

Public Government For The People Of The North

Published and distributed by:

The Dene Nation
P.O. Box 2338
Yellowknife, N.W.T.
Ph. 873-4081 (403)

and the

Metis Association of the N.W.T.
P.O. Box 1375
Yellowknife, N.W.T.
Ph. 873-3505 (403)

Date of Publication: November 9, 1981

This is a draft document published and distributed for the purpose
of providing public information on matters pertaining to
aboriginal rights and political and constitutional change in the north.

Information regarding the publication of this journal is available from the Department of Information and Communications, Government of the Northwest Territories, Ottawa, Ontario, Canada K1P 8X9.

Date of Publication: November 1987

PN 833-2002 (403)
Yellowknife, N.W.T.
P.O. Box 1318
Northern and Arctic

and the

PN 833-2002 (403)
Yellowknife, N.W.T.
P.O. Box 1318
Media Association of the N.W.T.

Published and distributed by:

For The People Of The North Public Government

The Dene Logo and the Legend of Yamoria

In the past there has been discussion as to what people's symbols say about the Dene, and what they can clarify with.

The symbols that have been chosen to be based upon a legend.

There have always been reports that our elders agreed with us. One of these reports is to do with a very ancient person known as Yamoria. Dene legends have been passed down through the generations.

Many years ago, before the white man came into this country, a great fire in Yamoria's land had burned everything into its southern part. The land was laid bare and with the sun at its height, Yamoria was the first to see the sun. He was very old, and he had seen many things.

He was very old, and he had seen many things. He was very old, and he had seen many things. He was very old, and he had seen many things.

Table of Contents

I. Dene Logo and the Legend of Yamoria	Page 1
II. Introduction	Page 3
III. The Government of Denendeh	Page 5
IV. The Process	Page 19
V. Appendix	Page 26

There are many legends about the Dene. Some of these legends are about the Dene's history and their relationship with the land.

One of the legends is about the Dene's relationship with the land. It is a story about a man who lived in the land and who was very old.

He was very old, and he had seen many things. He was very old, and he had seen many things. He was very old, and he had seen many things.

There are many legends about the Dene. Some of these legends are about the Dene's history and their relationship with the land.

One of the legends is about the Dene's relationship with the land. It is a story about a man who lived in the land and who was very old.

He was very old, and he had seen many things. He was very old, and he had seen many things. He was very old, and he had seen many things.

There are many legends about the Dene. Some of these legends are about the Dene's history and their relationship with the land.

One of the legends is about the Dene's relationship with the land. It is a story about a man who lived in the land and who was very old.

He was very old, and he had seen many things. He was very old, and he had seen many things. He was very old, and he had seen many things.

There are many legends about the Dene. Some of these legends are about the Dene's history and their relationship with the land.

One of the legends is about the Dene's relationship with the land. It is a story about a man who lived in the land and who was very old.



V	Appendix	Page 38
IV	The Process	Page 18
III	The Government of Venezuela	Page 8
II	Introduction	Page 3
I	Our Logo and the Legend of Caracas	Page 1

For the People of the World
Table of Contents

The Dene Logo and the Legend of Yamoria

In the past there had been discussions as to what particular symbol can represent the Dene, and which they can identify with.

The symbol that has been chosen is backed up by a legend.

There have always been legends that our elders shared with us. One of these happens to be about a very special person known as Yamoria. There have been a lot of stories about this particular person.

Many years ago, before the whiteman came into this country, a special man Yamoria travelled into this land. He put everything into its rightful place. The animals and human beings were separated from each other. Whatever was harmful to people was gotten rid of. By doing this, he had set laws for our people to follow also laws were set for the animals to follow. Until this very day, we are still holding onto them.

This story had come about when there were large Beavers living in Great Bear lake (Sahtu).

The beavers were harmful to the people living in this area. People that lived in this area would travel across the lake by canoe to hunt the caribou. The beavers did not like them to travel across the lake so they would get as close as possible and splash their tails hoping to tip the canoes over. In this way they would be getting rid of the people. When Yamoria heard about that, he went to Bear Lake and told the people that he would be chasing the beavers away.

Yamoria started chasing the beavers around the lake. The big beavers immediately went down to Bear River. The younger ones were harder to chase towards the river. During the time that Yamoria was chasing the younger ones around the lake, the bigger beavers had built a dam on the river and that's where the Bear River rapids are to this very day. Yamoria got the younger ones to head down to Bear River and then chased them all down the river to where Fort Norman is now situated.

At the confluence of the two rivers, Bear River and Decho, he killed two medium beavers and one small one. The larger ones continued down the Great River.

After killing the three beavers, he stretched and nailed the three hides on the south face of Bear Rock Mountain. You can still see them to this very day.

While he was doing this - the two larger beavers that continued on down the Great River (Dehcho) had built two more rapids.

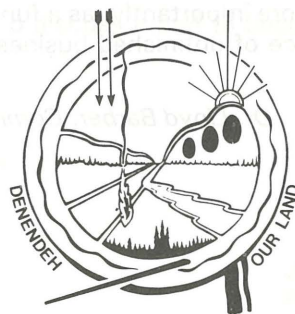
After he had finished with those beavers that he had killed at Fort Norman, he then continued on chasing the other two larger beavers down the Great River (Dehcho).

From the top of Bear Rock Mountain, he shot two arrows at the confluence of the two rivers and he said 'as long as this earth shall last you shall call them Yamoria's arrows.' Still to this day you can see two big poles sticking out of the River. Even though after each spring when the ice goes there always are two big poles sticking out of the river.

After shooting the two arrows into the river he brought the beavers that he shot with him up the Great River (Dehcho) about 20 miles from the confluence. There he slept and where he had cooked the beavers, the grease that had drizzled from the beavers started to burn and until to this very day that fire continues to burn.

