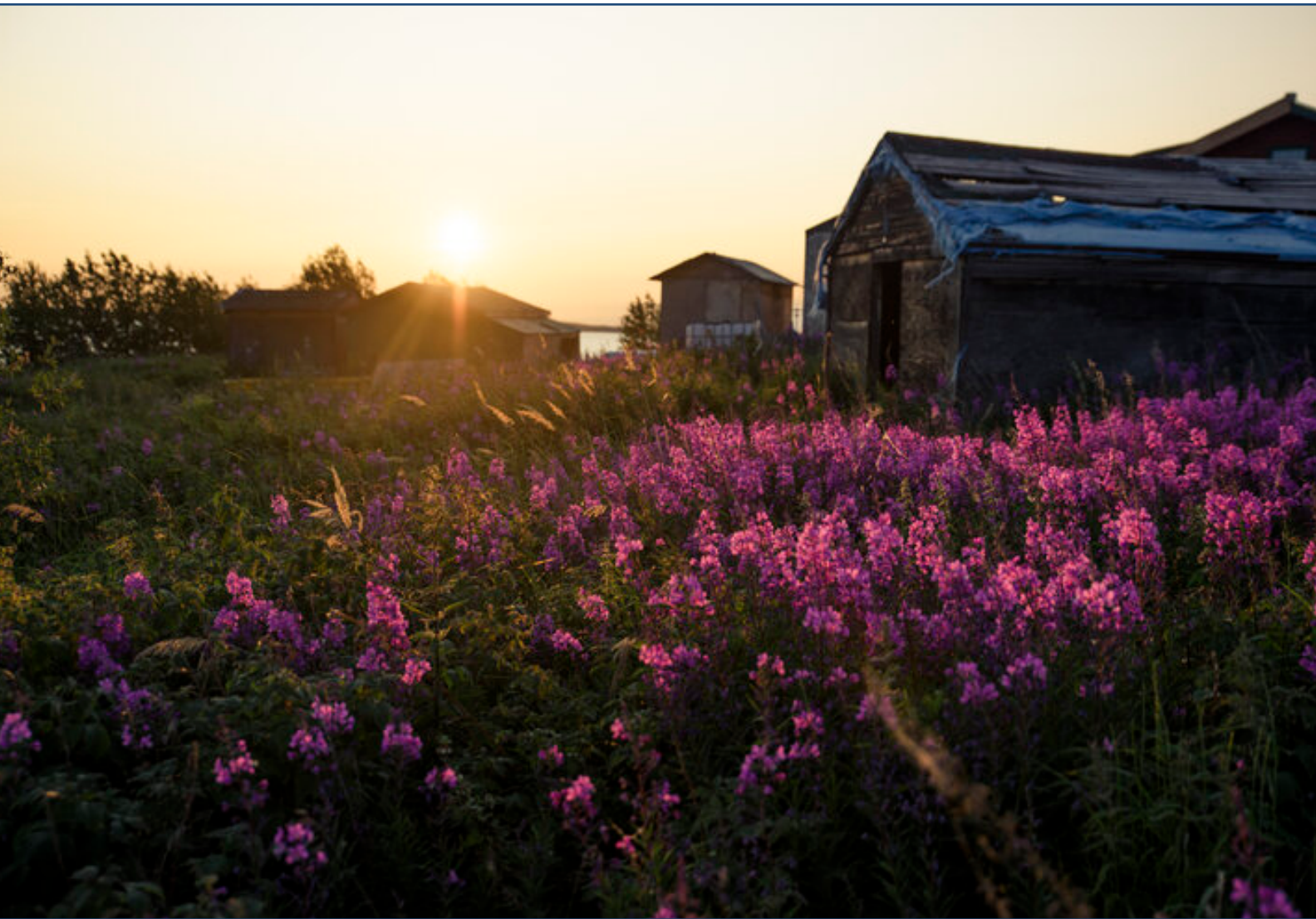


Reconnecting to Our Relations:

The Need for Formal Land Claim and
Self-Government Education in the Northwest Territories

By Marlisa Brown



Jane Glassco
Northern Fellowship

Fifth Cohort | Policy Recommendations

Cover image credit: Pat Kane.



The Gordon Foundation undertakes research, leadership development and public dialogue so that public policies in Canada reflect a commitment to collaborative stewardship of our freshwater resources and to a people-driven, equitable and evolving North. Our mission is to promote innovative public policies for the North and in fresh water management based on our values of independent thought, protecting the environment, and full participation of Indigenous people in the decisions that affect their well-being. Over the past quarter century The Gordon Foundation has invested over \$37 million in a wide variety of northern community initiatives and freshwater protection initiatives.



The Jane Glassco Northern Fellowship is a policy and leadership development program that recognizes leadership potential among young northern Canadians who want to address the emerging policy challenges facing the North. The two-year program is built around four regional gatherings and offers skills training, mentorship and networking opportunities. Through self-directed learning, group work and the collective sharing of knowledge, Fellows will foster a deeper understanding of important contemporary northern issues, and develop the skills and confidence to better articulate and share their ideas and policy research publicly. The Fellowship is intended for young northerners between 25 and 35 years of age who want to build a strong North that benefits all northerners. Through the Fellowship, we hope to foster a bond among the Fellows that will endure throughout their professional lives and support a pan-northern network.



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Marlisa Brown

Marlisa Brown is Nihtat

Gwich'in, First Nation and of settler Canadian ancestry. Born in Inuvik, NT, and raised in Somba k'e (Yellowknife, NT), both communities are her home. Her jijjuu (grandmother) is Effie DeBastien and her parents are Arlene DeBastien, Vince Brown and Darren Campbell. She holds a Bachelor of Arts degree with a major in Anthropology and minor in French from MacEwan University, as well as a graduate diploma in Indigenous Policy and Administration from Carleton University. Marlisa is an Implementation Advisor with the Government of the Northwest Territories in the Department of Executive and Indigenous Affairs. Recently, Marlisa has taken up two new roles, one being her passion project as a co-founder of Treaty Talks NWT.

The second and most important role, is being a mom to her two sons.

Marlisa's interest in Northern policy and passion for social justice was first ignited by her participation in the Truth and Reconciliation Commission of Canada (TRC) youth retreat. As a result of that experience Marlisa and Molly Tilden contributed a film titled "Our Truth" to the 2010 TRC national event in Inuvik, in honour of the residential school survivors. Marlisa interviewed high school students in Yellowknife, which brought attention to the lack of awareness and understanding of the Federal Indian Residential School policy and its impact in the North. At a personal level, this experience made Marlisa aware of the implications of colonial policies and impact on her own family. This newfound insight drove her interest in influencing Northern policies.

Personal Statement

Mahsi to my support system along this journey. I could not have done this policy paper without the help of many. A special *mahsi* to my mom for gifting me with a copy of the Gwich'in Comprehensive Land Claim Agreement. *Mahsi* to my dad for his endless support in my educational pursuits along with my stepdad, who exposed me to the importance of land claims and Aboriginal rights. This exposure subsequently fueled my passion and life-long journey to learn about treaties and Indigenous governance. *Mahsi* to the interviewees who shared their time and invaluable knowledge with me and my son. *Mahsi* to the many eyes that reviewed my paper. Without their help, this paper would not be what it is. Lastly, *mahsi* to the Gordon Foundation for providing me with this experience and support.

This paper reflects my personal views and is not a reflection of the views of the Government of the Northwest Territories, the Gwich'in Tribal Council or the Nihtat Gwich'in Council.

Glossary

"Beneficiaries and participants of Land Claims" means a person who is enrolled as a beneficiary or participant under a comprehensive land claim agreement. For clarity, when "beneficiaries" is referenced, it is intended to mean both beneficiaries and participants.

"Citizens" means a person who is enrolled as a citizen under a self-government agreement.

"Governments" refers to the Government of Canada, the Government of the Northwest Territories, and Indigenous Governments.

"Indigenous Governments" refers to land claim corporations and Indigenous self-government in the current boundaries of the Northwest Territories.

"Modern Treaties" broadly refers to land claim and self-government agreements.

"Treaties" refers to historic treaties (e.g. Numbered Treaties between the Crown and Indigenous Nations) and Modern Treaties.

Introduction

Read the claim. Read the claim. Read the claim. Growing up in a time of a finalized land claim agreement, and as a participant of a land claim, I have spent my lifetime hearing this call from leadership, family and community members. But what is it? Where do I find it? Why is it important? These are all questions I thought of and continue to think about today. Except now, I think in terms of what this will mean for future generations, including what it will mean for my sons. This paper reflects my own exploration into wanting to understand what modern treaties mean to me as a Gwich'in person and of settler ancestry. It was only in my late teens that my shija (mother) gifted me the Gwich'in Comprehensive Land Claim Agreement. I felt a rush of excitement finally getting my hands on this crisp blue agreement. I thought I would finally find the answers I was looking for. However, as I struggled to read it, I found myself reading provisions repeatedly and not fully understanding what was written. I felt confused and frustrated. It was in English after all, but the language seemed strange. I thought that there was something wrong with me for not getting it right away. It wasn't until my young adulthood that I learned many others struggled with understanding the agreement. Now, as I work in a profession involving modern treaties, it is evident that variations of this sentiment are felt by many – whether they are participants/beneficiaries, bureaucrats, or leaders. All of this is to say, I now feel a sense of responsibility as we are entering a new time of self-government agreements to ensure that my children, and their children's children, are better equipped with the tools to learn about these agreements.

