreement, the Council of Yukon Indians withdrew their support.<sup>421</sup> The Dene leadership saw no benefit to negotiating a settlement while questions of Aboriginal law remained open. COPE's agreement - which accepted extinguishment - was considered a threat to Dene and to progress at the First Ministers conferences.

The cleavage between Aboriginal rights and time pressures to reach a resolution arose again early in 1983. As indicated by a letter from a COPE negotiator to the federal government on the COPE claim, Dene viewed the finalization of any deal with COPE as a threat to the Dene claim, warning that an MOU "will also fuel antagonism between the Dene and Inuvialuit."<sup>422</sup> The AIP having been signed in 1978, COPE's efforts to finalize an agreement thus targeted 1983, pushing towards a Memorandum of Understanding in March of 1983. This latter period is also marked by increasing animosity directed at the federal government, now viewed by both Dene and Inuvialuit as the primary cause of tensions between them. Dene, in particular, attributed these tensions to government policy. James Wah-shee, now Aboriginal Rights and Constitutional Development Minister with the GNWT, complained that the Federal Government "was unilaterally set-

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<sup>421</sup> Matthew Sanger, "COPE settlement may affect others," *Native Press* 13 January, (1984), 2.

<sup>422</sup> Harvison to Reisman, re: Overlapping Claims, 29 March 1983, G-2014-075, Box 2, NWT Archives, Canada.

ting overlapping claims on a first come, first served basis.”<sup>423</sup> The Dene Nation summarized the process this way:

To date, the Federal Government has carried out negotiations with Northern aboriginal groups in a manner that offers them disincentives to resolving overlapping claims between themselves. It has negotiated with different groups claiming common areas of land separately, so that neither group knows what the other group has been told, what it has got, and what it is likely to get. It has negotiated the scope of other groups’ rights in a particular claim area with a single group, at a table to which the other affected groups are not invited. It has negotiated with single groups the process for determining the rights of other groups, within the limits already agreed to between itself and the single group.<sup>424</sup>

[...]

The Dene/Métis do not blame COPE for its course of action. COPE’s strategy has been logical and sensible, following directly from the Federal Government’s approach to negotiations with both parties. If the Federal Government seriously desires that COPE and the Dene/Métis resolve their overlapping claims mutually, it must change its approach. It must give COPE a reason to negotiate with the Dene/Métis.<sup>425</sup>

In a separate study, the Dene Nation wrote:

The claims process, through description of boundaries and granting of rights, benefits and compensation on an ethnic and geographical basis, has engendered a “land grab” mentality that, for practical purposes, was never prevalent before. Thus the government has a very real obligation to minimize the potentially destructive ramifications of “overlap.”<sup>426</sup>

Although such criticisms failed to push the Department into action, they are reflective of the political setting of the time. By the late 1970s, the Department was turning over Ministers almost annually, opening the door to the Territorial Government - led by Stuart Hodgson - to lobby for

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<sup>423</sup> James Wah-shee to John Munro, G-2014-075, Box 2, NWT Archives, Canada.

<sup>424</sup> Resolving Overlapping Claims, March 1983, G-2014-075, Box 2, NWT Archives, Canada.

<sup>425</sup> Resolving Overlapping Claims, March 1983, G-2014-075, Box 2, NWT Archives, Canada.

<sup>426</sup> Overlap policy, G-2014-075, Box 2, NWT Archives, Canada

greater involvement in the negotiation of land claims in the NWT.<sup>427</sup> Thus the federal government removed itself further from the conflict. By 1980, John Munro replaced Hugh Faulkner as Minister, and resolved to allow the Dene Nation and COPE to reach their own resolution on the extent of the overlapping areas. A letter from Munro to Georges Erasmus indicated his desire that Dene and Inuvialuit find a resolution amongst themselves, “but that if this proves unworkable, the respective chief federal negotiators for the Dene and COPE claims would be available to assist in the resolution of the problem.”<sup>428</sup> The Department, however, retained oversight of political and economic rights, thus creating further separation of the allocation of land and of rights. But this did nothing to allay Dene concerns.<sup>429</sup> As the Dene Nation put it, “the federal government must give COPE a reason to negotiate with the Dene/Métis.”<sup>430</sup>

The manner by which the state becomes removed from this process is further evidenced by events of early 1983, when Dene-Inuvialuit overlap tensions came to a head. Without agreement between Dene and Inuvialuit on the extent of overlap, Munro approved the appointment of a fact-finder, geographer William Wonders, from the University of Alberta, to “inquire into, assess and report upon the extent (geographical and concentration) and nature of the traditional and current overlapping land use and occupancy of the Dene, Métis, Inuvialuit and Inuit respectively in

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<sup>427</sup> Stuart Hodgson to GN Faulkner, 16 November 1978, G-2014-075, Box 2, NWT Archives, Canada.

<sup>428</sup> Letter from Munro to Erasmus, 22 August 1980, G-2014-075, Box 2, NWT Archives, Canada: “It is preferable that the Dene Nation and COPE settle the issue between them.”

<sup>429</sup> *In All Fairness* (Ottawa: Indian and Northern Affairs Canada, 1981), 23. “Where this sort of overlapping exists and where here appears to be no ready agreement among the difference users, some appropriate and timely means must be found to resolve the differences. Unless this is done, no land in these areas will be granted.”

<sup>430</sup> Overlapping Claims Resolution, G-2014-075, Box 2, NWT Archives, Canada.

the Northwest Territories.”<sup>431</sup> Wonders’s report of early 1984, “Overlapping Land Use and Occupancy of Dene, Métis, Inuvialuit and Inuit in the Northwest Territories,” addressed historical and contemporary overlap and their implications for the negotiation of settlements between Inuvialuit and Dene. Wonders, drawing heavily from both the *Inuit Land Use and Occupancy Project* (1975) and the Dene/Métis Mapping Project (discussed below), found areas of overlap extended well beyond the 3,700 square miles asserted by the federal government in 1979. The real number, Wonders found, was closer to 15,000 square miles.

But Wonders’ also flagged a number of problems in his inquiry. He complained of insufficient time to collect existing land use research that had been gathered since the early 1970s, and noted significant discrepancies in the data available from Inuvialuit and Dene. Given just four winter months in 1983-’84 to carry out the research, Wonders was unable to conduct research needed to reflect current land use patterns, or to achieve comparable data. Wonders was thus left with significant discrepancies between the Inuvialuit maps, with roughly 85% of hunters and trappers surveyed, the Dene/Métis maps, based on only 30% samples. While Wonders praised the “high quality of scholarship” of the Inuit mapping research, he noted that the Dene Nation “has been unable to provide much useful similar information, so that comparisons are possible.”<sup>432</sup> As a result, Wonders relied more heavily on secondary historical and archaeological scholarship from years earlier, much of it predating the land claims period. Dene Nation president Stephen Kakfwi - who replaced Erasmus in 1983, when Erasmus moved to the Assembly of First Nations - warned that Wonders's terms of reference were far too broad. The Dene insisted that Wonders

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<sup>431</sup> Wonders, 1984: 2.

<sup>432</sup> Wonders, 1984: 7.

restrict his study to the Dene/Métis-COPE overlap areas, and in an effort to limit his study, denied Wonders access to the Dene mapping information relating to overlap with the Inuit.

Nonetheless, Wonders's report supported Dene/Métis assertions of land use in the delta, but it failed in the eyes of the Dene leadership to identify the fundamental nature of the overlap problem. Phoebe Nahanni wrote to Wonders:

The problem of overlapping claims is not just between aboriginal peoples; it is also between aboriginal peoples and the governments with whom they are negotiating their claims. Had the Government of Canada acknowledged the nature and extent of Dene/Métis traditional land use within the COPE claim area in 1978, it could not have justified signing the Inuvialuit Agreement-in-Principle.

As the only common party to negotiations of several overlapping claims, the Government of Canada is at least as responsible as the claimant groups for lack of progress that has been made to date in resolving overlapping claims.