There are some legends that state that if you travel at night by that site and if you can see the fire coming out then you would live a very long life. This they say that it's not always visible for everyone, just a few.

According to Stanley Isiah of Fort Simpson, as spoken at the Fort Norman Dene National Assembly in August 1979, the symbol of the three beavers belts on Bear Rock Mountain, the forever burning fire up river from that mountain are signs on the land set there as a reminder of the teachings of the legends. Stanley said that if we remember the teachings of the legends and live them, if we take the sign set on the land for us as our symbol, we will never have any trouble surviving as a nation.



The Oene Logo and the Legend of Yamona

In the past few years, the Oene logo has become a symbol of the Yamona people. The legend of Yamona is a story of a young girl who was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman. One day, she was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman. One day, she was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman.



Account of the Oene legend, as reported by the Yamona people. The legend of Yamona is a story of a young girl who was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman. One day, she was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman. One day, she was taken away from her home and raised in a white man's household. She was named Oene and she grew up to be a beautiful woman.

"I cannot emphasize too strongly that we are in a new ball game. The old approaches are out. We've been allowed to delude ourselves about the situation for a long time because of a basic lack of political power in native communities. This is no longer the case and there is no way that the newly emerging political and legal power of native people is likely to diminish. We must face the situation squarely as a political fact of life but more importantly, as a fundamental point of honor and fairness. We do, indeed, have a significant piece of unfinished business that lies at the foundations of this country".

Dr. Lloyd Barber, Commissioner of Native Claims for Canada

Introduction

This document is a discussion paper dealing with the issue of achieving an agreement on Aboriginal Rights while working towards political and constitutional change in a way that unites, rather than divides, northern people.

Admittedly, if we follow southern examples, the task is impossible. But is there any reason why we have to follow southern examples? Clearly, there's a reason why all of us, native and non-native alike, have chosen to either remain here or to move here. We like to think the reason has something to do with the fact that the north really is unique, that we have the opportunity and are confronted with the challenge of arranging our lives and creating relationships better than it has ever been done elsewhere.

For many, this may seem like a pipe dream. We have immense social problems. We have no control over the use of our resources. Public utilities like NCPD are totally outside our control. The cost of living is rising rapidly. The federal government makes all but the most trivial decisions. All of us have grown accustomed to dependency even though we don't like it. Lurking in the background is the spectre of racism on all sides, the skeleton in the closet that none of us wants to even think about much less discuss openly.

In spite of all these things, or perhaps because of them, we have to come to terms with the fundamental issues. The uppermost issue, we believe, is reaching an agreement on Aboriginal Rights along with creating political jurisdictions in the north that will enhance the ability of all northerners to govern their lives as well as to enable native people to actually achieve the things agreed to in negotiations with the federal government.

To descendants of the Dene, an agreement on our rights must include a transfer of power from the federal government to a province-like jurisdiction which we suggest should be called Denendeh. Denendeh simply means "land of the people". It includes all people who choose to make this their home. We advocate that the Government of Denendeh be a public government rather than government designed only to protect our rights. 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 required to protect and enhance the rights of native people.

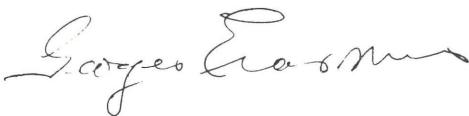
Accomplishing this will enable all northern people to deal with the things that affect us. We will have the power and responsibility to make and implement decisions regarding social, economic and cultural matters. We will decide on public services. We will make the critical decisions on the use of land and resources. And it is we who will have to live with the results of our own decisions.

It really boils down to a question of whether we want to continue being, in effect, wards of a state which we don't control. Or do we want to overcome our differences and, in doing so, unite ourselves so that we can govern ourselves?

We believe descendants of the Dene are equal to the task. We believe other northern people are also equal to the task.

The following pages outline our initial description of what we believe our government should look like and the process we think can be established to make this government a reality.

We ask you to read it, to study it, to discuss it and to become a part of the solution many of us have been striving for over the years.



George Erasmus
President, Dene Nation



Jim Bourque
President, Metis Assoc. of N.W.T.



"Some of the people in Mackenzie Valley have been there, 20, 25, possibly 30 thousand years, and it makes the rest of Canada look very young, and we show our political immaturity when we have the rashness to try now, on the basis of a very short historical experience, to make decisions for the future of the land that has been so well preserved these thousands of years by the Native people of the North."

Most Reverend Remi De Roo, Bishop of Victoria

The Government of Denendeh

A. Overview

We propose that a new province-like jurisdiction be created, to be called Denendeh, a Dene word meaning the land of the people. It shall comprise that area that has been and is the homeland of the Dene. Its boundaries will respect the legitimate claims of other native peoples.

We seek, as essential to a just settlement of our rights, a political system that will embody Dene values, that will reflect the Dene style and form of political organization, and that will provide a just and efficient government for both Dene and other Canadians in the western part of the N.W.T.

As in the past, we still make decisions today according to our own rules of order and conduct, with maximum involvement and participation of people, with respect for the rights of the individual and the community, and by consensus. Our proposal builds on these traditions to create a modern democratic political structure suitable to the needs of the Dene and other Canadians.

The political system that we are proposing is based on the fact that we are the original inhabitants and are still the majority of permanent residents in the western part of the N.W.T. and are therefore entitled to a form of public government which reflects that majority. We recognize that other Canadians who meet the requirements of a reasonable residency rule are entitled to the same political rights as the Dene. We propose that a reasonable requirement for full political rights be a 10-year residency.

We further propose that a Charter of Founding Principles be written which provides irrevocable protection for the collective and individual rights of the Dene and for the individual rights of other Canadians in Denendeh.

It is essential that the future political system recognize our rights as **aboriginal people**. Because of our long history as a distinct people pursuing a distinct way of life on the land, it is essential that certain lands be designated for our exclusive use so that we can, to the extent we see fit, continue to enjoy our way of life.