This paper examines the educational supports in place for citizens of self-government, beneficiaries of and participants in land claims, and residents of the NWT to better understand these agreements. With a focus on self-government, this paper will examine a selection of the educational initiatives of the Tłıchǵ Government, Délıne Got'ıne Government, Gwich'in Tribal Council, Government of the Northwest Territories (GNWT) and Government of Canada (Canada). A selection of people was interviewed based on their knowledge and experience in treaty education, as well as treaty negotiation and implementation in the NWT. Altogether, these have informed the recommendations on how formal land claim and self-government education and training can be strengthened in the NWT.

“I believe that our Gwich'in people here in the Northwest Territories get confused at times by what self-government may mean and as a result of differing interpretations, this could lead to the incorrect view that in order for us to achieve self-government, we have to give up things, and that's simply not the case.”¹

— Grand Chief Ken Kyikavichik

Problem

Land claim and self-government agreements are comprehensive, technical and lengthy. They are legal agreements requiring legal interpretation. These agreements can be difficult to read and understand for anyone who does not have experience and knowledge in interpreting them. In addition, there are numerous references and cross-references to federal and territorial policies and legislation. These complex agreements can be well over 100 pages, with accompanying agreements dealing with tax, financing and implementation. Each accompanying agreement looks at land claims and self-government through a slightly different lens, adding another layer of complexity. There are aspects of these agreements that assist in providing clarity in the interpretation; for instance, a preamble provides contextual information to interpret the agreement; a definitions chapter highlights key defined words important for the reader to know. Overall, readers do require a certain level of awareness, knowledge and time to fully interpret agreements in their entirety as the agreements are intended to be read as a whole and not in parts.

The development and implementation of land claim and self-government agreements could be interpreted differently by all – this includes governments, leaders and community members. It's important that the people who these agreements are intended for, and those who will be affected by its implementation, be provided with information and tools to understand the agreement(s). At the negotiation stage, however, there are several reasons to limit or even suppress

¹Grand Chief Ken Kyikavichik.

Treaties in the Northwest Territories and Land Claims

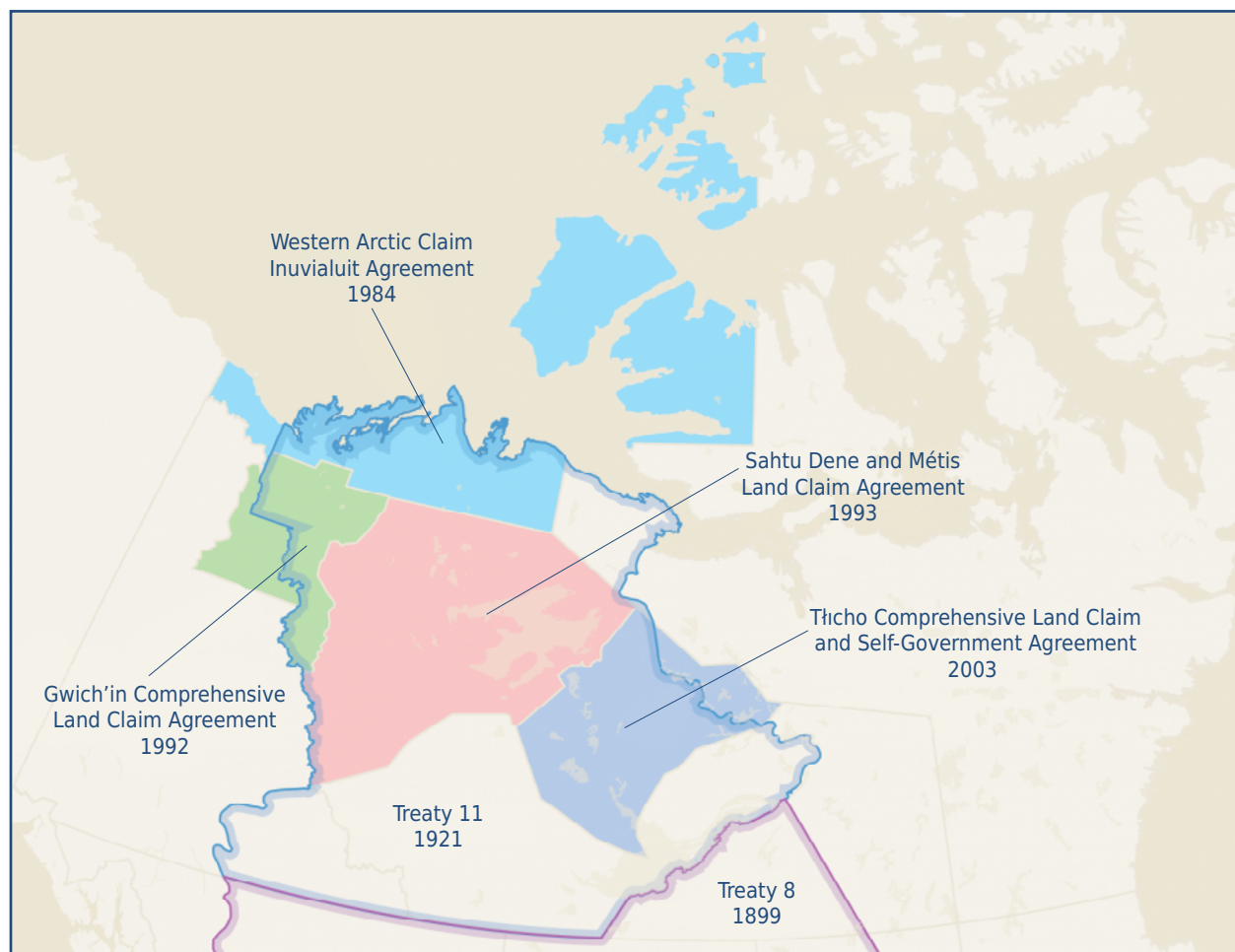


Figure 1. Map of Numbered Treaties and Land Claims in the NWT. Credit: Prince of Wales Northern Heritage Center, Government of the Northwest Territories. (Not all concluded agreements are shown.)

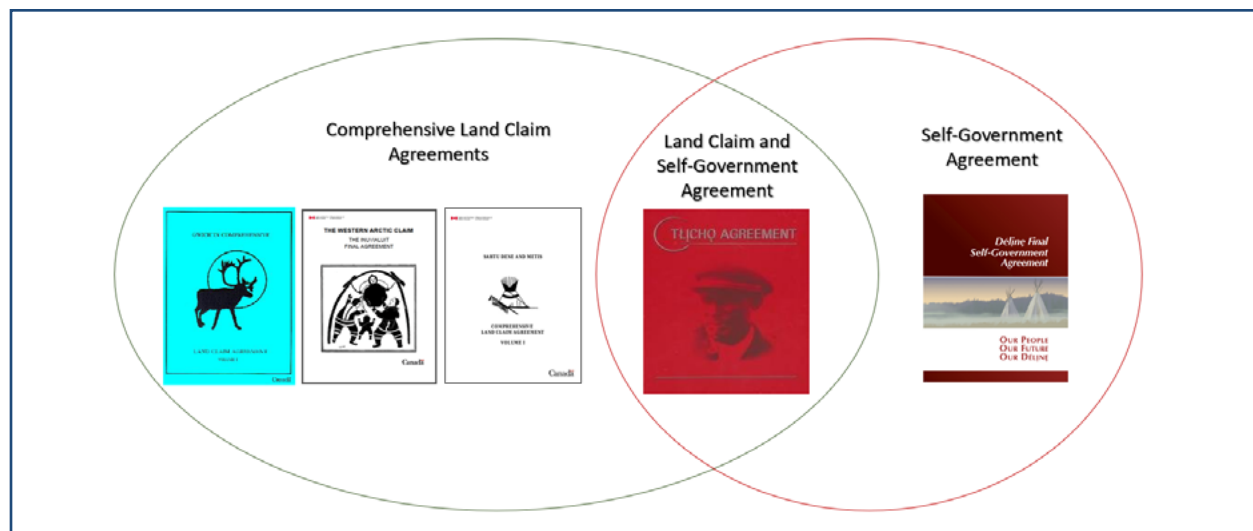


Figure 2. Examples of Comprehensive Land Claim and Self-Government Agreements in the NWT.

information to prevent it from being shared publicly. One reason is the need for confidentiality. The negotiated matters and corresponding materials often contain very sensitive information about each party's positions and interests, making it difficult to share in a public setting. It is up to the discretion of the Indigenous governments to share agreements and documents with beneficiaries during the negotiation process. For ratified self-government agreements, plain-language documents are developed to help readers understand the principles of the agreement. Plain-language texts, however, do not provide a legal interpretation, and while other materials, such as websites, are used to help the public learn about these agreements, communities are finding this approach is not enough. The challenges with interpretation and understanding these agreements remain.

Jane Glassco Alumna Heather Bourassa noted one of the challenges facing Indigenous communities, "... producing good trusted educational documents about modern treaties seemed to be lacking due to the fact that Indigenous communities are inundated with many different happenings – like devolution, the federal government's super board proposals, fracking, and such".² The capacity to do educational work is often limited for Governments in the North. Frequently, people within their organizations have many roles and responsibilities with competing priorities and demands that direct their attention. Specifically, the set-up and administration of self-government is a major undertaking that can exhaust time, energy and capacity of all Governments including citizens of these agreements.