Your examination of the history of settlement and land use patterns in the Mackenzie Delta explains why the Dene/Métis in that region feel so deeply that their claim in the Delta deserves at least the recognition that has been shown to the Inuvialuit claim, and why the Dene/Métis are looking for a resolution to the problem that will not pit neighbours and relatives against one another.<sup>433</sup>

Wonders's report narrowed the total overlap area to 2,500 square miles. The Dene leadership agreed to this on the condition that separate agreements be made between the federal government and the Dene/Métis to resolve outstanding questions of overlapping claims. Yet the conflict highlights several aspects of overlapping claims. First, it is not simply the case that overlapping claims awakened dormant tensions, rather overlap worked to create fresh tensions. While these are often framed as historical conflicts - those pertaining to traditional use and occupancy - it is more accurate to describe the nature of the conflict as pertaining to the terms of settlement itself.

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<sup>433</sup> "Phoebe Nahanni to Wonders," 09 January 1984. N-2008-011 John Parker fonds, Box 9-1, NWT Archives, Canada.

Tensions between Dene and Inuvialuit must therefore also be understood to centre the state as a primary source - if not *the* primary source - of conflict between groups. As I have suggested above, overlapping claims between Dene and Inuvialuit reveal how the state is able to reposition itself through overlap arbitration. In this regard, overlapping tensions underscore the value of this tension to the state. As the arbiter of historical use and occupancy, the terms of negotiation - and thus the outcome - work to support the state's claim to underlying authority and title.

### *III. The Nunavut-NWT Border: 1984-1987*

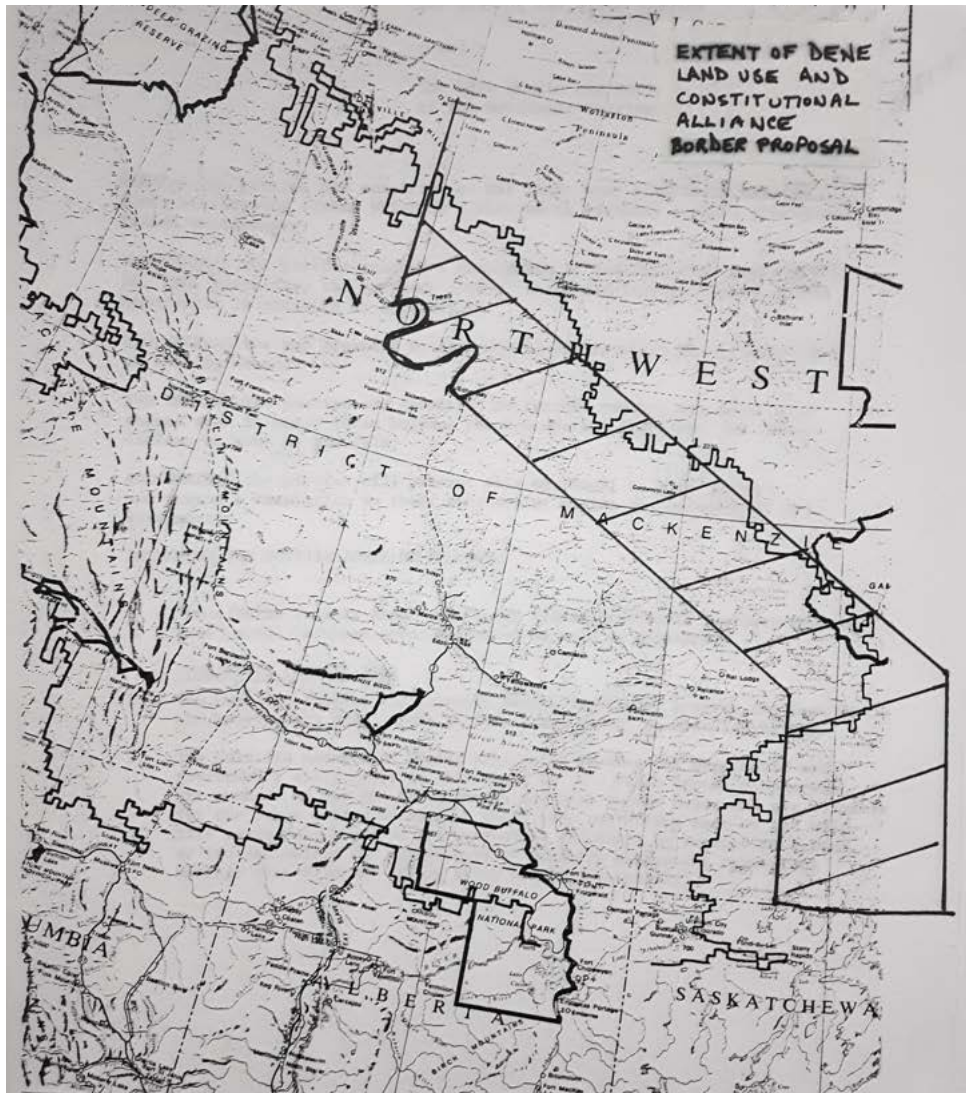
I turn now to the negotiation of overlapping claims between Inuit (through Tungavik Federation of Nunavut) and the Dene (through the Dene/Métis Negotiations Secretariat). Similar to the Inuvialuit Settlement Region, overlapping claims give rise to tensions that indicate the hierarchy of political influence flowing through Dene-Inuit relations. As I show here, while locating a Nunavut-NWT border brought out tensions between Dene and Inuit negotiators, these reflect the structural conditions of land claims negotiations, and ultimately flow from both sides' respective relationships with the Government of Canada. It is helpful, in this regard, to imagine the Nunavut-NWT border as layered; reflecting multiple concurrent negotiations and issues of northern governance. The border also reflects the process of border-making - the various means by which these different layers are negotiated. These layers range from broader visions of northern



governance to the specific criteria for locating the division line along the “tree-line” boundary, loosely corresponding with Dene/Métis (below the tree line) and Inuit (above the tree line).<sup>434</sup>

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<sup>434</sup> As Wonders noted in his overlap report, the tree-line was “a vague and subjective evaluation.” “Given that ‘tree-line’ is much less precise than often is assumed, and that the native peoples on both sides of it have moved across it to use land on the other side at times, it is to be expected that there should be overlap between them.” Wonders, 1984: 14.



**Fig. 6.1:** A map from 1986, illustrating the extent of overlapping areas between Dene and Inuit.

Determining the precise location of the border itself also emerged as a major setback to settlements. In the early 1980s, the Dene Nation began digitizing the trail maps of Phoebe Nahanni's mapping project, converting the collection into a tool for illustrating historical Dene land use. But the reformatting and negotiation of the maps also highlights the repurposing of the maps, which were originally intended to support their Aboriginal rights and, in Denendeh, were used to assert collective ownership to unified Dene lands. Deployed in the negotiation of both the border with Nunavut, and with federal negotiators over land selection (part of the land claims process), the maps ultimately serve in the process of breaking-down this solidarity.

The repurposing of historical materials and relationships highlights how the subject of history itself is brought to bear on the division debate. While news media often depicted tensions between Dene and Inuit negotiators as a resurfacing of ancient ethnic tensions, both the nature and manner of division - and tensions arising from it - are very much part of the process of land claims negotiations. As with the Inuvialuit dispute, concurrent negotiations of land claims with the Government of Canada heighten tensions between Dene and Inuit that have a ripple effect on their negotiations. Yet the subject of history itself is very much a part of the division debate. Specifically, the deployment of history and tradition in the context of "traditional use and occupancy" research that was used to mediate boundary disputes and ultimately to arbitrate the location of the border. As I show below, Dene and Inuit maps were effectively pitted against one another.