Though we are presently a majority of permanent or long-term residents, we realize that this may not always be so. We are therefore properly concerned to protect our aboriginal rights. This would be done through the Charter of Founding Principles and the exclusive Dene lands. These two features from a necessary and essential part of our proposal.

B. Division of Powers

In Denendeh we seek a clear division of powers with the federal government. This would also be the case for local community governments.

We would never desire a situation where a new colonial elite of Dene or non-Dene ancestry would govern our homeland.

We do not seek to take control from a few in Ottawa to establish a new elitist regime in the land of the Dene.

Rather than representative government, we would encourage government by the people. Instruments through which the people could not only be consulted but really be a part of the decision on major policies would be the right of all people.

The right of all residents to full political rights within our institutions must be recognized.

Under the new institutions that will be negotiated, we will guarantee full political rights for everyone.

We will preserve the right of the Dene to negotiate any changes in institutions governing our homeland.

The government of Denendeh will reduce the authority of elected officials and give more power to the people in running government. This means that non-Dene living among the Dene will have more rights than they now have under the territorial government.

Since Confederation, Canada has had two major forms of government, federal and provincial, which has historically divided the powers of a sovereign state.

We seek a relationship involving a clear division of powers, but this does not mean we wish to become a province in a traditional sense. Nevertheless, the similarities with a province may be greater than the differences.

Some of the powers traditionally fall within the jurisdiction of the provinces. Others are shared between the federal and provincial governments. A few of the powers are now under the exclusive control of the federal government.

We advocate seeking new powers related to the protection and enhancement of aboriginal rights that are not within the jurisdiction of any present form of government. We believe they are necessary to express the uniqueness of northern people within Canada.

C. A Description of the Government of Denendeh

Denendeh, the homeland of the Dene Nation, comprises the area traditionally used and occupied by the Dene in the western part of the N.W.T. The settlement will provide that Denendeh become a "province-like" jurisdiction in Canada. By "province-like" we mean a political jurisdiction with powers similar to those of other provinces but not identical in that Denendeh may have some powers which other provinces do not have.

(1) The Inuvialuit and Denendeh

The Dene recognize that the Inuvialuit in the Mackenzie Delta region of the N.W.T. also have certain aboriginal rights. The Dene are aware that the Inuvialuit are seeking regional government in their negotiations with the federal government. The Dene would welcome a negotiated arrangement in which the Inuvialuit regional government would become an integral part of the Province of Denendeh and will seek to work out the details of such an arrangement with the Inuvialuit including determination of boundaries and ownership, management, and the allocation of revenues with respect to land and resources.

(2) Powers

The government of Denendeh will have the basic constitutional powers of other provinces in these areas:

- institutions of government;
- administration of justice;
- health and welfare;
- local trade and commerce;
- natural resources;
- education;
- family relations;
- local transportation;
- local community development.

In addition, the unique character of our way of life requires that the Government of Denendeh exercise power in the following areas which are presently the responsibility of the Federal Government.

(a) Navigation and Fisheries

The Government of Denendeh must have regulatory power over:

- lakes and river traffic;
- fishing regulations, including length of seasons, limits of catch and fishing instruments to be used;
- the erection of lighthouse buoys, beacons and other navigational aids.

These powers are necessary to ensure protection of the aquatic environment of Denendeh which is basic to our traditional Dene way of life.

(b) Family relations

In addition to the present provincial powers to regulate family relations, the Government of Denendeh must have the power to pass laws that recognize the traditional Dene method of divorce. The Government will recognize divorces granted in other parts of Canada and will seek an arrangement to have divorces granted in the Dene tradition recognized in return.

(c) Communications

To maintain historical and cultural continuity, the Government of Denendeh will have the power to pass laws and regulations governing language and cultural programming in the licensing and operation of local media and in the operation of outside media in Denendeh.

(d) Labour and Employment

To preserve and develop historical Dene work styles and employment relations, the Government of Denendeh will have the power to pass laws and regulations dealing with minimum wage, working conditions and skills and experience needed for employment. Job preference will be given to residents of Denendeh.



"We are especially concerned that the future of the North not be determined by colonial patterns of development, wherein a powerful few end up controlling both the people and the resources."

"some present examples of industrial planning give us cause for great concern. For what we see emerging in the Canadian North are forms of exploitation which we often assume happen only in Third World countries: a serious abuse of both the native peoples and the energy resources of the North. Herein lies the Northern dilemma. What has been described as the 'last frontier' may become our own 'third world'."

Canadian Catholic Conference of Bishops

(e) Areas of Shared Power

In those areas where the Federal Government and the Provincial Governments share power (taxation, environment, human rights, immigration, agriculture and old age pension) the Government of Denendeh will negotiate with the Federal Government to make sure that federal laws and regulations do not conflict with the laws and regulations passed by the Government of Denendeh to enrich the Dene way of life and culture.

(f) Regulations with Other Aboriginal Nations

The Dene assert their right as an aboriginal nation to maintain cultural and diplomatic relationships with all other aboriginal nations. We will develop those relationships in consultation with the Government of Denendeh and the Government of Canada.