The question remains, who then is responsible for ensuring there is comprehensive education about these agreements in place? As signatories to the agreements, whether as an Indigenous government, the Government of Canada, or the Government of the Northwest Territories, it is equally important for each party to be accountable for providing beneficiaries and the public with sufficient information and the necessary tools to interpret these agreements. This is important for different reasons, depending on whether it is for citizens of an agreement, participants of agreement in negotiation, or members of the broader public. Land claim and self-government agreements represent a relationship between the parties and their obligations not only to each other but also to citizens with respect to the implementation of the agreement. If beneficiaries of land claims or citizens of self-government are not provided with adequate information about these agreements, then the accuracy in interpretation will rest exclusively on experts. This, in turn, will create other challenges for beneficiaries and citizens to ensure these agreements are working for the betterment of the people and holding governments accountable to their obligations. For some beneficiaries and citizens, these agreements are also rooted in identity, culture, and community, especially the importance of what that will mean for the future of their Nation. As for the public, depending on the agreement, this can directly or indirectly affect residents and visitors with respect to access to services and programs, and land and resources.

²Heather Bourassa (Jane Glassco Alumna), interview by the author, Aug. 18, 2021.

The consequences of not strengthening the education of modern treaties in the NWT perpetuates a lack of awareness and knowledge among citizens, beneficiaries and residents of the NWT. What is significant about this is that those left to inherit these agreements will be left unable to realize and implement the agreements to their full potential.

“The onus is on the Indigenous governments to educate the public component because who else is to teach it? We’re the only ones who are on the frontlines and we know what the barriers are. We know what the barriers were before. We know what the barriers are in the future. Unless there is a public awareness, and if there’s no awareness, then there’s no pressure [on Federal and Territorial Governments].”

— John B. Zoe

Background

NWT Treaty-Making History and Policies, Past and Present

The Royal Proclamation of 1763³ laid the foundation for constitutional recognition and protection of Aboriginal rights in what came to be Canada.⁴ The Proclamation also set out the basis of the treaty-making process in Canada, including the Numbered Treaties. In what is known as the Northwest Territories (NWT) today, there are two Numbered Treaties: Treaty 11 (1921)⁵ signed exclusively within the current boundaries of the Northwest Territories; and Treaty 8 (1888)⁶ signed within and outside of the NWT between King George III and various Indigenous Nations. It's been over 100 years and today we see how the Numbered Treaties have directly and indirectly reshaped the traditional lands and livelihoods of the Dënesųłiné, Tłıchų, Deh Cho, Sahtu, Gwich'in and Nehiyaw (Cree), with ripple effects on the Métis and Inuvialuit.

Treaty 8 and Treaty 11 mark the establishment of a formal nation-to-nation relationship between the Crown and Indigenous nations. The process of treaty-making, however, is largely perceived as problematic. The interpretation of these Numbered

Treaties, including the Crown's intention behind these treaties, is varied and contentious.

The signing of Treaties 8 and 11 was driven by the Crown's intent to open land for settlement and Crown use by exchanging lands for reserves, harvesting rights and other benefits.⁷ As described in the texts of Treaty 8 and Treaty 11, the Indians agreed to "cede, release, surrender and yield up...all their rights, titles, and privileges whatsoever to the land" in exchange for commitments.⁸ Some examples of these commitments are annual five-dollar payments, education services and farming equipment. Verbal accounts by First Nation peoples present at the time of treaty-making demonstrate a very different experience, understanding and interpretation of what was agreed to, and, what the Indigenous peoples agreed to give up if anything. Elder Jim Sittichinli shares his account of the signing of Treaty 11 in Tetlit Zheh (Fort McPherson):

³George R. *Proclamation*, 7 October 1763, reprinted in RSC 1985, App II, No. 1.

⁴Bernard Valcourt, "Speaking Notes for the Honourable Bernard Valcourt, PC, MP, Minister of Aboriginal Affairs and Northern Development, at "Creating Canada: From the Royal Proclamation of 1763 to Modern Treaties" Symposium, Government of Canada (archived web page), last modified Oct. 7, 2013, accessed Oct. 22, 2021, <https://www.canada.ca/en/news/archive/2013/10/creating-canada-from-royal-proclamation-1763-modern-treaties-symposium.html>

⁵Canada. Crown-Indigenous Relations and Northern Affairs Canada, "Treaty Texts: Treaty No. 11," *Crown-Indigenous Relations and Northern Affairs Canada*, accessed Oct. 12, 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1100100028916/1581294101357>.

⁶Canada. Crown-Indigenous Relations and Northern Affairs Canada, "Treaty Texts: Treaty No. 8," *Crown-Indigenous Relations and Northern Affairs Canada*, accessed Oct. 12, 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1100100028813/1581293624572>.

⁷Canada. Indian and Northern Affairs Canada. NWT Plain Facts on Land and Self-Government Negotiations about land, resources, and self-government in the NWT (Yellowknife: Indian and Northern Affairs Canada, NWT Region), accessed June 28, 2021, https://publications.gc.ca/collections/collection_2014/aadnc-aandc/R34-9-20-2007-eng.pdf

⁸Canada. "Treaty Texts: Treaty No. 11".

In 1921 only those very few people who stayed in Fort McPherson spoke English. Few people knew how to read or write. Chief Julius didn't know how to sign his name. The people didn't understand what the treaty was for. They thought right from the start if they took it, they would lose their land. But Mr. Conroy [treaty commissioner] said, "That's not the way it's to be. The money is given to you from the King to make peace, not for your land. You will continue to live the way you did in the past. As long as you see Black Mountain, and see that the River still runs, we make this promise. We won't bother you for your land or any other way of life. You can hunt any time you want, any animals you want, the same as you did in the past. We are not buying the land." Black Mountain is still where it was, the River still runs, but the Government never kept their promise. We remember what they told us and we know now they lied to us.⁹

From the oral stories shared by Dene Elders like Jim Sittichinli, we now understand there were verbal commitments made that did not appear in the written text of Treaty 11. To this day, many First Nations maintain that the Numbered Treaties are peace and friendship treaties between sovereign nations.¹⁰

The Métis and Inuvialuit were engaged differently in the treaty-making process and, therefore, have a different relationship with the Crown. Métis who did not sign onto the Numbered Treaties were given "scrip" payments.¹¹ The outcome of scrip was to obtain the release of Métis Aboriginal Rights.¹² The Inuvialuit were not engaged in Treaty 11. Instead, in 1928, the Crown invited the Inuvialuit to sign Treaty 11 but they refused.¹³

The foundation of federal policy that guides Indigenous-Crown relations is set out in the Government of Canada's Indian Act.¹⁴ This legislation, drafted without input from First Nations peoples, is one of the key instruments Canada relies upon to exercise federal jurisdiction over "Indians".¹⁵ It continues to be in place today. The intent of this tool was the cultural genocide of First Nations of Canada,¹⁶ designed to release Canada of its legal and financial obligations to First Nations while gaining control over lands and resources.

⁹Elizabeth Yakeleya, Sarah Simon and Sahtu and Gwich'in Dene Elders, *We Remember the Coming of the White Man* (Calgary: Durvile & UpRoute Books, 2020), 143.

¹⁰Canada. *NWT Plain Facts*.

¹¹Canada. *NWT Plain Facts*.

¹²Stephanie Irlbacher-Fox, *Finding Dasha: Self-Government, Social Suffering and Aboriginal Policy in Canada* (UBC Press, 2009), 13.

¹³Rene Fumoleau, *As long as this land shall last: a History of Treaty 8 and 11*, reprint edition (Calgary: University of Calgary Press, 2004), 266.

¹⁴*Indian Act*, RSC 1985, c I-5. current to Dec. 13, 2021, accessed Dec. 2, 2021, <https://canlii.ca/t/5439p>

¹⁵Richard H. Bartlett, "Indian Act of Canada," *Buffalo Law Review* 27, no 4 (Oct. 1978), accessed Sept. 2, 2021, <https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1926&context=buffalolawreview>, 581.

¹⁶Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 1, Origins to 1939, Vol 1* (Montreal & Kingston: McGill-Queen's University Press, 2015) accessed Sept. 30, 2021, https://publications.gc.ca/collections/collection_2015/trc/IR4-9-1-1-2015-eng.pdf, 4.

Despite the historical and current context of Indigenous-Crown relations, Indigenous peoples were and are not passive actors. The growing collective consciousness of and resilience towards colonial and imposed structures and systems has mobilized Indigenous peoples across the country. In fact, Indigenous peoples continue to uphold their inherent rights to land and governance through various avenues, including the Supreme Court of Canada. To date, key decisions of the Supreme Court of Canada have helped to shape the interpretation of Aboriginal Rights under section 35 of the Constitution of Canada.¹⁷

As a direct result of legal pressure, Indigenous peoples were able to influence the Government of Canada's policy approach to Indigenous-Crown relations, resulting in the introduction of the Comprehensive Land Claims Policy in August of 1973.¹⁸ This policy was created with the intent of resolving outstanding land issues through the comprehensive land claim negotiation process.¹⁹

NWT Today in the Context of Land Claims and Self-Government

The NWT is comprised of 33 communities with a total population of about 45,000, where approximately half are Indigenous and half non-Indigenous.²⁰ This diversity is largely visible in the capital city of Yellowknife which makes up half the territory's population. On the other hand, most of the smaller communities are predominantly made up of Indigenous residents. Outside of Yellowknife, the populations of the smaller communities range from about 50 (even less if it's hunting season) to about 3,500. All communities in the NWT are known as open communities, meaning anyone, whether Indigenous or non-Indigenous, may live there and have access to programs and services within the community. In contrast, reserves are lands set aside by Canada, under the Indian Act, for exclusive use of First Nations.²¹ There are two reserves in the southern part of the territory, K'at'l'odeeche First Nation and Salt River First Nation, where residency requirements differ.