The evolution of the NWT-Nunavut border traces chronologically over ten years from the 1980s to 1992, and is concentrated between 1984 and 1990. The subject of division was first seriously

raised after the election of the 9th Assembly of the GNWT in 1980, which held a plebiscite on the subject of dividing the Territories in 1982. Support for division was tenuous at best, and fell generally along ethnic and geographical lines. While only 56% of respondents (voter turnout was 53% of eligible voters) favoured division, much of this support from the Eastern Arctic, the federal government gave qualified support to dividing the NWT, provided a boundary be agreed to by Dene/Métis and Inuit negotiators, and that popular support for division be maintained throughout the process and affirmed by another plebiscite before being ratified.<sup>435</sup> To navigate a political and geographical route to division, the Constitutional Alliance - comprised of members of the Legislative Assembly as well as the four main Indigenous organizations in the NWT - was enlisted with determining a boundary “for dividing the Northwest Territories into two viable public government jurisdictions that have the political and economic potential to evolve towards provincial status...”<sup>436</sup> The Western Constitutional Forum (WCF) and the Nunavut Constitutional Forum (NCF) were established to negotiate constitutional development, while the border was negotiated between Tungavik Federation of Nunavut (TFN) and the Dene/Métis Negotiations Secretariat.<sup>437</sup> Both the WCF and NCF were responsible for developing new constitutions for their respective sides.

Talks between the Dene/Métis Negotiations Secretariat and the Tungavik Federation of Nunavut (TFN) did not begin until 1984, after COPE’s agreement with the federal government was rati-

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<sup>435</sup> Frances Abele and Mark Dickerson, “The 1982 Plebiscite on Division of the Northwest Territories: Regional Government and Federal Policy,” *Canadian Public Policy* 11 no. 1 (1985), 1-15.

<sup>436</sup> Harriet Rueggeberg and Andrew Thompson, *Resource Management Boundary Problems* (Yellowknife: Western Constitutional Forum 1984).

<sup>437</sup> The Constitutional Alliance was comprised of the WCF - Dene Nation, Métis Association, COPE - and the NCF - Inuit Tapirisat Canada (ITC) and Tungavik Federation of Nunavut (TFN).

fied. Determined to avoid repeating overlap problems with COPE and government influence - (“This system of talking together and arriving at mutually acceptable solutions is much better than COPE.”)<sup>438</sup> - Dene/Métis and Inuit established a negotiations framework to minimize government involvement. An initial Memorandum of Understanding (MOU) of June, 1984, reflects a strong bilateral commitment.<sup>439</sup> Principles of the MOU “ranged from numbers of aboriginal peoples, the protection of language and culture, traditional land-use and claims boundaries, to land mass and distribution of renewable and non-renewable resources, to government infrastructures, transportation and communication links, to proposed forms and styles of government.”<sup>440</sup> At the same time, the MOU acknowledges the difficulties of negotiating a border in the shadow of the federal land claims process.

This concurrent process of federal land claims can be seen to have direct bearing on Inuit-Dene/Métis negotiations over the border. The TFN and the Dene/Métis disagreed on the importance of the political border in the negotiations process. Whereas the Inuit immediately sought to negotiate a single boundary to create two separate jurisdictions, the Dene/Métis preferred to keep the question of the political border open for the time being, using negotiations to resolve overlap of common use and management areas.<sup>441</sup> Here, it is important to distinguish between the *political*

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<sup>438</sup> Notes on overlap agreement between TFN and Dene/Métis Negotiations Secretariat, December 1984, G-2014-075, Box 2, NWT Archives, Canada.

<sup>439</sup> In their respective land claims with the Government of Canada, and a desire to protect each other’s interests “in common areas through their respective claims settlements.” Memorandum of Understanding, December 1984: 1.

<sup>440</sup> Report to the Legislative Assembly from the Constitutional Alliance of the Northwest Territories, 22 February 1985, N-2008-011, Box 9-1, John Parker fonds, NWT Archives, Canada.

<sup>441</sup> “The Inuit would like to agree in advance that there must be a single boundary between the Inuit/Dene/Métis settlement regions. The Dene/Métis would like to leave the option open for a solution that will allow the two settlement regions to overlap.” Memorandum of Understanding, June 1984.

border and the *claims* boundary. On the one hand is the single-line political boundary - the political border - dividing the NWT and Nunavut into separate political jurisdictions. This line was integral to the respective land claims of Dene/Métis and Inuit with the Government of Canada, as once a border was determined each group could commence land selection for resource rights. On the other hand is the claims boundary, that defining the maximum extent of overlapping land use on either side of the border. This boundary pertains to the management of traditional resources - namely migratory species such as caribou and game birds - and harvesting practices, reflected in both sides' desires to ensure the continuation of those practices after a political border was settled. The MOU commits to secure rights to lands, waters and resources for hunters and trappers "as their ancestors have used them."<sup>442</sup>

On the one hand, Dene and Inuit were committed to resolving the border question in ways that expressly avoided government intervention. On the other hand, both sides' respective interests in claiming land were vested in their relationship with the federal government. The proposal for an "overlap corridor" helps illustrate how shared objectives contributed to border negotiations. At meetings in 1984 and 1985, both sides examined the idea of a common use zone to be jointly managed by Inuit and Dene/Métis through the creation of a single management board. The proposed corridor of forty miles wide (twenty on each side) as joint management zone by Dene/Métis and Inuit, underscores wildlife management as a medium of trans-boundary governance between Dene and Inuit.<sup>443</sup> This is further reflected in the creation of Nunavut and NWT caribou

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<sup>442</sup> Memorandum of Understanding, December 1984: "The parties agree that there is a need to discuss non-renewable resources and their development in areas of common interest." (Article #5) "The parties agree that this memorandum is subject to the approval of the communities affected." (Article #11)

<sup>443</sup> Overlapping Corridor - Meeting notes from 1984, G-2014-075, Box 2, NWT Archives, Canada.

management boards for the Bathurst and Bluenose Caribou Herds - modelled after the Porcupine Caribou Management Board in Yukon and northern Alaska - which Dene and Inuit sought to use to facilitate relations between them after the border was in place.

While both sides sought to keep the negotiation of a political border separate from those of overlapping management areas, there is nevertheless an underlying relationship of political, claims and overlap boundaries. Central here is the influence of non-renewable resources (primarily mineral) being negotiated through land selection with the Government of Canada. Because the single-line political border was to represent the maximum extent of jurisdiction, it reflected the limits of what could be selected through the internal (federal) land claims process. Both sides had an immediate economic interest in maximizing their jurisdiction, so as to increase the total area available in land selection once a single-line border had been established. While land selection and non-renewable resource rights negotiations were initially approached as a different process, it was in fact the latter - traditional resources - that underlay both sides' respective claims.

The border also reflects differences in the TFN and Dene/Métis visions of government and strategies for attaining political rights. Here, too, Dene/Métis and Inuit discussions are heavily influenced by both sides' respective land claims negotiations with the federal government. For the TFN, both objectives were entailed in the creation of Nunavut as a distinct territory with an Inuit-led government. While Nunavut was to be negotiated under the federal land claims framework - and ultimately was to include the extinguishment of Aboriginal rights - it was believed that Nunavut would eventually achieve province-like status as a means of entrenching Inuit rights to land and government. The TFN's position was thus fully invested in hastening the ad-

vance of a Nunavut agreement, and satisfying the political and geographical terms that would facilitate that. For this reason, locating a single-line political border defining the parameters of Inuit jurisdiction was a highest priority for the TFN.

One of the ways these differences produced bilateral conflict between Dene/Métis and Inuit can be illustrated by the gradual hardening of positions on both sides. As in the 1982 plebiscite, division's appeal never fell neatly along ethnic lines; while support for division came predominantly from Inuit, attitudes towards dividing the Territories also reflect the proximity of peoples to government centres. For instance, the primary point of access to government services for Inuvialuit and many central Arctic Inuit communities - namely Kugluktuk and Cambridge Bay - was through Yellowknife. While Nunavut was hoped to be a homeland for all Inuit, having the government in Iqaluit threatened to alienate western Arctic Inuit.