D. Charter of Founding Principles

The Government of Denendeh will exercise its powers according to founding principles that are consistent with the Canadian Constitution and are set out in a *Charter of Founding Principles for Denendeh*. The Charter of Founding Principles will:

- (1) entrench the rights of the Dene to establish government funded institutions and services to reflect their respective values and ways in areas such as:
 - education (from pre-school through university);
 - health services;
 - social services;
 - arts;
 - media;
 - recreation and games;
 - training in traditional skills and crafts;
- (2) entrench native languages, along with English as official languages in Denendeh;
- (3) entrench the harmonious relationship of the Dene with the physical environment as the basis for environmental laws;
- (4) entrench a decision-making process whereby development projects ensure the **total well-being** of the people and resources of Denendeh (as opposed to the economic benefit of the developers);

In addition, the Charter will contain rights and freedoms similar to those included in the International Covenant on Civil and Political Rights (which is signed by Canada). Sections 18, 19, 21, 22 read:

Article 18

- (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or private to manifest his religion or belief in worship, observance, practice and teaching.
- (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- (3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
- (4) The States Parties to the present Covenant undertake to have respect for the liberty of parents, and when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression: this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) for respect of the rights and reputations of others;
 - (b) for the protection of national security or of public order (ordre public), or of public health or of morals.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

- (1) Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
- (2) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
- (3) Nothing in this article shall authorize State Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice the guarantees provided for in that convention.

E. Land & Resources Ownership in Denendeh

Land and resources in Denendeh will be owned and managed in these ways:

(1) Exclusive Dene Land

The Dene will maintain exclusive ownership, use, control, occupancy and resource over a large area or areas of land within Denendeh. This area (areas) will not be subject to expropriation. Management of these exclusive Dene lands, including the management of revenue generated from their development will be the sole responsibility of the Dene, who set up such agencies and institutions for that purpose as they collectively determine.

With respect to the development of non-renewable resources on exclusive Dene land, the Dene will strive to make decisions that are consistent with resource development decisions made to the Government of Denendeh. This is a common sense matter since (for example) the development of an oilfield on exclusive Dene land would probably require a pipeline over land controlled by the Government of Denendeh.

(2) Land & Resources Controlled by the Government of Denendeh

The remaining land and resources in Denendeh (with the exception of private property) will be owned and managed by the Government of Denendeh.

The Dene will have exclusive rights to hunt, fish and trap in this land. The Government of Denendeh will manage these lands and resources according to conditions which are consistent with the Charter of Founding Principles.

Government decisions about the development of non-renewable resources will be based on the following conditions. These will also help to make cooperative decisions between the institutions set up to manage resource development on exclusive Dene lands and the Government of Denendeh.

- (a) The resource is surplus to Denendeh's own needs, determined on a reasonable basis of present and future consumption.
- (b) The southern Canadian need is determined on the basis of "a conserver society" level of usage and a firm commitment to renewables.
- (c) Exploration, development and transportation will not create undue social dislocation in Denendeh or any of the communities most directly affected.
- (d) Preparation, construction and operation of the facilities will not damage the environment of Denendeh or any of the communities most directly affected.
- (e) The project is judged to be technically sound.
- (f) The project has been determined to be financially feasible and economic benefits will accrue to the Government of Denendeh.
- (g) The project is consistent with the economic development plans of the Government of Denendeh.
- (h) Ten percent of all resource revenues collected by governments will be paid into an aboriginal Trust Fund (a Dene Heritage Fund) controlled by the Dene.
- (i) The remaining resource revenue accruing to the Government of Denendeh from the sale of non-renewable resources will be distributed in the following way:
 - first to cover the costs of government in Denendeh at both the community and "provincial" levels;
 - in the event that revenues in any given year are less than the costs of government, the Government of Canada will make up the difference;
 - in the event that revenues exceed the costs of government in Denendeh, the excess money will be first used to pay the government of Canada for direct federal assistance going into Denendeh, such as unemployment insurance benefits, children's allowances, etc.;
 - in the event that there is enough revenue to provide for the above, the rest will be divided 50% to the Government of Denendeh and 50% to the Government of Canada.

(3) Private Property

Present titles to property ownership will be honoured. In the future, property titles will only be granted as long-term leases, with occupancy rights, including the right to erect and own a dwelling place and/or other buildings. A native collective or the Government of Denendeh will maintain land and resource ownership. The boundaries of each community will contain certain lands available for immediate leasehold with terms and conditions set by the community government. Beyond the community boundaries land leases will be negotiated with the owner, either a native collective or the Government of Denendeh.

(2) Land & Resource Controlled by the Government of Denmark

The remaining land and resources in Denmark (with the exception of public property)

will be managed and managed by the Government of Denmark.

The Government will have exclusive rights in land, fish and sea in Denmark and the Government

will have exclusive rights in mineral, water, and forest, including in conditions which

are consistent with the Charter of Fundamental Principles.

The Government will have exclusive rights in the development of the network of roads, will be

responsible for the following conditions. There will also be to make cooperative decisions



and "provincial" level.

in the event that revenues in any given year are less than the costs of

the Government of Denmark will make up the difference.

* in the event that revenues exceed the costs of government in Denmark,

the excess money will be first used to pay the government of Canada

for direct federal assistance going into Denmark, such as unemployment

benefits, health care, education, etc.

* in the event that there is enough revenue to provide for the above, the

Government of Denmark will be responsible for the following conditions.

Resolved that "this General Synod support the Native People in their efforts to obtain justice through

recognition of treaty, aboriginal and other rights and through a just settlement of their land claims

(and) request the federal government and, through Diocesan Bishops, request the appropriate

provincial and territorial governments to halt planned development until aboriginal claims are settled

and to initiate negotiations on the land claims issues without prior conditions. . ."

General Synod of the Anglican Church of Canada

will be only be a small as long-term leases, with occupancy rights, including the right

to buy and sell, including the right to build, a native collective in the

Government of Denmark will be a similar kind and lease, by which, the boundaries

in each country will be certain lands as well as for the native people, the community

and the land will be set by the community government. Beyond the community

boundaries, land will be negotiated with the native collective or a native collective or

the Government of Denmark.

F. Sharing of Powers within Denendeh

Within Denendeh, political power will be shared between elected bodies and the people directly by referendum when major policy decisions are made. Referendums will be a regular part of decision making both in the communities and at the provincial level to ensure maximum participation of people in making decisions that directly affect their lives as well as in the implementation. The provincial-level of government will develop Denendeh-wide policies and will maintain relations with the Federal Government and the governments of the other provinces.