¹⁷*Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, s. 35, current to Jan. 6, 2022, accessed Dec. 2, 2021, <https://canlii.ca/t/ldsx>.

¹⁸To read the policy itself, see Canada. Indian Affairs and Northern Development, *Comprehensive Land Claims Policy*, (Ottawa: IAND, 1987), accessed Dec. 3, 2021 https://www.afn.ca/uploads/files/sc/comp_-_1987_comprehensive_land_claims_policy.pdf. Also see Canada. Crown-Indigenous Relations and Northern Affairs Canada, "Comprehensive Claims," *Crown-Indigenous Relations and Northern Affairs Canada*, accessed Dec. 3, 2021, <https://www.rcaanc-cir-nac.gc.ca/eng/1100100030577/1551196153650>

¹⁹Canada. *NWT Plain Facts*.

²⁰Northwest Territories. NWT Bureau of Statistics, "Population Estimates By Community," *NWT Bureau of Statistics*, accessed July 10, 2021, <https://www.statsnwt.ca/population/population-estimates/bycommunity.php>.

²¹Indigenous Awareness Canada, "What is a Reserve?" *Indigenous Awareness Canada: the World Leader in Indigenous Awareness Training*, accessed Oct. 2, 2021, <https://indigenousawarenesscanada.com/indigenous-awareness/what-is-a-reserve/>.

To date, there are four land claim agreements in the NWT: Inuvialuit Land Claim Agreement (1984); Gwich'in Comprehensive Land Claim Agreement (1992); Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993); and Tłıchǫ Agreement (2003).²² Several more are under negotiation.

Under federal policy, there are two types of land claims. One is the comprehensive land claims process that deals with Indigenous rights based on traditional use and occupancy of land by First Nations, Métis, and Inuit.²³ The second is the specific claims process, wherein First Nations can bring forward claims involving non-fulfilment of treaty obligations on the part of the Government of Canada in regard to treaties or the *Indian Act*.²⁴

At the time of negotiation of the first land claim agreement in the NWT, the Inuvialuit Land Claim Agreement, the idea of self-government had not been fully developed. As a result, the comprehensive land claim agreements included a chapter for the future negotiation of self-government. It wasn't until 1995 that the federal self-government policy, known as the Inherent Rights policy, was introduced.²⁵ This policy made it possible for Indigenous peoples to negotiate not only land claims but also self-government, paving the way for formal recognition of Indigenous peoples' inherent right of self-government.

This new Inherent Rights policy created what Canada described as a practical and effective way to achieve certainty and develop a workable intergovernmental relationship with Indigenous governments.²⁶ Self-government agreements, including land claim agreements, form a different governance structure and powers than those exercised by Indian Act band councils. As a result, these agreements became tools for Indigenous governments to realize political, social, economic and environmental benefits while advancing community priorities for current and future generations.

²²Note, the Tłıchǫ Agreement is both a land claim and self-government agreement, discussed more in detail later in this paper.

²³Gretchen Albers, "Indigenous Land Claims in Canada" Canadian Encyclopedia, last edited Oct. 9, 2020, accessed Aug. 22, 2021, <https://www.thecanadianencyclopedia.ca/en/article/land-claims>

²⁴Albers.

²⁵Canada, Crown-Indigenous Relations and Northern Affairs Canada, "Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government," *Crown-Indigenous Relations and Northern Affairs Canada*, accessed June 28, 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1100100031843/1539869205136>.

²⁶Canada, "Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government."



Credit: Arlyn Charlie.

In Conversation: Views on Self-Government

Self-government, in terms of our view [Gwich'in Tribal Council] on what it means, is reclaiming our right to govern ourselves and also engage with other neighboring Indigenous governments. "...What we're [Gwich'in Tribal Council] trying to establish [with self-government] is much more of a Nation-to-Nation type arrangement. Yes, it's funded by the Government of Canada because that's where our international border falls within and as a result, we do require a level of funding from Canada, in part because of the amount of activity and resources that have been taken from our lands over the last hundred years in particular."²⁷

– Grand Chief Kyikavichik

The self-government component of any agreement can only be interpreted by the treaty holders of that agreement because the landscapes are different, the languages are different, and their ways of life are a little bit different from each other, but there are common themes. And the common themes are a relationship to land and a relationship to your language, your cultural way of life.²⁸

– John B. Zoe

²⁷Kyikavichik.

²⁸John B. Zoe (former Chief Land Claims Negotiator; current Senior Advisor to Tłı̨chǫ Government), interview by the author, Aug. 17, 2021.

The purpose of self-government agreements is to describe the structure of the Indigenous government within the context of the Canadian legal and constitutional framework.²⁹ This may occur at the community level, regional level or both. The agreements set out the powers and responsibilities of self-governments and how the parties will work together to implement the agreement.³⁰ The various authorities for negotiation are determined by Canada and are derived from the Canadian legal and constitutional framework.³¹ In addition, these agreements are negotiated within the federal and territorial mandates. From these authorities, Indigenous Nations advise on which jurisdictions they seek to include in their agreement. Other jurisdictions that are not included in the initial agreement can be negotiated in the future. Parties would typically sign a process and schedule agreement as well as include a chapter in the self-government agreement to set out the details of this commitment to be negotiated.

Self-government agreements are generally negotiated trilaterally among Indigenous governments, the Government of Canada and the appropriate territorial or provincial government. There are only a few select bilateral negotiations between an Indigenous government and the Government of

Canada. Each self-government agreement has its own unique type of governance structure; some agreements describe a community-based structure or regionally based government, others are intended to serve Indigenous citizens exclusively, while others represent all residents residing within their community or communities.

At present, there are two ratified³² self-government agreements in the NWT, with several more being negotiated. The first is the Tłıchǵ Agreement which was signed in 2003 and the second is the Délı̨nę Final Self-Government Agreement signed in 2015. Both are considered “comprehensive,” meaning they include a full scope of jurisdictions and authorities. The Tłıchǵ Agreement is both a regional land claim and self-government agreement that applies only to Tłıchǵ citizens who live in Tłıchǵ communities on Tłıchǵ lands.³³ On the other hand, the Délı̨nę Final Self-Government Agreement is an inclusive community-based government,³⁴ meaning it functions as a public government serving all residents within the community of Délı̨nę, whether Délı̨nę Got’ı̨nę citizens or not.

²⁹Irlbacher-Fox.

³⁰Northwest Territories, Executive and Indigenous Affairs, “Concluding and Implementing Land Claim and Self-Government Agreements: Negotiations, *Executive and Indigenous Affairs* accessed July 9, 2021, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/negotiations>.

³¹Irlbacher-Fox.

³²The term “ratified” means that members of an agreement have voted to approve it. When a threshold is met, this makes it the final agreement.

³³Northwest Territories, Executive and Indigenous Affairs, “Concluding and Implementing Land Claim and Self-Government Agreements: Tłıchǵ, *Executive and Indigenous Affairs*, accessed July 9, 2021, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/tlichgo>.

³⁴Northwest Territories, Executive and Indigenous Affairs, “Concluding and Implementing Land Claim and Self-Government Agreements: Délı̨nę, *Executive and Indigenous Affairs* accessed July 9, 2021, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/deline>.

Figure 3 lists summary examples of self-government jurisdictions provided for in the Délı̨nę Final Self-Government Agreement.

Figure 3. Summary Délı̨nę Final Self-Government Agreement Jurisdictions

Examples of Délı̨nę Final Self-Government Agreement Jurisdictions	
Administration of Justice	Provide for independence of Dene K'a Dats'eredi Kœ (Justice Council) and make laws to administer sanctions, alternative measures and extra-judicial measures, perform dispute resolution functions, hear appeals and conduct public hearings, and exercise other duties and functions assigned under Délı̨nę Got'ı̨nę Law. ³⁵
Early Childhood Education	Powers to make laws for early childhood education, preschool, and care for children under 6. Powers to make laws for certification of early childhood educators and childcare providers, including the ability to license and regulate the facilities.
Income Support	Powers to make laws in relation to Income Support for individuals in the Délı̨nę District. ³⁶
Health	Powers to make laws in relation to traditional healing services, including training, regulation, and certification in providing traditional healing services.
Taxation	Powers to makes laws in relation to direct taxation of Délı̨nę Citizens within Délı̨nę.

³⁵Provisions in the Délı̨nę Final Self-Government Agreement provide clarification about the scope and greater detail that apply to these laws.

³⁶Standards must be compatible with the *NWT Core Principles and Objectives*, Northwest Territories: *NWT Core Principles and Objectives* (Yellowknife: GNWT, 2009), accessed Jan. 13, 2022: https://www.eia.gov.nt.ca/sites/eia/files/nwt_core_principles_and_objectives.pdf

Figure 4. Differences in Self-Government Agreement Scope and Representation

	Scope of Self Government	Representation
Déliné Final Self-Government Agreement	<p>Community-Based</p> <p>The Indigenous government represents one community.</p>	<p>Inclusive</p> <p>The Indigenous government represents citizens of the agreement and other residents within their jurisdiction. Function as a public Indigenous government.</p>
Tłıchǫ Agreement	<p>Regional</p> <p>The Indigenous government represents multiple communities within a region.</p>	<p>Exclusive</p> <p>The Indigenous government only represents the citizens of the Agreement and not all community members.</p>

The reality of these negotiations is that it can take years, sometimes decades, for governments to reach an agreement. Some challenges that result in lengthy negotiations include a change in federal and territorial mandates and policy directives, Indigenous governments waiting for better deals, a high turnover rate in negotiators or leadership, disagreements with another party's position, and feelings of uncertainty and distrust from some community members about what the agreement will mean when it comes to fruition.