There were other reasons for Indigenous opposition to Nunavut. It was particularly threatening to the Dene leadership, which had begun to utilize the GNWT as a forum to advance Indigenous rights in the Northwest Territories.<sup>444</sup> For many, this called into question the political advantages of a separate Nunavut jurisdiction - not only from the perspective of Dene, Métis and Inuvialuit, but for the Inuit themselves.<sup>445</sup> The Inuit leadership, on the other hand, favoured an approach that

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<sup>444</sup> Coulthard, 2014. fn 149. Citing Kulchyski, 87. Coulthard notes that upon Stephen Kakfwi's election, the Dene Nation "made a strategic decision to pursue the recognition of political rights through the territorial government and land issues through the negotiation of the land claim." (fn. 149)

<sup>445</sup> Gurston Dacks (1985), "The case against division" Political scientist Gurston Dacks argued against division on the grounds that separating Inuit from Dene, Métis and Inuvialuit would erase the Indigenous majority that existed in the Northwest Territories, and while Nunavut would have a very strong majority of Inuit voters, Nunavut as a whole would ultimately be more dependent upon its direct relationship with the federal government.



was based on jurisdiction for Nunavut.<sup>446</sup> Nevertheless, Dene continued to support the principle of Inuit self-government based on Aboriginal rights, buoyed by their entrenchment in the Canadian constitution. This position - articulated in *Public Government for the People of the North* (1981) a discussion paper towards securing Aboriginal rights through the creation of Denendeh as a province-like jurisdiction with a public government.<sup>447</sup> Dene continued to view the entrenchment of Aboriginal rights as the only viable basis for Indigenous self-government. Here, too, the broader context of Aboriginal rights is reflected in the division question. Because the TFN considered a single-line political border a prerequisite to establishing Nunavut, Inuit negotiators prioritized the border with the intention of making separate arrangements for resource and land allocation at a later time. By 1985, a clear shift in tone emerged, as the TFN insistence on a single-line political border was increasingly viewed as undermining Dene and Métis efforts to achieve a settlement based on Aboriginal rights. As Stephen Kakfwi told a reporter, there was "an increasing feeling they (the eastern Inuit) just want to take care of their own."<sup>448</sup>

The nature of the border line, including data for boundary claims, also became a source of tension.<sup>449</sup> Disagreements emerged as a result of competing criteria used to determine the locations

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<sup>446</sup> Draft Memorandum of Understanding between Dene/Métis and Inuit.

<sup>447</sup> *Public Government for the People of the North* (Yellowknife: Dene Nation, 1981), 3: "We see no reason why a public government cannot be designed by all northerners in a way that makes it possible to govern in the interests of all northerners while, at the same time, having special features requires to protect and enhance the rights of native people."

<sup>448</sup> Robert Sheppard, "Dene, whites warily approach territorial division," *The Globe & Mail* 13 February 1985. As one commentator wrote in the *Native Press*, 1984: "The WCF has been carried this far along on the wave of eastern desires for Nunavut. What has happened in the political development process up to now has been a result of initiatives made by the east." Annelles Pool, "'Dene and Feds settle overlap issue'" *Native Press* 24 February 1984: 2.

<sup>449</sup> Magnus Gunther, *The Boundary and Overlap Negotiations of the TFN of Nunavut and the Dene/Métis Negotiations Secretariat* (Ottawa: Indian and Northern Affairs Canada, 1990), 10.

of overlapping boundaries. The role of data in shaping the political border can best be illustrated with reference to the use of maps and technical information. Like the location of the political border, overlap negotiations were guided by principles of continued access to traditional harvesting, hunting and trapping areas. In border negotiations, technical sessions for sharing land use data from their respective research were arranged to establish an overlap zone. Such sessions, however, aroused rather than resolved tensions. As with the Inuvialuit boundary limit, Inuit relied heavily on Milton Freeman's *Inuit Land Use and Occupancy Project* of 1974, with its high percentage of hunters and trappers - roughly 85% - having been interviewed. The availability of this information clearly shaped the TFN negotiation position. While the TFN agreed to hold public consultations in communities affected by the overlapping areas, they saw little need for additional land use research. Aside from desires to update the maps to reflect contemporary land use (the maps reflected use up to 1974), extensive research was considered time-consuming, expensive and generally unnecessary.

This was decidedly not the case for the Dene. As noted by Phoebe Nahanni, and reiterated in William Wonders's report of 1984, the Dene/Métis maps were incomplete in comparison with the Inuit maps. In addition to disparities in the proportion of hunters and trappers interviewed (30-33% complete), the Dene maps were unpublished and largely inaccessible. This led the Dene to invest in the digitization of their trail maps from the mid and late-1970s, launching the Dene/Métis Mapping Project - one of the earliest Indigenous GIS projects in Canada.<sup>450</sup> In preparation for land claims negotiations with the federal government, the Dene Nation partnered with researchers at the University of Alberta in 1980 to form the Dene/Métis Mapping Project, the pri-

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<sup>450</sup> See Michael Asch, Thomas Andrews and Shirleen Smith, "The Dene Mapping Project on Land Use and Occupancy: An Introduction" *Anthropology and Praxis* (1986), 36-43.

mary purpose being to make the maps useful to both the Dene Nation and the communities and to assist with the presentation of information pertinent to Dene land use in the claims process.<sup>451</sup> The more than 130 original maps of Dene trails and biographical information made it possible to perform computer queries of Dene lands that would return both trail maps, harvesting information, and stories pertaining to the selected area, thus enabling Dene to demonstrate use and occupancy upon request. The tool was particularly useful in negotiations with the federal government, enabling the Dene to convince federal negotiators of the extent of historical Dene land use.<sup>452</sup>

The use of the maps in negotiations of Dene-Inuit overlap, however, highlights conflicts of using data in this way. Two things are worth pointing out. First, both Inuit and Dene maps were based on research from the mid-1970s and thus did not reflect land use into the 1980s. While the ten-year interim did not fundamentally alter these patterns, the maps did not account for the renewal of hunting and trapping patterns and areas by younger Dene, many of whom began returning to land-based activities in the late 1970s.<sup>453</sup> Second, both projects were undertaken to demonstrate prior use and occupancy in order to build a case for Aboriginal rights. In this regard, histories of land use and the maximum areal extent - the primary function of the maps - were documented in anticipation of government challenges to Inuit and Dene articulations of land use. Maps were *not* designed to moderate overlapping land use between Inuit and Dene.

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<sup>451</sup> Michael Asch, "Final Report of the Dene/Métis Mapping Project 1990," Collected Materials of the Dene Nation, Yellowknife, Northwest Territories, Canada.

<sup>452</sup> As Asch noted, "we were able to show clearly how we had derived both the boundary line and the internal land use and occupancy." Asch, 1990: 4.

<sup>453</sup> This is noted by Phoebe Nahanni in her testimony to the Berger Inquiry, as is the movement of many Dene away from settled communities in the 1960s. The founding of Wekweètì by Alexis Arrowmaker is a testament to the will and desire of Dene to restore traditional ways of living.

Problems from this arose in multiple ways that directly impacted negotiations between Dene and Inuit. For one, both sides could not agree on a definition of “traditional use and occupancy,” struggling in particular over what constituted “use.” While the Dene/Métis maps depicted the areal extent of Dene trails, they did not document the frequency or intensity of land use.<sup>454</sup> In areas north of the proposed border that Dene/Métis negotiators sought to include in the overlap zone, the TFN made the distinction between “occasional use” and “full time use,” arguing that Dene did not make “full time use” of those areas, which should be excluded from the overlap area. Nor could both sides agree to an appropriate historical starting point. Inuit prioritized contemporary use based on criteria “within living memory.”<sup>455</sup> As one report on the overlapping claims note: “Whereas the TFN confine their definition to the experiences (uses by) of people who have been interviewed, the Dene/Métis go further back in history to the experiences (uses by) of parents and grandparents, as recounted from one generation to another, and recalled by living heirs.”<sup>456</sup>

These differences underscored the manner that historical information - data - was utilized in border negotiations. Two locations - the Thelon Game Sanctuary and Contwoyto Lake - illustrate the extent of these intersections and the relationship of overlapping claims with the political border.

While both entail questions of “traditional use and occupancy,” each also centres on both Dene

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<sup>454</sup> “Meeting with TFN and Dene/Métis to discuss overlap”, Edmonton, Alberta, 24 May 1985. Collected Materials of the Dene Nation, Yellowknife, Northwest Territories, Canada. “One major source of contention that is obvious is the definition of ‘traditional use and occupancy.’”