(1) Community Government

Community governments will have powers in the areas below subject to certain limitations. With respect to natural resources and services, community governments will generally implement Denendeh-wide policies. With respect to finances and operations, the community governments will generally be given more powers than they now have.

(a) Natural resources

- Community land use planning and development;
- environmental matters;
- management of renewable resources;
- management of non-renewable resources.

(b) Services

- health;
- education;
- social services;
- recreation;
- culture;
- policing;
- information services;
- entertainment;
- economic development, including employment;
- housing;
- beer and alcohol distribution;

(c) Finances

- community budget;
- management of funds;
- issuing of licenses.

(d) Operations

- water supply;
- sewage;
- retail goods;
- construction and maintenance of public buildings;
- public grounds;
- utilities;
- roads and airstrips.

(2) Limitations on Community Powers

The powers of Community governments will be limited by the following conditions:

- (a) Powers may only be exercised within the geographical boundaries of the community.
- (b) All policies, laws and programs must be consistent with the rights and responsibilities of all citizens and residents of Denendeh as spelled out in the Charter of Founding Principles.

- (c) Policies, laws and programs must respond to the needs and desires of the people of the community as determined in community assembly, provided they are consistent with the Charter of Founding Principles.
- (d) Policies, laws and programs that require community approval by referendum cannot be implemented until such approval has been obtained.
- (e) Policies, laws and programs of one community which affect other communities must be consistent with Denendeh-wide policies as determined by the national assembly of Denendeh. Areas where such cases may arise include the management of renewable and non-renewable resources, economic development, education, social and health services.

(3) Structure of Local Government

(a) Community Assembly

Task

The community assembly will be the major political body in the community. It will meet regularly to:

- (i) decide on those by-laws, programs, services and institutions required to meet their community needs;
- (ii) choose people to sit on a community council to implement community programs and run community institutions;
- (iii) decide which issues require a majority vote in a referendum before legislation is implemented by the community council. The national assembly will develop general guidelines for matters which require community referendums. Smaller communities will have the power to deviate from the guidelines by adding matters to the referendum list since fewer matters can practically be decided directly by the people in larger communities.

(b) Composition, Voting Rights and Eligibility to Hold Office

Attendance and floor privileges will be open to all residents. Voting and eligibility to hold office will be restricted to Canadian citizens who:

- (i) meet a residency requirement in Denendeh (10 years);
- (ii) pledge to uphold the Charter of Founding Principles;
- (iii) are accepted as citizens by the people in the community where the person has been a resident for at least two years.

(c) Community Council

Task

Within the guidelines outlined above, the community councils will be responsible for implementing the tasks assigned by community assemblies.

Composition

The council will be made up of a Chief and Councillors as elected by the community assembly. The Chief will be chosen by eligible voters through the traditional method of hand raising or by secret ballot. The number of councillors, the method of electing them and the length of their term of office will be determined by each community assembly.

Options for choosing the community council include:

- (i) selection of the entire council by eligible voters through the traditional method of hand raising or by secret ballot;
- (ii) selection of the entire council by ward election;
- (iii) selection of part of the council by community-wide election and part of it by ward election;

- (iv) a combination of (i), (ii), or (iii) with the appointment of a spokesperson who could sit with or without voting power;
- (v) in communities where the Dene, now or in the future, comprise a minority of the eligible voters the community council will be selected in the following way:
 - (a) a certain number of councillors will be elected by a ward system election with 1 ward for each 300 residents to a maximum of 15 wards. All eligible voters both Dene and non-Dene will be eligible to vote in the ward election;
 - (b) in addition the Dene will be guaranteed 30% of the total number of council seats. Only the Dene will vote for these members of council.

G. Provincial Level of Government

(1) Powers

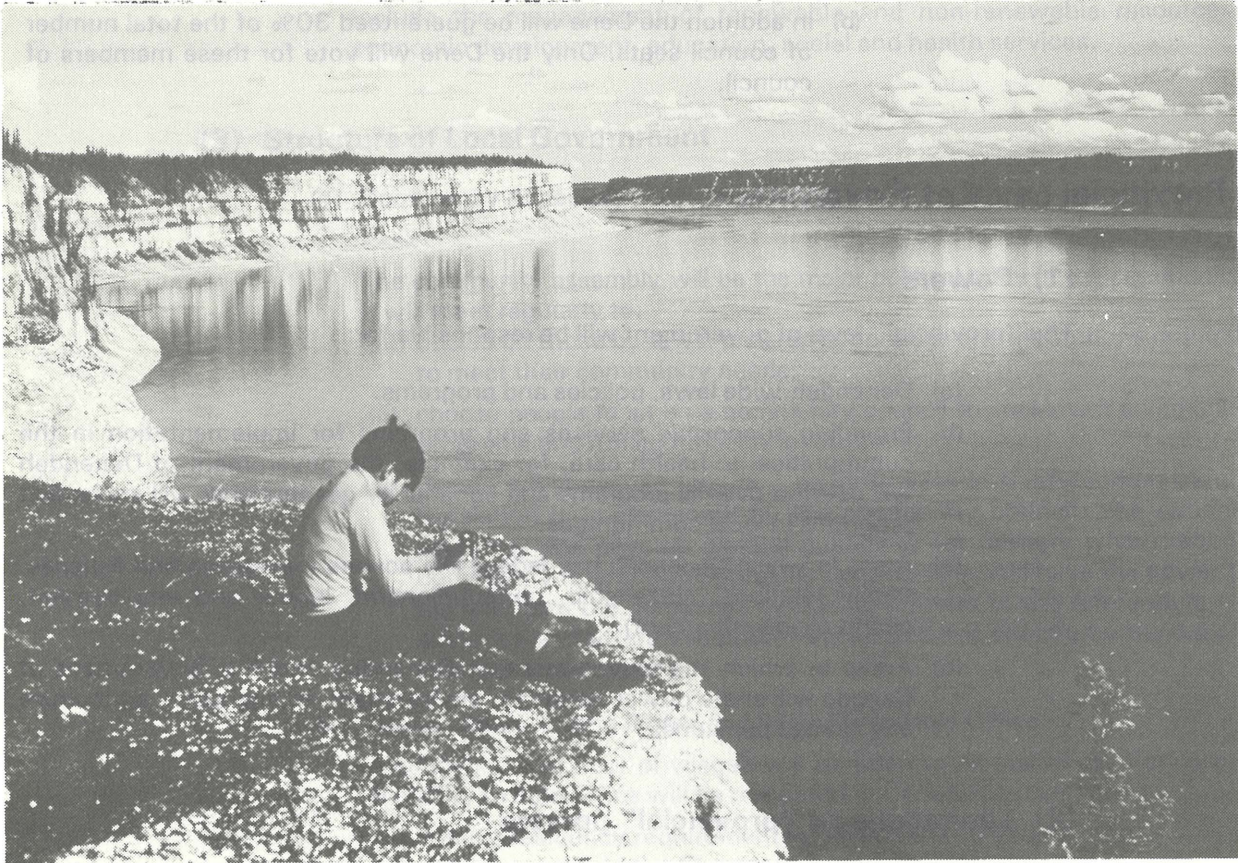
The "provincial" level of government will be responsible for:

- (a) Denendeh-wide laws, policies and programs.
- (b) Providing supportive services and programs for implementation in the communities. In health care, for example, the government of Denendeh will develop over-all programs and community governments will implement programs in local communities.
- (c) Areas in which Denendeh has federal-like powers (navigation and fisheries, family relations, citizenship, communication, labour and employment, economic development).
- (d) Areas in which the Government of Denendeh and the Government of Canada will share power (taxation, environment, immigration, agriculture and old age pensions).

(2) Limitations on "provincial" powers

The provincial government will exercise its power within the following limits:

- a) Its powers are limited by the powers of the federal government and the powers of the community level of government
- b) Legislation dealing with certain subjects within the legislative competence and jurisdiction of the Government of Denendeh will be submitted to the people of Denendeh for referendum and the legislation may only be passed if a majority of the electors agree to it.
- c) Policies, laws and programs must be consistent with the rights and responsibilities of all citizens and residents of Denendeh as those are spelled out in the Charter of Founding Principles.
- d) Policies, laws and programs must be consistent with the expressed needs and desires of the people of Denendeh as determined by the National Assembly of Denendeh, provided those needs and desires are consistent with the Charter of Founding Principles.



"Support, in principle, for the unique land claims settlement proposal put forward by the Indian and Metis people - the Dene nation. . . "and urge the Government". . . to commit itself to achieving a land settlement acceptable to native people in the N.W.T. before authorizing or proceeding with any major new development projects, including the proposed Mackenzie Valley pipeline."

OXFAM - Canada

3. Structure of the Government of Denendeh

(a) Provincial National Assembly

Task

The national assembly of Denendeh will be the major political body at the provincial level of government. Within the limitations of powers outlined above, the national assembly will meet at least four times a year to:

- (i) decide on provincial level programs and budgets to assist local councils in carrying out their programs;
- (ii) to instruct the executive of Denendeh on the implementation of the policies and programs determined by the national assembly.

(b) Composition

The composition of the national assembly should provide a direct link between the local councils and the provincial level in order to ensure an efficient manner of relating local needs to the provincial level.

The national assembly will have an executive or cabinet. Options for choosing the assembly include:

- (i) The assembly composed of all local Chiefs.
- (ii) The assembly composed of members elected on a constituency basis.
- (iii) The assembly composed of one Chief from each of the five regions or constituencies chosen by the Chiefs in that area, plus three members from each region or constituency chosen by the voters in that area.
- (iv) The assembly will be composed of:
 - (a) one representative elected from each community of more than 50 but less than 500 residents;
 - (b) two representatives from each community of more than 500 but less than 2,000 residents;
 - (c) three representatives from each community of more than 2,000 residents.
- (v) The Dene will at all times hold 30% of the seats in the national assembly. If their number of seats should fall below 30% the eligible Dene voters will, in a manner determined by the Senate of Denendeh, elect sufficient Dene members to bring their number of seats to the guaranteed level of 30%.
- (vi) Options for choosing the executive or cabinet include:
 - (a) The executive chosen directly by all voters of Denendeh.
 - (b) The executive chosen by a vote of the national assembly.
 - (c) The executive chosen by a vote of the local Chiefs.

(c) Eligibility

To be able to vote for members of the national assembly and the executive or to be able to hold either of those offices, a person must be a Canadian citizen and:

- (i) meet a residency requirement in Denendeh (10 years);
- (ii) pledge to uphold the Charter of Founding Principles.

(d) Denendeh Senate

In addition to the national assembly there will be a Denendeh Senate composed of Dene. The number of members on the Senate and the way they are selected will be determined by the Dene. The powers will include:

- (i) the power to veto any legislation passed by any community council or by the national assembly if the Senate determines that the legislation adversely affects aboriginal rights. The Senate will outline its objections and return the legislation to the appropriate body. The revised legislation will be resubmitted to the Senate.
- (ii) powers, specified by the Dene, to set up and run those institutions established by the Dene to manage exclusive Dene lands and resources.

(e) Fiscal Viability of Denendeh

The argument is sometimes made against northerners having a greater say in their own affairs - and hence against the kind of political system here proposed - because the existing government structures in the North are financially dependent on Ottawa. As a matter of democratic principle, the right to political status comparable to that of other Canadians should exist independently of any financial dependency; Prince Edward Island is a province despite its heavy reliance on financial support from Ottawa. To argue otherwise is to support colonialism in the literal sense of that word. Given the richness of resources in the North, a province-like government in the North, with appropriate powers to tax, would in the long run be financially self-sufficient. It is significant to note that in 1905, Alberta relied heavily on financial support from Ottawa. That is hardly the case now.