Once an agreement is ratified, it enters a new ongoing relationship, the implementation stage. There are several implementing bodies responsible for specific aspects of land claim and

self-government agreements. One of those bodies is the implementation committee, generally comprised of representatives nominated by each party. Implementation committees meet regularly to deal with implementation matters, resolve implementation issues, and monitor the implementation plan.³⁷ Implementation plans accompany agreements and are non-legally binding. They encompass activity sheets arising from obligations set out in land claim and self-government agreements, as well as which Government is responsible for undertaking those activities. Information about implementation committee activities can be found in their annual reports published online and available in the form of a hard copy.

³⁷Tłıchǫ Implementation Committee, *Report of the Implementation Committee: Tłıchǫ Agreement, 2019-2020* (Government of Canada: Ottawa, 2021), accessed Sept. 2, 2021, https://www.eia.gov.nt.ca/sites/eia/files/19-20_tlicho_annual_report_-_english.pdf, 7.

Consequences of Colonization and Reflections on Reconciliation

In conversation with interviewees, the importance of reconciliation was referenced time and time again. This is a topic I did not plan to initiate given its complexity, but most of the interviewees naturally led the conversation in this direction. Reconciliation could not be ignored. It needed to be included in this analysis for myself to process, and, in retrospect, these conversations are something I needed to hear as an Indigenous woman seeking my own personal reconciliation, and what I have been unknowingly searching for in this journey with the Jane Glassco Northern Fellowship.

In my first conversation with Tony Penikett, he introduced an understanding of reconciliation that began to direct my focus. He stated, “Reconciliation is very difficult to achieve at a national level. It can only be real, I think, between First Nations and neighbours, in other words, on the ground, in a local setting or regional setting. That’s where reconciliation can happen. But it takes work. And just sitting in Parliament, you cannot achieve reconciliation because there is too much political competition and cultural complexity in this country.”³⁸

While it is important for federal, provincial and territorial governments to fulfil their responsibility in terms of reconciliation with Indigenous peoples, it is not the only place where reconciliation needs to happen.

In conversation with Sharla Greenland, she shared:

Reconciliation is a loaded word; for some it is a continuation of colonization and lip service from the government; for me, it symbolizes my personal reconciliation. I learned from Elder Albert Marshall that we remember who we are through our relationships, and this makes perfect sense to me. In this country we call Canada, relationship and connection has been severed and continues to be severed through colonization and systemic racism. As I work through the truth of history and reclaim and strengthen my identity as a Gwich’in woman, I begin to reconcile my relationship with others, with my community, with my history, the land, my values, and this helps me strengthen and reconcile my relationship with myself. I believe that we must understand who we are from a place of truth and strength, and this is what will help us understand who we are as Gwich’in and how we move forward in a good way.³⁹

³⁸Tony Penikett (OC, former Yukon Premier, author of *Hunting the Northern Character* and *Reconciliation: First Nation Treaty Making*) interview by the author, July 10, 2021.

³⁹Sharla Greenland (CEO, Gwich’in Tribal Council) interview by the author, Sept. 27, 2021.



Credit: Arlyn Charlie.

For many Indigenous peoples, including myself, we bear the weight of grief coupled with anger because of colonialism. Colonialism is ongoing and continues to unfold and shape Indigenous lives and communities. This happens through legislation, policy, regulation and administration. Colonial policies and legislation are what historically gave rise to the Indian Residential School system where Indigenous children were forcibly removed from their families and communities. This genocidal act inflicted a collective intergenerational trauma and further disconnected Indigenous children from their relationships to their families, communities, land, culture and language.⁴⁰ The consequence of this takes form in many ways through addictions, lateral violence,⁴¹ socioeconomic inequities and more. This is further compounded with the disproportionate lack of knowledge about treaties in terms of history, content and application today plus our role and responsibility as Canadians in these relations.

When I reflect on my younger self picking up that crisp blue agreement and feeling at a loss trying to understand it. Now, I understand that, at that time, I lacked the knowledge and educational tools to process the complex agreement. Intrinsically this is connected to colonialism. As these agreements are inherently rooted in a colonial structure and system, it shapes them into inaccessible forms. They are legal agreements

⁴⁰See generally <https://www.rcaanc-cirnac.gc.ca/eng/1100100015576/1571581687074> accessed on Dec. 3, 2021.

⁴¹Lateral violence is a term that describes the way people in positions of powerlessness, covertly or overtly direct their dissatisfaction inward toward each other, toward themselves, and toward those less powerful than themselves. Source: Bullying & lateral violence - Creative Spirits, retrieved from <https://www.creativespirits.info/aboriginalculture/people/bullying-lateral-violence>

written in the English language. This disconnects beneficiaries, citizens and residents of the NWT from the very content of these agreements. As a result, it breeds misinterpretations and misunderstandings. Achieving reconciliation at a collective and person level, for Governments and residents of the NWT, this can be supported with formal treaty and Indigenous governance education. Our roles, responsibilities, and knowledge of reconciliation, treaties and Indigenous governance will become clearer and practicable. What I have discovered, for myself and observed from others, in the process of learning and unlearning about treaties and Indigenous governance, is that this can have positive effects on identity, and cultural awareness and competencies. Specifically, with my own land claim, I developed a stronger sense of empowerment, stewardship and investment in our lands, resources, community and governance.

What Governments Are Doing

The following section reviews the approaches used by a select number of governments to illustrate what is being done to ensure that knowledge of land claim and self-government agreements is being shared with relevant stakeholders.⁴² It includes the perspective of the Gwich'in Tribal Council which is currently engaged in negotiation of a self-government agreement, plus both the Délı̨nę Got'ı̨nę Government and Tłı̨chǫ Government which are established self-governments. As well, the efforts of the GNWT, Canada and Dechinta will be examined.

General Approaches to Self-Government Education during Negotiations and Ratification of an Agreement

During self-government negotiations, Indigenous governments generally involve community members through a variety of ways in order to better understand the communities' mandates and direction. Communications about the negotiation process, through community meetings and specific committees for Elders and youth, are hugely important. Through these committees, some Indigenous governments are transferring knowledge between generations as well as balancing past and present cultural values so they are reflected in their agreements. Some governments will directly involve community members in the negotiation sessions by allowing them to sit in and ask questions, while others may seek out community input on certain aspects of the agreement.

⁴²Note, the following information is not a comprehensive list of all educational efforts underway in the NWT to educate the public and beneficiaries of land claim agreements and citizens of self-government agreements.



Credit: Arlyn Charlie.

Aside from community and committee meetings and committee work, outreach is also accomplished through social media, radio, house visits, email, etc.

Often Indigenous governments are open to seeking ways to better inform and engage their community members throughout the negotiation process. While these efforts are not to be discounted, negotiation sessions are generally held on weekdays during business hours, which may present challenges to some people who work or are in school, among other life events. Additionally, many beneficiaries may live in a different location than their home community, or outside of where negotiations are held. To counteract this, some Indigenous governments host “meet and greet” sessions outside of regular work hours to provide opportunities for community members to interact with the negotiating team.

For negotiated agreements, leading up to ratification, when citizens vote to accept or reject the agreement, there are formal measures taken to notify and inform beneficiaries about the agreement. As the negotiating team meets certain milestones, the draft agreement may be shared with beneficiaries, either online or in paper form. This provides an opportunity for members of the public to review and read the draft agreement.

Once a self-government agreement is negotiated and initialled, the ratification process begins. Ratification is an important part of the negotiation process. Self-government agreements contain a ratification chapter that outlines how eligible voters are to be informed about the agreement

prior to voting for or against its ratification. For example, the ratification chapters of both the Tłıchǫ and Dëjıne agreements require establishment of ratification committees to carry out certain tasks in preparation for the ratification vote. Ratification committees comprise appointed representatives from all three governments – Indigenous, territorial and federal – and it is their responsibility to inform eligible voters about the upcoming ratification vote.

During ratification, information is disseminated through a variety of means such as physical and digital copies of the agreements, presentations, plain language documents and more. Social media and websites are often used to share updates and information. Outside of these normal processes, governments undertake other innovative and informative approaches to reach beneficiaries, citizens, and the public.

Indigenous, Federal and Territorial Government, and Dechinta Educational Initiatives

Following are some specific educational efforts undertaken by the Délìné Got'ìné Government, Tłìchq Government, Gwich'in Tribal Council, GNWT, Canada and Dechinta:

Délìné Got'ìné Government

Websites

- The Délìné Got'ìné Self-Government archived website contains an array of information in the form of text, graphics, and videos:
 - Fundamental knowledge on self-government including historical information, cultural values, a review of the Agreement and the Délìné Constitution.⁴³
 - Mechanics of transitioning to self-government, specifically what tasks and people are involved.⁴⁴

- Answers for commonly asked questions, such as who will be affected and what self-government will look like. It also addresses some of the concerns raised in this policy paper respecting legal jargon and nuances. Overall, its purpose is to provide greater clarity to understand the agreement.