<sup>455</sup> Gunther, 1990: 10. “The TFN seem to be concentrating much more on current as opposed to traditional use. What date should the claim be based on? It was at one point suggested that the 1921 [sic] would be a reasonable starting point.”

<sup>456</sup> Gunther, 1990: 12.

and Inuit experiences of government policies, and further highlight the influence of the state - and its interest in promoting mineral extraction - as central to the border dispute.

The first of these is the Thelon Game Sanctuary, a wildlife reserve in the southeastern portion of the NWT side of the border (southwest side of Nunavut), historically a harvesting area for Inuit, Dene and Métis. In the late nineteenth and early twentieth centuries, the area was popular for harvesting muskox furs, patterns that were altered by a federal prohibition on the sale of muskox robes. The prohibition led to a rush on Arctic fox furs throughout the NWT by white trappers, leading to the creation of game preserves to stem the flow of hunters from the south.<sup>457</sup> The Thelon Game Sanctuary was created in 1927, and while Indigenous hunting and trapping was allowed to continue, the general ban caused the Hudson's Bay Company to cancel plans for a trade post there. This diverted fur trapping - including Dene, Métis and Inuit - further afield, altering patterns of land use away from the area. Despite regulations on wildlife hunting, however, there were no restrictions on mineral exploration. The discovery of uranium on the Thelon River in 1978, heightened mineral speculation in the area as well as claims by both Inuit and Dene/Métis to their historical use of the region. When TFN negotiators pointed out that Dene trail maps included only small areas of Sanctuary, Dene responded that hunters interviewed in the 1970s had withheld that information, as hunting and trapping there was illegal at the time. Hunters from the South Slave region pointed out that they frequently followed the Beverly Caribou herd into the area, and that despite years of absence from those lands many younger hunters had started to return to the Sanctuary to renew traditional harvesting practices.

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<sup>457</sup> William Barr, *Back from the Brink: The Road to Muskox Conservation in the Northwest Territories* (Calgary: Arctic Institute of North America 1991); Kulchyski and Tester *Kijumiat: Talking Back* (Vancouver: UBC Press 2007), 31-34.

Similar issues around Contwoyto Lake also highlight the structural dimensions of the overlap problem. Contwoyto Lake, a large body of water running northwest along the proposed political border, was noted by Magnus Gunther as among “the most difficult in the course of negotiations.”<sup>458</sup> Like the Thelon Game Sanctuary, Contwoyto Lake negotiations took place against the backdrop of mineral resource speculation and followed on the heels of the opening of the Lupin gold mine at the north end of the lake in 1982. While the Dene/Métis negotiators did not have significant interest in the Lupin Mine itself, they noted the impact of the construction of roads and power lines used to supply the mining industry there in anticipation of expanded mining activity in the North Slave area. Anticipating the creation of a permanent thruway - a road of roughly 700km from Yellowknife - the Dene position was motivated to ensure compensation for intrusions to hunting grounds that would result. “It will be Dene/Métis lands which suffer the effects of the roads and power lines used to develop the west shore of Contwoyto Lake for mining. In this light, it is only logical that the area and the mining activity there come under the Dene/Métis settlement area.”<sup>459</sup> Conflict between Dene/Métis and Inuit centred on the extent of Dene traditional harvesting areas, namely the Dene claim to historical use of lake’s eastern shore, which was claimed by Inuit. Here, too, the TFN disputed the extent of Dene land use and the historical nature of the claim. Interesting here is the use of archaeological and historical research - and not trail maps - to support the Dene claim. Researchers from the Dene/Métis Mapping Project produced evidence of Dene knowledge of the eastern shore, and proof that Dene had continuously used those lands since the eighteenth century. Among these were maps and journals of

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<sup>458</sup> Gunther, 1990: 19.

<sup>459</sup> Mining Activity and the Contwoyto Lake Overlap, 15 February 1988, Historical Materials of the Dene Nation, Yellowknife, Northwest Territories, Canada.

Samuel Hearne's expedition in 1771. "It is obvious from [Hearne's] discussion and his maps that the eastern side of Contwoyto Lake was familiar territory to these Dene families. Hearne's account of his travels emphasizes that Hearne was exploring but that the Dene were travelling through their lands."<sup>460</sup>

Such conflicts can be seen to form an integral part of the Dene/Métis and Inuit negotiations. Both the Thelon Game Sanctuary and Contwoyto Lake areas reflect similar conflicts over traditional use areas near Great Bear Lake, as well as in areas north of the NWT-Manitoba border, which at one point derailed negotiations completely. More broadly, it reflects how traditional lands are leveraged in the negotiations process and how these evolved as a source of conflict throughout the negotiations process. In May, 1986, a draft agreement was reached appearing to confirm a settlement, with a boundary plebiscite set for May of 1987. At the last minute, however, the agreement fell apart over 156,000 square kilometres of tundra in the central Arctic, areas historically used by Dene of northern Manitoba crossing into the NWT. With the collapse of talks reportedly occurring just thirty minutes prior to the deadline, the Inuit leadership was furious at what it perceived to be a last minute land grab by the Dene/Métis and an effort to take advantage of the Inuit, who were so eager and so close to reaching an agreement.<sup>461</sup> Both sides resumed ne-

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<sup>460</sup> Dene/Métis Overlap Position, 1988: 4. Similar accounts are also provided from European explorers of the Northwest Territories, not only in Contwoyto Lake but in the Thelon Game Sanctuary as well. David Hanbury, who travelled the Thelon River in 1899, noted that "There was no information to be obtained from the Eskimo, for none of them had ever ascended the river for any distance." (Hanbury, 1904: 10, in Dene/Métis Overlap Position, 1988: 20)

<sup>461</sup> Brian Maracle, "Land talks fail in NWT; vote put off" *The Globe & Mail*, 02 April 1987; Geoffrey York, "A major setback: Dene snare an Inuit dream on a lonely stretch of tundra" *The Globe & Mail*, 04 April 1987.

negotiations the following year, with a particular emphasis on resolution of the Thelon and Contwoyto Lake areas, but were unable to reach an agreement over the location of the border.

Needless to say, conflicts over Contwoyto Lake, Thelon Game Sanctuary and others stem directly from federal policies. As before, trail and harvest maps were collected in the mid-1970s in preparation for their claims submission to the federal government. These maps, which substantiated the prior use of Dene and Inuit lands - and thus grounded their assertions of Aboriginal title - were intended to be used in negotiations with the federal government. Disputes over Contwoyto Lake, however, indicate how the maps foster divisions between Dene and Inuit. The use of the maps to locate the border - and the altered conditions of the respective negotiations of Dene and Inuit - pits Dene and Inuit in competition not only for resources, but to determine which criteria should be used to negotiate their respective claims.

### *What the Border Divides*

“We did not invent the difference between us.”

Joe Mercredi, Métis Association of the Northwest Territories  
*Northern Transitions Vol. II: 103*

In his lecture series on political development in the Northwest Territories, John Parker reflected on the collapse of Dene-Inuit negotiations of 1987. “What I wish to leave with you is the great depth of feeling present on each side, and that, indeed, each had made concessions, but felt so strongly about that one section of boundary [Contwoyto Lake] that they could not reach a final



agreement.”<sup>462</sup> While Dene and Inuit negotiations resumed in 1988, they remained too far apart on overlapping claims. Parker himself was eventually assigned to arbitrate the border dispute, ultimately adhering closely to the initial tree-line boundary that was set out in 1984. The exception is a slight northward diversion of the border near the southwestern shore of Contwoyto Lake, retaining part of the area for the Northwest Territories. A final plebiscite on the division of the Northwest Territories in the spring of 1992 received a small majority of support, and appeared to generate even more confusion.<sup>463</sup> The slim majority favouring division (54%), however, was enough to confirm wider political support for creating Nunavut, which was done in 1993 with the passage of the Nunavut Land Claims Act. For his efforts, the political border dividing the Northwest Territories and Nunavut is today commonly referred to as the “Parker Line.”