(f) Economic Development

For us, political self-determination and economic self-reliance are inseparable. Each strengthens the other. Our traditional way of life has been based on renewable resources, as are the economies of our communities today. We wish to modernize our renewable resource economy. Problems that our economy presently faces through a shortage of capital will be met by investing funds, which are due us as compensation for any lands ceded and which will be paid to the Government of Denendeh or directly to the Dene as owners of the land.

Non-renewable resource development will take place as decided within the proposed political system and subject to an overall development plan. The government of Denendeh and Dene institutions will have the right to financial benefit, and can invest in developments as desired.

(g) Transition Period

Powers will vest in the local and provincial governments in Denendeh upon the signing of the settlement. If the vesting of any power is delayed, all other powers and, in addition, all of the powers of the present Territorial Government, will vest in the Denendeh governments in Denendeh according to a guaranteed timetable and, no later than 2 years following the signing of the settlement.

The actual transfer of powers may be more gradual. One of the first acts of the provincial executive or cabinet, and of each community council, will be to set up a priority list and a timetable for the transfer of powers.

Employees in the civil service of the present Territorial Government will, where manpower requirements permit, be retained and assigned between the governments of Denendeh and Nunavut. All buildings and equipment of the present Territorial Government will also be kept. Present headquarters will be maintained temporarily, until they can be relocated.

The Process

A. Aboriginal Rights and Political and Constitutional Change

The descendants of the Dene are the original inhabitants of the Western part of the N.W.T. We have never surrendered or extinguished our rights. We have never assented to any form of government other than our own. The Government of Canada and the Government of the N.W.T. have, over the years, simply encroached on the territory and the lives of the Dene. This is no more acceptable to us than it is to any other people who have had their governing bodies and their institutions shoved aside.

On the other hand, we do not want to behave like the government that is presently trying to rule us. We have nothing to gain by trying to treat others the way we have been treated. We have no wish to impose our institutions on non-Dene who live in the Western part of the N.W.T. Yet, for the good of all, we must have the means to protect our Aboriginal Rights and this can only be done by having a particular form of government that makes it possible for us to do this.

The only solution we have been able to devise is for native groups to negotiate, as part of Aboriginal Rights agreements, the transfer of those powers from the federal government required to protect our rights and to use these rights as building blocks for future generations. The powers negotiated by the Dene would then be incorporated into the overall Government of Denendeh.

The result will be to establish a democratic public government in which our rights as aboriginal people are protected while the rights of the non-Dene are likewise enhanced and protected.

The establishment of a government in the style and tradition of the Dene is fundamental to the future of the Dene as a people and a nation. There is no reason why this should be any threat to the vast majority of non-Dene Northerners who have decided to make their permanent homes here. What is required, and what we are inviting is the active participation of all Dene and non-Dene residents of the North in the task of designing and creating the future Government of Denendeh.

No one is suggesting that this will be an easy or comfortable task. We will be struggling with different and, on the surface at least, contradictory goals because of different cultures and backgrounds. On the one hand we, the Dene, must negotiate for certain provisions and powers essential to protect our existence as a people. For us to do anything less would be to shrug off our most important responsibilities. Therefore, our position is that the major elements involved in political and constitutional change will be decided at the negotiating table. In stating this, we are well aware of the fact that non-Dene residents will definitely be affected by political and constitutional change. Therefore, it is imperative everyone realizes that the rights of the non-Dene will be affected by negotiations when we are dealing with aboriginal Rights. This factor cannot be ignored.

One could leap to the conclusion that the only way to settle the matter is to fight against one another with the winner's rights preserved. We suggest there's another way. If it comes to the Dene trying to protect our rights at the expense of the legitimate rights of the non-Dene residents of the North, or vice-versa, we'll all be losers.

All of us, Dene as well as the non-Dene, have rights. These rights are different for many reasons and we should all try to understand what it would mean to have these rights upheld or to lose them. We propose that this can be achieved during a process designed to reach a northern consensus on the political and constitutional changes required to meet the needs of all northern people.

When all the other alternatives are examined there seems to be no more satisfactory way of bringing about political and constitutional change. One thing most Northerners will certainly agree on is that we don't need any more Royal Commissions or formal inquiries.

The Process

A. Aboriginal Rights and Political and Constitutional Changes



protect our existence as a people. For us to do anything less would be to shut off our most impor-
tant responsibilities. Therefore, the political elements involved in political and con-
stitutional change will be subject to the political goals. In stating this, we are well aware of the
fact that non-Aboriginals will not likely be subject to political and constitutional change.
Therefore, it is imperative that we realize that the rights of the non-Aboriginals will be affected by
negotiations when we deal with through a treaty. This is the only way to negotiate a treaty.

“Whereas it is apparent to us all that our white forefathers did not deal fairly with the native peoples
of Canada; and in fact appropriated to themselves with no or very little compensation to the natives,
large segments of land in Canada: Be it resolved that this department record now its general sup-
port of the Indians of Canada in making their claims for land, and inform all native organizations of
this support.”