Resources

- Délìné Final Self-Government Agreement is available online and as a physical copy.
 - Agreement and Délìné Implementation Plan will be released in Denekeh (North Slavey) language both in written text and audio recording. An audio recording in the English language will also be released.⁴⁵

⁴³Délìné Self-Government, "Self-government basics," <https://www.deline.ca/archive/self-government-basics.html> accessed Sept. 2, 2021.

⁴⁴Délìné Self-Government, "Transitioning to Self-Government," <https://www.deline.ca/archive/transitioning-self-government.html>, accessed Sept. 2, 2021.

⁴⁵Délìné Implementation Committee, *Annual Report of the Implementation Committee: Délìné Final Self-Government Agreement, April 1, 2018-March 31, 2019* (Crown-Indigenous Relations and Northern Affairs: Canada, 2021), accessed Sept. 2, 2021, https://www.eia.gov.nt.ca/sites/eia/files/2018-2019_annual_report_of_the_implementation_committee_for_the_deline_final_self_government_agreement_-_eng.pdf, 9.

Tłıchǫ Government

Websites

- [Tłıchǫ Government](#) website provides extensive Tłıchǫ history on Treaty 11 as well as a chronology that captures important dates and events covering various land claim negotiations leading up to the Tłıchǫ Agreement. Information pertaining to self-government is provided, covering the formal activities that must take place to ratify the agreement.
- [Tłıchǫ History](#) is an interactive learning website ⁴⁶ that allows users to explore Tłıchǫ history, traditional knowledge, oral stories, Dene laws and much more. The website also shares maps, photos, Dene games and resources.

Educational Course(s)

- Tłıchǫ Agreement Course.⁴⁷ A locally developed course for the orientation of Tłıchǫ Government employees as well as a non-credit course for high school students in the Tłıchǫ area.⁴⁸ This course uses “live history”, meaning the actual treaty negotiators, present the information. Live history is an important element as the information is coming directly from those involved in the process of making the agreement.⁴⁹

Gwich'in Tribal Council (GTC)

Websites

- [Gwich'in Collaborative Government](#) website allows visitors to access video explainers, frequently asked questions, information about the history and process for negotiating self-government, plain language summaries of the Agreement in Principle (AIP), and full chapters and rolling drafts of the self-government agreement.⁵⁰ The website also encourages visitors to share feedback.

Resources

- Community visits – GTC visits their communities and other places with high Gwich'in populations to provide updates to as many Gwich'in citizens as possible. These community visits are conducted by the Grand Chief and designated Gwich'in organizations' representatives.
- Social media – GTC uses social media platforms such as Facebook, Twitter and LinkedIn and their website, the Gwich'in Collaborative Government.⁵¹
- Quarterly newsletters are distributed in Gwich'in communities.

⁴⁶Tlıcho Government, “Tlıcho History”, <https://tlichohistory.ca/>, accessed Sept. 2, 2021.

⁴⁷Tlıcho Government, “Tlıcho Agreement Course Offered to Tlıcho Government Staff”, accessed March 1, 2022, <https://tliho.ca/news/tliho-agreement-course-offered-tliho-government-staff>.

⁴⁸Wendy Stephenson (Educator and Researcher), interview by the author, June 22, 2021.

⁴⁹Stephenson.

⁵⁰Gwich'in Collaborative Government, *A Community-Driven Approach to Gwich'in Governance*, accessed July 10, 2021, <https://www.gwichincollaborative.ca/>.

⁵¹Gwich'in Tribal Council, Gwich'in Collaborative Government, accessed July 10, 2021, <https://www.gwichincollaborative.ca/>.

- GTC is compiling information from other modern treaties across Canada to demonstrate, in the form of a table, summary comparative information of what self-government looks like in other parts of the country for other Indigenous nations.⁵²

Internships

- Gwich'in Internship Pilot Project, launched in 2015, provided Gwich'in participants three one-year terms with the GTC, the GNWT and Government of Canada. This internship focusses on capacity building, providing development opportunities for Gwich'in participants and preparation for self-government.⁵³
- Community Research Internship was launched by the GTC in the summer of 2020. With three positions in total, the internship is aimed to enhance youth knowledge of self-government and skill development, including conducting research and analysis on various subject matters being negotiated for self-government.⁵⁴

Government of Canada

Websites

- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) website provides extensive information on historic treaties and modern treaties specific to the NWT.
- Learning Circle is an online resource for educators for elementary-level learning about First Nations.⁵⁵

Resources

- Federal Implementation of Modern Treaty and Self-Government course is offered by the Modern Treaty Implementation Office (MTIO) through the Canadian School of Public Service.⁵⁶ This virtual course for federal government policy officers and program analysts across Canada uses a CIRNAC-funded Inuvialuit 101 video as part of the curriculum.
- MTIO offers tailored virtual training sessions on modern treaties and self-government agreements to various federal departments and agencies across all regions.⁵⁷

⁵²Kyikavichik.

⁵³Gwich'in Tribal Council, *Gwich'in Tribal Council Newsletter* (Winter 2018), accessed Sept. 2, 2021, <https://www.gwichintribal.ca/uploads/1/3/4/3/134307573/2018winternewsletterfinalsmall.pdf>, 10.

⁵⁴Gwich'in Tribal Council, *Annual Report 2020-2021*, (Gwich'in Tribal Council), 45.

⁵⁵Canada, Crown-Indigenous Relations and Northern Affairs Canada, "The Learning Circle: Classroom Activities on First Nations in Canada - Ages 8 to 11, *Indigenous Peoples and Communities*, accessed Sept. 22, 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1316530294102/1535458624988>.

⁵⁶Heather McLean (Acting Assistant Deputy Minister, Crown-Indigenous Relations and Northern Affairs Canada, Government of Canada), personal communication, Sept. 21, 2021.

⁵⁷McLean.

- For 2021, CIRNAC has provided funding to the Gordon Foundation's Understanding our Treaties program and the Land Claims Agreements Coalition to create free online training about modern treaties.⁵⁸ Since 2018, The Gordon Foundation in collaboration with its partners has been running the Understanding Our Treaties initiative which provides an experiential learning on treaties (treaty simulation) and online tools, see <https://understandingtreaties.ca/>.
- Nation Rebuilding Program provides funding through contribution agreements to Indigenous communities to facilitate their own path to reconstituting their nations, this can include education and training related to treaties.⁵⁹

GNWT Department of Education, Culture and Employment (ECE)

Northern Studies 10, 20 & 30

- Northern Studies 10 is a mandatory 5-credit course required for high school graduation. It provides a general background about NWT history, culture, language and a broad understanding of treaties and land claims on a Territory-wide scale. Under development are Northern Studies 20 and 30, which provide students with a deeper understanding of historic and modern treaties.
- "Northern Studies 20 is currently under development in partnership with Indigenous Governments. While discussions are still underway the Indigenous Governments have pointed to a need to focus Northern Studies 20 on local modern treaties, whereas Northern Studies 10 has a general focus of treaties and land claims on a Territory wide scale. Northern Studies 30 will likely provide a focus on land-based education."⁶⁰
- "Locally-developed courses on treaties and land claims have been written by several Indigenous governments including the Tłıchǵ, Gwich'in and Inuvialuit. These courses are available to students but are not required for obtaining a GNWT graduation certificate."⁶¹

⁵⁸McLean.

⁵⁹Canada, Crown-Indigenous Relations and Northern Affairs Canada, "Nation Rebuilding Program", *Treaties, Agreements and Negotiations*, accessed October 20, 2021, <https://www.rcaanc-cirnac.gc.ca/eng/1530880050808/1530880135933>.

⁶⁰Mindy Willett (Social Studies and Northern Studies Coordinator, Department of Education, Culture and Employment, GNWT), interview by author, July 21, 2021.

⁶¹Willett.

Department of Executive and Indigenous Affairs (EIA)

Website

- The [GNWT EIA](#) website provides summary information about land claims and self-government agreements, specifically each of the existing agreements and those agreements that are under negotiation in the NWT. Key stages of negotiation and different types of agreements are explained.⁶² An Implementation section highlights the role and responsibilities of the Implementation Committee and description of the Implementation Plan.⁶³

Resources

- Implementation and Reconciliation Accountability Management System (IRAMS) is being developed by the Implementation Division to create greater understanding and education of Aboriginal and Treaty Rights.⁶⁴ It is intended to be a single point of easy access for GNWT departments to ensure they have all the relevant information they need.

- Negotiation and Implementation Divisions host Treaty-specific information sessions with departmental staff, including Regional Superintendents where they may be a need or interest.⁶⁵
- Interdepartmental Committees support information sharing and communication and, in part, function as an education piece to ensure departments are aware of emergent issues and areas of interest related to Aboriginal and Treaty rights and Indigenous governance.⁶⁶
- Intergovernmental Cooperation Agreements EIA signs Memorandums of Understanding with Indigenous governments to strengthen government-to-government relations by establishing a forum and process for leaders to discuss and advance shared concerns.⁶⁷

⁶²Northwest Territories, Executive and Indigenous Affairs, "Concluding and Implementing Land Claim and Self-Government Agreements, Negotiations," *Executive and Indigenous Affairs*, accessed June 20, 2021, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/negotiations>.

⁶³Northwest Territories, Executive and Indigenous Affairs, "Concluding and Implementing Land Claim and Self-Government Agreements, Implementation," *Executive and Indigenous Affairs*, accessed June 20, 2021, <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/implementation-0>.