Covering division for *The Globe & Mail*, Miro Cernetig put the debate in a broader context than that of simply locating the border. Citing the effects of both Inuvialuit and Inuit claims agreements with the federal government, Cernetig wrote of “The Death of Denendeh” - a result of pressures faced by Dene to hasten the conclusion of their own agreements, and of the significantly weakened negotiating position of the Dene after the departure of Inuit. Of the manner that Denendeh was affected by Nunavut, Cernetig wrote that government tactics were “making it possible for the federal government to settle aboriginal land claims across the North in a piecemeal fashion.”<sup>464</sup> Further noting the important political precedent that was set with the Nunavut agreement, Cernetig wrote:

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<sup>462</sup> Parker, 1992: 84.

<sup>463</sup> Miro Cernetig, “Drawing a line in the tundra” *The Globe & Mail* 04 May 1992: A1.

<sup>464</sup> Miro Cernetig, “The Death of Denendeh,” *The Globe & Mail*, 09 May 1992: D4.

For the federal government, Nunavut is a key symbol in its attempt to show Canadians and the world it is committed to native issues... While not the type of land-claim deal many natives like to see because it involves extinguishing rights, the Nunavut model is looked upon by the federal government as a positive model for aboriginal self-government.<sup>465</sup>

The correlation of Nunavut's rise and the demise of the Denendeh proposal can also be seen in this context. In September of 1988, the Dene/Métis Negotiations Secretariat arrived at an Agreement-in-Principle with the federal government for the settlement of a Denendeh claim. The agreement was to give Dene and Métis full title of 10,000 square kilometres of subsurface land rights plus partial ownership of an additional 180,000 square kilometres of surface land, with the promise of \$500 million over twenty years. In April of 1990, a final agreement was reached between Dene/Métis and the federal government, leaving only a ratification vote by the Dene chiefs. Although the announcement of an agreement came at the same time that the federal government concluded an agreement with the TFN for Nunavut, the Dene/Métis agreement made no commitment to negotiate Dene self-government. Rather, the agreement "confirms the special status of the Dene and Métis as aboriginal peoples."<sup>466</sup> But the addition of an extinguishment clause to the 1990 agreement proved unacceptable to the chiefs. Without guarantees of entrenchment of Aboriginal rights and rights to self-government, the Dene refused to sign. According to John Hamilton, "the Métis Association got cold feet and pulled out of the Dene/Métis front. The Gwich'in of the Delta followed them, and the leadership of the Dene Nation was left swinging in the breeze."<sup>467</sup> In April, 1992, the Gwich'in Tribal Council signed the Gwich'in Comprehensive Land Claim Agreement with the GNWT and the Government of Canada, which came into effect

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<sup>465</sup> Miro Cernetig, "Inuit back Nunavut boundary: But vote in west threatens dream" *The Globe & Mail* 05 May 1992: A1.

<sup>466</sup> Hamilton, 1994: 249.

<sup>467</sup> Hamilton, 1994: 250.

in December of that year. Sahtu and Métis followed suit with the Sahtu Dene and Métis Comprehensive Land Claim Agreement in 1993. While both agreements provided for future self-government negotiations within the respective regions, they are premised on the extinguishment of Aboriginal rights.

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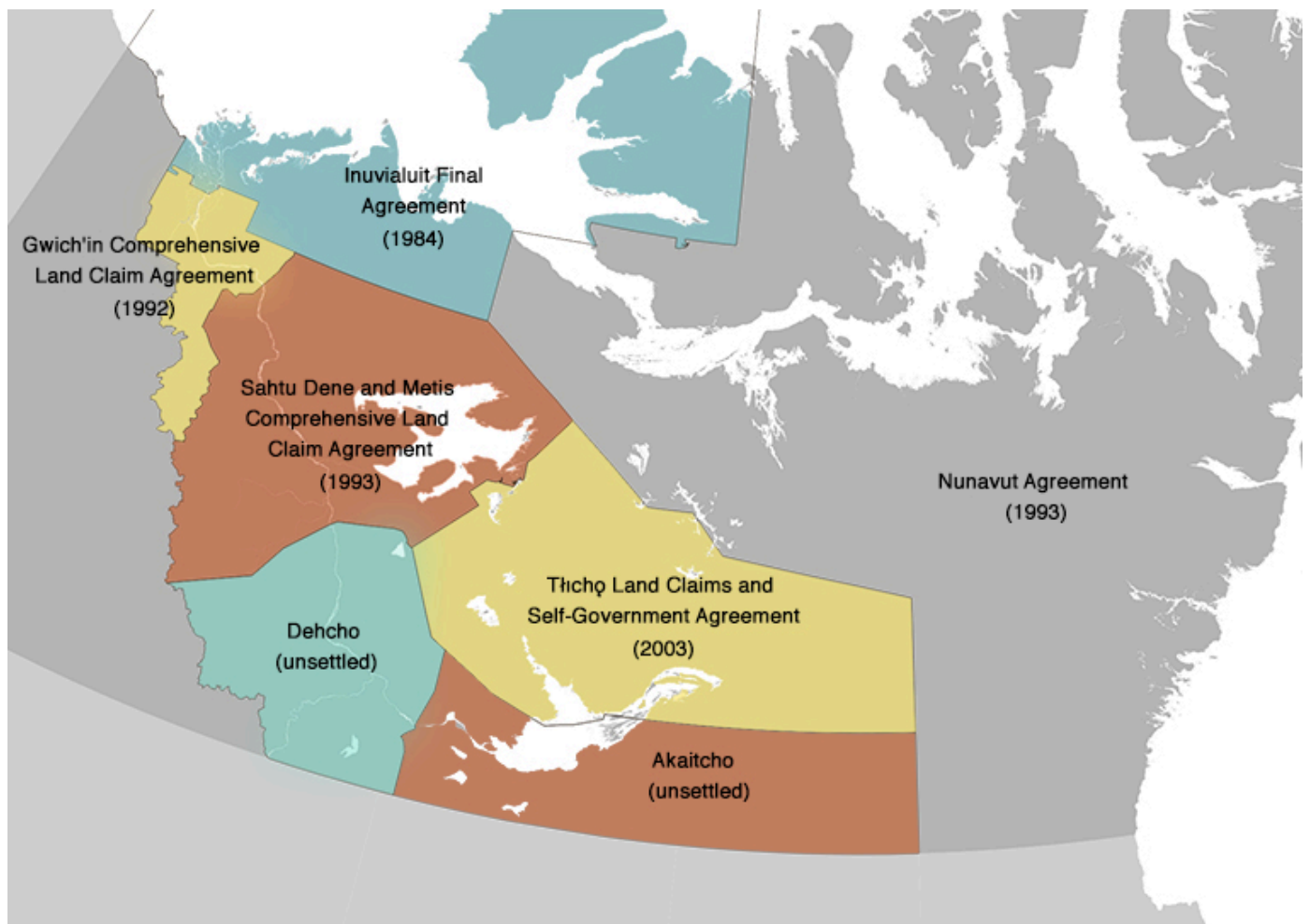
In focusing on the border between Nunavut and the NWT, it is easy to overlook and miss what the process of division entails and the various scales at which it occurs. While division gives rise to celebrations of Nunavut, it also gives way to the severing of ties among peoples, communities, families and relations. It further masks the longer historical trajectory of settlement and expansion into the Northwest Territories, in which the severing of relations - relations amongst people, non-human actors, and land - is integral to the process. For Dene, Inuit, Métis and Inuvialuit, division continues patterns of playing various groups against one another, of exploiting differences of interest and priority between them. Dating back to early writings of the IB-NWT warning of the need for a united approach, division must be seen within the longer history of federal land claims; that is, not simply an outcome of negotiations but a strategy of eroding Indigenous solidarity. As I have argued here, the failure of the Denendeh agreement in 1990 highlights dynamics of division that are largely omitted from scholarly literature but which are integral to the political geography of northern Canada. It is a failure that enables the business-as-usual approach of the federal government, and ultimately aides Canada's claim to Indigenous lands. These can also be seen in Minister Tom Siddon's comments on Denendeh: "Somehow, some interests have kept alive the notion of almost a free-standing nation, Denendeh, which would have virtually sov-

oreign powers. That doesn't take into account the need for investment, that there are a large number of non-native people living in the North, (or that) the North is part of Canada."<sup>468</sup>

That "the North" is part of Canada is, of course, the crux of the challenge from Inuit, Inuvialuit, Métis and, most of all, from Dene. While northern Indigenous groups struggled throughout the latter half of the twentieth century to influence the terms of relationship with the Government of Canada, Canada's efforts can be boiled down to a simple insistence: that Indigenous peoples and lands are contained by and within it. The Government of Canada still has produced no good argument for why its laws and institutions are presumed to supersede those of Indigenous peoples, who were here first. The division of the Northwest Territories, and the many different ways that division is cultivated, exemplifies how Canada's sovereign claims to northern lands materialize through the reimagining and projection of indigeneity, and the placement of these within a broader set of parameters called Canada.