⁶⁴Sahara Morin (Director, Implementation, GNWT), interview by author, Aug. 26, 2021.

⁶⁵Morin.

⁶⁶Morin.

⁶⁷Northwest Territories, Executive and Indigenous Affairs, "Strengthening Relations with Indigenous Governments," *Executive and Indigenous Affairs*, accessed Aug. 29, 2021, <https://www.eia.gov.nt.ca/en/priorities/strengthening-relations-indigenous-governments/intergovernmental-cooperation-agreements>.

Department of Finance

Resources

- GNWT employees receive mandatory Indigenous cultural awareness and sensitivity training through an eight module course called Living Well Together. Available online to the public, the course includes colonial history, residential schools, land and Indigenous rights, title and treaties.⁶⁸
- Indigenous Capacity Building Program supports secondment arrangements with Indigenous governments (up to \$40,000 annually per secondment) to help develop human resource capacity.⁶⁹ This training is meant to help build capacity within Indigenous governments as well as advance projects and/or support career progression.

Dechinta Centre for Research and Learning

- [Dechinta](#) is a northern-based post-secondary institution, also, commonly known as a bush university. Its pedagogy is rooted in Northern land-based Indigenous knowledge systems and ethical practices.⁷⁰ All courses, delivered on-the-land, are co-developed with Indigenous Elders, community leaders and leading Indigenous academics.⁷¹ Additionally, the Centre provides for an inclusive space for all learners to support their unique needs or preferences.

- A selection of Dechinta's courses are delivered in partnership with other post-secondary institutions across Canada. Examples of two courses with the University of Alberta are *Land and Indigenous Self-Determination: Introduction/Advance Theoretical Perspectives* and *Narrating the Land: Indigenous Storytelling*.⁷²

Analysis of Information

Overall, governments utilize websites, social media, courses and training to provide treaty-based education and information. Further to this, there are funding and capacity-building opportunities provided by the GNWT and Canada, which can be used to support career development, education and more.

Most notable is the Délı̨nę Got'ı̨nę Government's efforts to make their Agreement available in both audio recording and written text in English and Denekedeh. This is different from most land claim and self-government agreements that are often only available in English written form. As a result, this creates barriers for users. Having audio and written versions of the agreement in English and the respective Indigenous languages can increase accessibility. This is of particular importance in the NWT where there are multiple Indigenous languages with some speakers who primarily speak their Indigenous language. Another notable item is the Dechinta Centre for Research and Learning's exemplary design and approach, which serves as a model for education and training for its land-based approach, Indigenous teachings and co-development practices.

⁶⁸Northwest Territories, Finance, "Diversity and Inclusion: an Introduction to Living Well Together," *Finance*, accessed Aug. 29, 2021, <https://www.fin.gov.nt.ca/en/services/diversity-and-inclusion/introduction-living-well-together>.

⁶⁹Northwest Territories, Finance, "Diversity and Inclusion: Building Capacity with Indigenous Governments," *Finance*, accessed Sept. 12, 2021 <https://www.fin.gov.nt.ca/en/services/diversity-and-inclusion/building-capacity-indigenous-governments>.

⁷⁰Dechinta Centre for Research and Learning, "Education," *Dechinta Centre for Research and Learning*, accessed Oct. 1, 2021, <https://www.dechinta.ca/overview-of-programs>.

⁷¹Dechinta Centre for Research and Learning.

⁷²Dechinta Centre for Research and Learning.

One mode of communication that appears relatively underutilized is the radio. With poor internet connectivity across the NWT, the radio is highly accessible. It is heavily used by most, if not all, communities in the North. As the radio delivers information verbally, it is comparable to oral traditions of many Dene, Métis, and Inuit. This makes the radio an effective and important form of communication in the NWT today and a forum to publicly discuss the development and content of modern treaties.

Policy Options and Analysis

The following policy options are informed and inspired by discussions with interviewees who shared with me their experiences and knowledge. Drawn from a pool of Northerners,⁷³ the interviewees included those with direct experience in negotiations and/or implementation of self-government and land claim agreements, while others work in the field of education.

Policy Option 1: Creation of a Treaty Education Grant

With half the Territorial population being Indigenous and most communities being predominantly Indigenous, supporting Indigenous pedagogy and knowledge is fundamental. This policy recommendation is for Canada and the GNWT to create a Treaty Education Grant to enhance and support treaty and Indigenous governance education and training in the NWT. This could be an immediate actionable item, collaboratively funded by the GNWT's Department of Executive and Indigenous Affairs and Department of Education, Culture and Employment, and Crown-Indigenous Relations and Northern Affairs Canada. Accessible to all residents of the NWT, Indigenous governments and communities; a Treaty Education Grant could address several barriers while supporting the local knowledge economy. This grant will alleviate financial barriers for local projects and serve as an opportunity to meet community needs while utilizing local Elders, experts, and Indigenous scholars in the delivery of education and training. This further supports the preservation and promotion of culture, language and Indigenous knowledge.

⁷³Northerners is referenced to mean people in or connected to the NWT (present-day geographical boundaries).

Special consideration for youth applicants, or projects that support youth or elders, could be a priority. Applications could be in written form with a template provided for applicants to fill in to adjust according to their project. To ensure accessibility, oral or video submissions could be accepted in lieu of a written submission. Grant amounts could be divided between small and large projects. Small projects, such as hosting a virtual event, could be eligible for an amount not exceeding \$5,000, while larger projects, such as land-based programming, could be eligible for funding between \$5,000-\$20,000.

Policy Option 2: Digitize Land Claim and Self-Government Agreements to Promote Accessibility and Usability

Land claim and self-government agreements exist as paper and digital texts in the English language. This presents barriers for people that do not have literacy skills to read, whose primary language is not English or people with disabilities. In certain cases, many barriers may limit a person's ability to access these agreements including access to the internet and technology. There are a few exceptions where agreements with select words in Indigenous languages; however, these agreements largely remain in the English language. With 11 official languages in the NWT and 9 being Indigenous languages,⁷⁴ initiatives like Délı̨nę Got'ı̨nę Government's translation of the entirety of their agreement into Denekehdeh both in written and audio formats could serve as a model to increase accessibility and support Indigenous languages.

This policy option is for all Governments, as signatories to land claim and self-government agreements, to digitize their respective agreements with the goal to make it publicly accessible and usable.

What is meant by accessibility and usability is that there will be built-in functions to support all users regardless of accessibility issues like auditory and cognitive (e.g., dyslexia) while meeting unique community needs and expectations of usability. Features of an accessible agreement include functions for language selection either for English or respective Indigenous language. As well, there needs to a function to listen to an audio version of the agreement in both languages. Other functions include adjusting audio speed, an option to select a dyslexia font, pop-up displays defining key words and legal jargon (while hovering your mouse over the text), and hyper-links for referenced Territorial and Federal policy and legislation.

Like the Tłı̨chǫ Government's living history model where former negotiators were included in delivering the Tłı̨chǫ Agreement course, another special feature of digitization could be the inclusion of stories from former negotiators. Sometimes behind a single provision is a whole backstory that speaks to each of the party's intent at the time it was being negotiated. Intent is not always transferable when reading land claim and self-government agreements. It can be easily lost. Inclusion of these stories will bring the agreement to life by providing context to the reader as well as adding an element of entertainment.

⁷⁴Office of Official Languages Commission Northwest Territories, Languages Overview, accessed March 1, 2022, <https://olc-nt.ca/languages/overview/>.

As land claim and self-government agreements are reviewed and amended from time to time; tracking these changes need to be reflected in this digitized version of the agreement. To reflect these changes, will require a dedicated section to record when and what changes have been made. Alternatively, these changes can be reflected as a footnote or sidebar in the digitized agreement. This immediate and ongoing action item can be led by the Implementation Committee for each finalized agreement given the tripartite nature of the committees' relationship, role and community connections. Financial cost for digitization could be supported by GNWT's Department of Executive and Indigenous Affairs and Crown-Indigenous Relations and Northern Affairs Canada.

In negotiation and implementation of land claim and self-government agreements, Canada and the GNWT follow instructions. In addition, certain policies and legislation are required to be referenced in these agreements. This necessitates a review and update to all instructions, policies and legislation to be consistent with UNDRIP. GNWT's Department of Executive and Indigenous Affairs and Crown-Indigenous Relations and Northern Affairs Canada could be tasked as the lead for this policy option. This is an immediate action item and serves as an opportunity for Canada and the GNWT to exercise their role and responsibility in reconciliation with Indigenous peoples.

Policy Option 3: Implement UNDRIP in the Review and Update to all Instructions, Policies and Legislation

*The United Nations Declaration on the Rights of Indigenous Peoples*⁷⁵ (UNDRIP) is particularly important for Canada and the GNWT to implement, as these respective governments have made commitments to do so. The Government of Canada's Bill C-15, the *United Nations Declaration on the Rights of Indigenous Peoples*, received Royal Assent on June 21, 2021, and commits Canada to fully implement UNDRIP.⁷⁶ Implementing UNDRIP is also part of the Government of the Northwest Territories 2019-2023 mandate to advance reconciliation within the constitutional framework of Canada.⁷⁷

⁷⁵United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution adopted by the General Assembly, 2 October 2007, A/RES/61/295*, accessed 10 Dec. 2021, <https://www.refworld.org/docid/471355a82.html>.


⁷⁶Canada, "Implementing the United Nations Declaration on the Rights of Indigenous Peoples in Canada," *Government of Canada*, accessed Aug. 14, 2021, <https://www.justice.gc.ca/eng/declaration/index.html>.

⁷⁷Northwest Territories, Executive and Indigenous Affairs, "United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)" *Mandate of the Government of the Northwest Territories (2019-2023)*, *Executive and Indigenous Affairs*, accessed Aug. 14, 2021, <https://www.eia.gov.nt.ca/en/gnwt-mandate-2020-2023/united-nations-declaration-rights-indigenous-peoples-undrip>.

Policy Option 4: Create a Centre for Northern Indigenous Governance within the emerging polytechnic university

The Northwest Territories' unique land and governance context pushes the need for a Northern-based, Northern-focused Centre for Northern Indigenous Governance. Set to launch in 2025, Aurora College will transform into a polytechnic university.⁷⁸ As part of the emerging polytechnic university, the Centre could function as a space for all research and programming related to treaties and Indigenous governance, as well as Aboriginal and Indigenous rights. A long-term action item, this will enable graduates to apply for a variety of NWT or Northern and Northern-related jobs in Indigenous governance, research, and treaty negotiation and implementation.

Several teaching specializations have been recommended by Hotii ts'eeda in their response paper to the GNWT, titled, "Tsik'e daa de Enitle dee Ko: Land of the Northwest University" for the emerging polytechnic university.⁷⁹ One of the recommendations is the School of Indigenous Resurgence, a teaching specialization that could provide programming such as Indigenous governance administration, negotiation skills, Indigenous law and the history and development of the NWT.⁸⁰ Programming noted in this policy option including the School of Indigenous Resurgence could be further supported by this policy option. Under the existing proposed



Creation of a Centre of Indigenous Governance, that provides for multifaceted services for capacity and resource building, and programming in Indigenous governance, including policy making, infrastructure development—all of which are specialized in the North."

—Sahara Morin

⁷⁸Northwest Territories Department of Education, Culture, and Employment, "Aurora College Transformation: Timeline", Education, Culture, and Employment, accessed March 1, 2022, <https://www.ece.gov.nt.ca/aurora-transformation/en/aurora-timeline>.

⁷⁹Stephanie Ilrbacher-Fox and John B Zoe, *Tsik'e daa de Enitle dee Ko: Land of the Northwest University: Response to GNWT discussion papers on Transforming Aurora College to a Polytechnic University* (Hotii ts'eeda Northwest Territories SPOR Support Unit, 2020) accessed Sept. 30, 2021, https://nwtspor.ca/sites/default/files/2020-11_06_ht_response_to_gnwt_ac_discussion_papers_0_0.pdf.

⁸⁰Ilrbacher-Fox and Zoe, 10.

areas of specialization known as, Earth Resources and Environmental Management, and Business and Leadership. Recommendations put forth in this policy option could fit in these specialized areas, if not the School of Indigenous Resurgence. Northerners already know, the NWT is abundant with local expertise like former and current negotiators and implementers of modern treaties, community members, Elders and leaders. These experts can be drawn upon to support the Centre's research and program areas. With that said, connecting students with local expertise will not only strengthen their knowledge and skills but build a bridge for students and experts to develop relationships. As a result, this will be of benefit to their future work as Northern-educated consultants, negotiators, implementers, researchers, and more. On a personal note, this is something I could have benefited from upon graduating high school. Instead, like many other students, I had to leave my home to get an education from a Southern-based institution with predominantly Southern-focused programming. Programming in my area of interest of Indigenous governance was essentially nonexistent at the time. This left me to find ways to incorporate my interests into my studies and research to be able to advance my learning.

“If we go forth with this polytechnic and it's going to be in the North for the North, it would be great if we could devise some kind of program about our modern treaties, like maybe if we're going to hire a consultant who's going to help us implement our land claims, that person has to have a certificate that can be achieved at this university.”

—Heather Bourassa, Jane
Glassco Northern Fellowship
Alumna

Policy Option 5: Summer Student and Internship Positions in Negotiations, Implementation and Policy Areas Related to Land Claim and Self-Government

I urge all Governments to continue to support or create paid summer student and internship positions in negotiation, implementation, communication, or policy areas related to land claims and self-government. It will support Northern youth by providing real-life experience, and enhance their knowledge and skills working with the content of modern treaties. This opportunity can provide youth a way to meaningfully contribute to the advancement of land claim and self-government negotiation and implementation. In addition to, illuminating jobs working with Aboriginal and Treaty rights, and Indigenous governance.

In my experience as an intern with the GNWT's Department of Executive and Indigenous Affairs, this opportunity provided me with valuable hands-on learning and developed my skills in interpretation and application of modern treaties. As well, it provided me with greater understanding of the stages of treaty-making by sitting at negotiation tables and observing implementation meetings. This type of hands-on learning is not easily accessible, but this policy option can open the doors for many youths to gain experience.

Policy Recommendations and Implementation

No two communities in the NWT are alike. Each community has their own specific needs, interests and ways of connecting. In terms of policy, we need to meet people where they are at and this requires a diverse approach to addressing land claim and self-government education and training in the NWT.

The first recommendation is that all Governments through the Implementation Committee could work to digitize land claim and self-government agreements to promote accessibility and usability. Priority for digitization is for existing land claim and self-government agreements. As agreements are ratified, they will become digitized. Translation into respective Indigenous languages can take time; therefore, written and audio versions in Indigenous languages can be added to digitized agreements upon completion. Digitized agreements will need to be reviewed and updated as amendments are made. Implementation committees could engage citizens and beneficiaries of the respective agreements to address the needs and expectations of a digitized agreement. It is advised that Elders and youth input are prioritized to ensure needs across age groups are represented. In addition, youth involvement can be further supported by job creation as addressed in the second policy recommendation. As these are living agreements, this policy recommendation is an opportunity to truly reflect this meaning by bringing life into these agreements through digitization.

The second recommendation relates to summer student and internship positions in negotiations, implementation, communication, or policy areas related to land claim and self-government. All governments could implement both summer student and internship positions in one or more of these areas. Summer student opportunities could be three to four months in duration whereas internships could be up to two years. As noted in the first recommendation, it is advised that summer students and interns also assist with the digitization of land claim and self-government agreements. With this policy recommendation, there is also an opportunity for Governments to work in a collaborative manner. For example, collectively, Governments could model their internship after the Gwich'in Internship Pilot Project which coordinated internship opportunities between the Gwich'in Tribal Council, the GNWT and Canada. The intent being interns work and gain experience with each government for up to a year. Successes and challenges from the Gwich'in Internship Pilot Project be taken into consideration to further inform best practices to implement a multi-party internship. Funding for this arrangement could be modelled after the pilot project. This approach, however, is ultimately up to Indigenous governments to determine if desirable.

The third recommendation is the creation of a Centre of Northern Indigenous Governance for the emerging polytechnic university. This recommendation will benefit all NWT residents by providing Northern-based and Northern-focused education and training. All the while meeting the demand and need for specialized research, programs and jobs related to treaties and Indigenous governance

in the NWT. The conceptualization of the Centre could be further directed and advised by the Indigenous Knowledge Holders Council which is planned to form part of the future polytechnic university. This will benefit the design and approach of the Centre through the council's representation that will encompass contributions from Indigenous peoples from across the different regions in the NWT. This will strengthen partnerships with communities while being of benefit to future students and communities by supporting local knowledge and ways of teaching. To further promote partnership and collaboration, the Centre must be accessible throughout the NWT to foster and strengthen relationships with Indigenous governments, communities and organizations. In connection to the second recommendation, this recommendation can provide students with a specialized Northern-based education thus making them more desirable for NWT or Northern-based jobs. It is also an opportunity for newcomers taking on jobs with Governments and organizations in the NWT to strengthen their knowledge about the development of treaties, the development of the NWT, and Indigenous governance all based within the Northern context.

Conclusion

Land claim and self-government agreements are changing the political, social, environmental, cultural and economic makeup of the NWT. They can also have an increasing role in the delivery of programs and services for beneficiaries and citizens, and in certain cases apply to residents of the NWT. Undoubtably, the application of these agreements is varied and complex. With more agreements in negotiation and no comprehensive NWT treaty and Indigenous governance education means beneficiaries, citizens and residents of the NWT are being left behind due to the lack of access to formal education and training concerning land claim and self-government agreements.

While there are present efforts on behalf of Governments and educational institutions in providing various initiatives for treaty education; more work needs to be done. The recommendations put forth in this policy paper are three-fold that encompass a variety of indicators to strengthen and expand upon what has been done to date. From the digitization of existing land claim and self-government agreements to strengthen accessibility and usability; to provide youth with jobs and hands-on training with land claims and self-government agreements; and lastly, the creation of a Centre for Northern Indigenous Governance to support Northern-focused treaties and Indigenous governance research and programming. Each recommendation serves as an opportunity to exercise our individual and collective role in reconciliation by reconnecting to our relations. Our relationship to

treaty, with each other, with the land, and with ourselves. Even though these agreements are rooted in a colonial framework; they can still be a tool for Indigenous communities and governments to achieve and protect their interests, rights, and way of life. But what good is a tool if we don't know how to use it? Formalizing land claim and self-government agreement education and training in the NWT is a way for us, as Governments and as residents of the NWT, to all move forward in a good way. In doing this, we are investing in the people of today, and next generations to meet the intent and full realization of treaties in the NWT.

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