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<sup>468</sup> Cernetig, "The Death of Denendeh," 1992.



**Fig. 7:** A map of the current land claim agreements and negotiations in the Northwest Territories. The dates listed are those when settlements were finalized.

## Chapter 7: CONCLUSION | Beginning Again

“We say, over and over, that we want desperately to atone for a crime while we’re still in the middle of committing it.”

Stephen Marche, 2017  
*The New Yorker*

In the early 1990s, the hopes and efforts of achieving a united Denendeh self-government proposal collapsed. In the years that immediately followed, and in combination with the finalization of the Nunavut Agreement in 1993, the effects of the collapse rippled throughout Denendeh. “Like dominoes falling,” wrote Peter Kulchyski, “the next region to negotiate a separate deal was the Sahtu, immediately south of the Gwich’in and also on the Dehcho, in the area including and to the west of Sahtu.”<sup>469</sup>

There is a clear geographical ordering to the succession of land claims settlements in the Western Subarctic. Beginning with the Inuvialuit Final Agreement in the mid-1980s, the Gwich’in and Sahtu settlements were reached in 1992 and 1993. To the south of the Sahtu, a settlement between the Tłı̨chǫ and the federal and territorial governments was reached in 2003 and came into effect in 2005. Negotiation of Dehcho and Akaitcho agreements, which were begun in 1999 and

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<sup>469</sup> Peter Kulchyski, *Report of An Inquiry Into An Injustice: Begade Shutagot'ine and the Sahtu Treaty* (University of Manitoba Press, 2018), 9.

2000 respectively, are ongoing. On the official website of the Government of the Northwest Territories, a total of twelve settlements are listed as ongoing negotiations many of these for self-government agreements that were excluded from earlier settlements for land and resources rights. Of the six agreements that have been concluded - the Inuvialuit, Gwich'in and Sahtu agreements among them - only the *Tłı̄chǫ Land Claims and Self-Government Agreement* (2003) includes land, resources and self-government provisions. In all other cases, land and resource rights have been negotiated as separate from self-government agreements, which now make up much of the ongoing talks.<sup>470</sup>

There is also a distinct temporality to this geography. It has been longer than forty years since the land claims negotiations first began, thirty-five years since the signing of the Inuvialuit agreement, and nearly twenty years since the collapse of the 1989 AIP. It is worth noting how far off this is from even conservative estimates of several decades ago. Current negotiations, on average, require far more than the ten years that Thomas Berger thought would be required to resolve settlements. In 2018, the Standing Committee on Indigenous and Northern Affairs reported an average negotiation period of eighteen years to settle a comprehensive land claim.<sup>471</sup> It being an average, of course, some have gone on much longer. But the discrepancy between Berger's estimates and what has occurred since also reflect something deeper in the nature of these relations, and the character or traits of settler colonialism as it has evolved in the making of Canada.

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<sup>470</sup> For information on existing agreements and ongoing negotiations, see the GNWT Department of Executive and Indigenous Affairs webpage: "Concluding and Implementing Land Claim and Self-Government Agreements," Government of the Northwest Territories, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements>. Accessed on 11 June 2019.

<sup>471</sup> Canada. Standing Committee on Indigenous and Northern Affairs. *Indigenous Land Rights: Towards Respect and Implementation* (Ottawa, ON: Queen's Printer, 2018), 1.

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Whereas in the United States, Indigenous peoples have historically been given a quick death, in Canada they are given a slow one. This statement (I cannot recall where I heard it first) has stuck with me as a neat summary of settler colonial relations in Canada. Namely, in Canada, the evolution of settler relations of power have often - though not always - occurred at a more gradual pace. As a result, this power often appears seamless or invisible to mainstream Canadians. As I have suggested in the chapters above, time and temporality are integral to this seamlessness, and to how a structure of colonial power has historically been made invisible to the dominant population that votes for, participates in, and ultimately sustains it. This study has sought to make these dynamics of power visible by placing two historical projects in relation to one another. The study has asked, first, how Indigenous northerners have historically been *known* to both state officials and the Canadian public, and second, how this knowledge has been shaped by various economic and political interests in opening northern lands for development and settlement. It has shown how this knowledge and these interests - and the relationship between them - have contributed to the making of the modern north.

While settler colonial studies often treat land and space as central focal points, this study has treated time as a fundamental dimension of settler geographies. Time can first be seen in relation to themes of knowledge in the postwar north and the pastness of indigeneity. In the early postwar period, this pastness of Indigenous northerners was treated by government officials as license to dispose of land leases and permits with the goal of developing northern mineral and petroleum



resources. Guided by this belief, and a presumption that traditional life ways and economies of Dene and Inuit were incommensurable with modern resource extraction and skilled labour, state officials at Northern Affairs sought to modernize Indigenous peoples by adhering them to large-scale resource extraction projects. These were driven predominantly by private interests, and official policies devoted to supporting and luring new capital investments in the region. Yet the government's own research into northern development exposed conflicts between researchers and policy makers. Many government social scientists rejected the notion that Indigenous societies were nearing obsolescence, and opposed government rhetoric linking this pastness with the stated need for industrial development. The conflict marks the entry of time into the rhetoric of northern development, and the strategy of the federal government more generally.

This strategy is more visible in the federal government's policies of the early 1970s, and is most clearly linked through government investment in northern infrastructure, political development, and capital investment. With the expansion of the Mackenzie Highway, which was built in anticipation of the later development of a pipeline, Dene labour became integral to the broader objectives of shoring up the new Government of the Northwest Territories. The strategy of integration - a market-driven mode of assimilation - was examined in the third chapter. Although the unskilled highway clearing positions given to Dene and Métis workers were necessary for the construction of the highway, Dene employment served a purpose beyond those of extracting profit from labour. Rather, labour was envisioned by government officials as a means of enrolling Dene as participants in mainstream northern society. Both figuratively and literally, construction of the Mackenzie Highway was intended to facilitate access of Dene, Métis and Inuit to the new Government of the Northwest Territories, which was ostensibly adjusted to progress at a pace best

suiting to Indigenous northerners. Yet these efforts backfired in a number of ways. Instead of fostering support for the new government, highway construction directly contributed to Dene political mobilization and organized resistance. Dene, who saw alternatives to capital development of their lands, rejected the main premise of pacing the rate of development to their participation; they posited a right to choose not to participate entirely.

The subject of time is also thematically and substantively central to Dene resistance. This was illustrated in the fourth chapter, which focused on the temporality of Dene maps. Here, I examined the broader historical context that shaped Dene research methods, elaborating how time and temporality were central to making the space of Denendeh. This broader context linked origin and legend stories that have historically bound Dene to the land, and facilitated the transfer of these stories from one generation to the next. The focus on trail maps, and the intergenerational dynamics of maintaining and restoring them, was directly linked to both histories of treaty and to the contemporary context of land claims research. Just as the Dene leadership viewed the highway and labour as threats to Dene autonomy and land, Dene researchers viewed use and occupancy studies as a means to replace the historical treaty relationship between Dene and the Government of Canada. This resistance was not simply predicated on showing the full extent of use and occupancy. Rather, the maps posited that both Denendeh and the relationship of Dene and the Government of Canada, were not primarily spatial in nature, but temporal.

Not all aspects of this relationship are limited to official relations between Dene and state officials. In its efforts to examine the broader nature of settler colonial power, this study also examined issues of popular knowledge, imagination, and memory as it relates to northern history. In a

chapter devoted to the Mackenzie Valley Pipeline Inquiry of the mid-1970s, I dissected the legacy of the Inquiry as it is known in southern Canada to draw out broader points about the nature of settler-Indigenous relations both then and in a contemporary context. Here, the theme of time and temporality was invoked in a comparison of how Dene and non-Indigenous Canadians discussed the future. I used the comparison to highlight discrepancies in how the future was imagined, and how it was linked to an understanding of the relationship between Dene and mainstream Canada. While Dene used the future to articulate Dene nationhood, much of this was missed by southern audiences, many of whom held to notions of Indigeneity as being in need of protection. The chapter concluded by drawing parallels to contemporary Indigenous struggles that closely resemble those of the Dene struggle at the pipeline inquiry.

With the signing of the Nunavut Agreement in 1993, a new beginning was proclaimed in the historical relationship between Canada and Indigenous peoples. As I showed in the final body chapter, however, the process of arriving at this point was a long and difficult one, and contributed to mistrust and animosity between Dene and Inuit. Through procedures to resolve overlapping claims between Dene, Inuvialuit and Inuit, I raised questions about the relationship of the subject of history itself in the making of the modern north. Moreover, the chapter examined some deeper dimensions of settler colonial power in relation to overlapping claims. In the main, I showed how the structure of the land claims process contributed directly to the cultivation of disunity between Indigenous northerners, who were left to compete over land and resources. The chapter highlighted the underlying politics of new beginnings in the north as imagined in government rhetoric, and the truer costs of these.

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In the course of writing and rewriting this dissertation, I have often thought of where and how I might have approached the subjects differently. At times, I have imagined conducting an entirely different study, one devoted to what I now consider the most valuable and the most compelling aspects of the project. Of the subjects examined above, the mapping of Denendeh stands out as being the one that best showcases both a more complete picture of Dene resistance and my own research interests in the subject. It also seems to me to be the one that offers the most insight into the importance of the longer history explored throughout the dissertation, and its contemporary relevance.

In the fall of 2016, during field research in Yellowknife, I rented a car to drive to Fort Providence to meet with two people from Fort Simpson. Providence is roughly a three hours drive west along the Mackenzie Highway from Yellowknife. It is five hours further to Simpson. Over lunch, we chatted briefly about the history of the Dene land use project and about Phoebe Nahanni, the project's director, who was from the area. I learned about the fond memories of Phoebe Nahanni, who died in the late 1990s, and that a small scholarship has been set up in her name for students in Simpson. But gradually the conversation shifted to a different subject entirely. My lunch companions wanted to know about me, where I came from, and what was behind my interest in the Dene maps and the history of the area. They had questions that I didn't have good answers to, and in the processes of talking my way out around them I realized how little I actually knew about this history. On the drive back to Yellowknife, I felt a strange sense of relief from the conversation that reminded me of my reaction to seeing the Dene trail maps for the first time. In part,

the relief came from realizing that the scale of the mapping project was far beyond the scope of this dissertation. But I also thought about the meeting itself; how far the people I had just met with had come to see me, how it would have taken ten hours roundtrip to travel from Simpson to Providence. The next day, when I called one of them to thank him for coming, he told me he had just arrived in Inuvik for a meeting that had only learned about the night before.

There have been many conversations about land and travel in relation to Dene history and mapping Denendeh. At one time, during a conversation with a former fieldworker for the mapping project, I was told about the mapping of Great Bear Lake between him and an elder, who did not know how to read maps, yet from the sequence of place names described through the mapping process outlined the contours of the lake that perfectly matched its shape. Another time, I learned how during the fur trade trappers would regularly travel hundreds of miles from one trading post to another in pursuit of a better price for their furs. I have heard similar stories and comments from Inuit who I met and spoke with during research in the summer of 2015. Like Dene, Inuit traveled vast distances for a wide variety of reasons. Like Dene, Inuit have adapted how they travel on the land to changing environments and circumstances. They have different opinions on how to travel, on what routes to take, and whether reliance on GPS technology is a good thing or not, but they speak of travel as important to the culture, and something the young people must learn to do. Travel and survival are intimately bound together.

Travel has profoundly shaped northern social geography. Yet one only gains a proper appreciation for this fact when travel is seen across time and in the transfer of knowledge between generations. I was reminded recently of another conversation I had in Yellowknife, when I met with a

former executive member of the Indian Brotherhood of the Northwest Territories. Like many young Dene then, he attended school in the south - on the east coast - and returned to a position of leadership in his community. However, most of our discussion was not about young Dene. It was about working with elders, learning their vision for what the Dene should do, and working to translate that vision through the political efforts of the IB-NWT. He described the many challenges associated with this; of the expectations that he would leave the north to get an education, and to return to a leadership role in his Sahtu community. He described what has inaccurately been characterized by others as an inherent conflict between traditional and modern ways. He put it differently. He referred to the challenge of walking in two worlds. I have since noticed multiple references to walking or living in two worlds. I have heard it by Dene as well as Inuit, and noted how it is decidedly *not* framed in terms of a past and future. Throughout this research I have had conversations with and come to know many Dene and Inuit. Many regularly refer to past events, to stories, or ancestors. But it has never been the case that people describe the past as a discrete or distinct entity. Dene and Inuit seek to live well for themselves, their families, and their children, and to do so they draw guidance, strength, and wisdom from those around them and those who came before them.

This temporality has also informed the political geography of the border and the division of the Northwest Territories. When I spoke with a former negotiator for the Dene Nation, he said that while it was the hope of Dene to achieve a united settlement back then, in many ways the regional model makes more sense today. It is not necessarily that it is a better model when compared with the various proposals for Denendeh. It is that it is a more realistic model, one based on an evolving understanding of how the other side - the government of Canada - has approached ne-

gotiations, and fundamentally what its objectives are. Whether the regional model is ideal is not the point. For better or for worse, the lengthy processes of land claims settlement have become a means of nation building, of building from within and with one another. But the negotiations framework itself, which has sought to divide Indigenous nations, has created new lines of commonality between them. As such, this shared experience and struggle has contributed to a renewal of relation building and reconciliation, not between Dene and Canada or Inuit and Canada, but between Dene and Inuit. In recent years, Dene and Inuit leaders have arranged meetings across the border to observe friendships and relations, and to address shared challenges of living within a social and political structure that has sought to erase them.<sup>472</sup>

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At the outset of this study I raised the question of how the division of the Northwest Territories and the creation of Nunavut comes to be represented as good for the “Canadian psyche.” In doing so, I have sought to show how far removed this notion of the Canadian psyche is from the realities of how Canada has historically been made. In the chapters above, I have outlined how social and political developments of the postwar north intersect various geographical scales that comprise Canada as a nation at large. In the sense that the Dene struggle transcends these scales to draw national and international attention to local and regional issues, the period garnered interest that was unparalleled in Canadian history. Yet in many other ways, the Dene struggle of the 1970s and 1980s anticipated challenges faced by Indigenous groups across the country. The history of social and political change in the Mackenzie Valley continues to stand out in Canada’s

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<sup>472</sup> See Emilie Cameron, *Far Off Metal River* (Vancouver: UBC Press, 2015), 162-168.

national imaginary of the north and of Canadians's sense of the relationship between Indigenous peoples and the country at large. It also continues to inform Indigenous activists, organizers, and leaders. The question of how dividing the Northwest Territories is good for the nation has also raised new questions that are bound with settler-Indigenous relations in Canada, and how these have evolved as a system of colonial power. My hope is that these questions will contribute, at least in part, to future discussions and reflections on the nation itself.



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