Department of Church and Society, division of mission in Canada, United Church of Canada

B. Forums for Initiating Change

A number of factors must be kept in mind in deciding on the process for bringing about political and constitutional changes. Some of these factors are:

1. In the long run, people do not win rights for themselves by trampling all over the rights of others. This means that we must not only recognize each others rights verbally. We must also help each other to achieve the rights of all. There are, of course, limitations to the rights any group or collective can, or should, strive to achieve. We assume, that amongst Northern people at least, reason and a sense of justice will prevail.
2. For many years the descendants of the Dene have advocated a new political jurisdiction in the western part of the N.W.T. We have always viewed this as a vital part of reaching an agreement on our Aboriginal Rights.
3. There is a growing body of opinion amongst non-Dene people in the Western part of the NWT that, as northerners, we need our own government. We expect, and encourage, non-Dene northerners to work through their own organizations and the Government of the Northwest Territories to promote their views in bringing about political and constitutional change.
4. The Inuvialuit, through COPE, want to establish a form of municipal government called Western Arctic Regional Municipality (WARM) in the northern part of the western N.W.T.
5. The Inuit, through the ITC, as well as non-Inuit have advocated a separate political jurisdiction (Nunavut) in the eastern Arctic for a number of years. The NWT legislative Assembly will be debating the issue of separate political jurisdictions during the forthcoming session. It's possible than an early plebiscite will be held to decide whether or not the majority of the NWT residents wish to have two separate political jurisdictions.
6. There is no forum in existence for dealing adequately with political and constitutional change. The federal government talks in meaningless terms about prospects for "responsible government" at some time in "the future". It's just as well they have taken this position since we see this as a task for northern people.
7. The Government of the NWT represents the interests of the non-Dene at the negotiating table.

The foregoing illustrates the fact that political and constitutional change is in the forefront of people's minds in the north and that forums already exist for dealing with the issue. What must be done is to take very deliberate steps to ensure that northern people are united more strongly than ever rather than becoming hopelessly divided.

The Dene submit that this can be done by working together to achieve the rights of all. Furthermore, we suggest the way to do this while, at the same time, uniting northern people, is to use the consensus style of decision-making.

C. Reaching a Consensus

The consensus style of decision-making involves a lot more than the absence of political parties. Things are not that simple. There are many single party or no party states in the world where there is no consensus just as there are many multiparty states where there is no real democracy.

Consensus begins with a respect for one's own rights and assuming the responsibility to achieve these rights. Therefore, the limits on the amount of responsibility and authority that can be delegated to others is very real. Alongside the respect for one's own rights there must be a respect for the rights of others. This means that in order for consensus to work, rights must be protected and for rights to be protected they cannot be abused. Therefore, people must become collectively responsible for protecting and achieving the rights of all. This simply cannot be done if some people insist on, or are allowed to, ignore or undermine the rights of others.

None of this is possible if people indulge in the fantasy that people are equal and, therefore, rights must be equal. There are vast inequalities and differences between people as individuals and groups. Any consideration of rights must take these inequalities and differences into account.

A fundamental first step in dealing with inequalities and differences is abandoning the notion that the only proper way to arrive at decisions is to debate an issue and then vote. The very nature of debate magnifies differences and inequalities resulting in a few people using debating skills and techniques which they happen to have as a lever to gain or increase their power.

There is no reason why discussion cannot replace debate. Discussion, underpinned by the concept of a respect for rights and recognition that differences are a fact of life, makes it possible for everyone to contribute, to share, to learn and, on this basis, reach decisions. There may, and likely will, be disagreements but the chances of disagreements reaching discord and open hostility are minimized because, if nothing else, people will at least have any understanding of the reasons why people decide to do certain things.

This is the main reason why the Dene Nation and Metis Association refused to accept the position of the federal government that our negotiations on our Aboriginal Rights must be kept secret.

D. The Mechanism Recommended for Achieving a Consensus

Currently, a broadening of all aboriginal claims negotiations is being sought to include discussions on political and constitutional change. In recognition of this, as well as the growing desire for change being expressed by non-native groups and individuals, the following is offered as a process that we recommend to achieve a consensus and to affect political and constitutional change in the Northwest Territories. The forums of the various aboriginal claims negotiations are an integral part of the process with the Government of the Northwest Territories representing all non-native northerners in all negotiations.

The following assumptions are suggested as being fundamental to the success of this four-phase process of consensus building (stages 1 & 2); negotiations (stages 3 to 6); ratification (stage 7); referendum (stage 8) and, final agreement and implementation (stage 9):

- all native associations should participate fully in the process of political and constitutional change in the N.W.T.;
- non-native groups and individuals should participate fully and co-ordinate their participation through the Government of the Northwest Territories;
- rights and freedoms granted in aboriginal claims settlements should be protected by law;
- The GNWT will ensure that all peoples of the N.W.T. are properly represented at aboriginal claims negotiations when the subject of political and constitutional change is being discussed;
- the transfer of greater authority and responsibility from the Federal to the existing Territorial Government should continue only if the native claimant groups are fully involved in the process for transfer and a consensus reached; and,
- the length of residency required for voting in any political and constitutional change process is an issue that be addressed during discussions to reach a northern consensus on change.

Phase I - Consensus Building

Stage 1. At this first stage in the process, two forms of discussion can begin simultaneously as follows:

- a. Preliminary discussions between the various aboriginal claimant groups on the issue of geographical and political boundaries as well as their proposals for political and constitutional change.
- b. Public discussions on political and constitutional change which could take the form of comment on discussion papers from various groups, organizations, and individuals as well as debate in the Legislative Assembly, regional and community meetings, and other appropriate public forums.

Stage 2. On the basis of the above discussions, multilateral discussions between the GNWT, ITC, COPE and the Dene/Metis would be held to reach a northern consensus on political and constitutional change, for example, division of the N.W.T., new forms of public government, and the transfer of powers and authority from Ottawa.

Phase II - Negotiation

Stage 3. During aboriginal claims negotiations, ITC, COPE, and Dene/Metis each negotiate with the Federal Government on the basis of the matters agreed to in the multilateral discussions with a view to reaching initial Agreements Of General Principle (AOGP) in respect of political and constitutional change.

Stage 4. As each initial Agreement Of General Principle (AOGP) emerges from the various aboriginal claims negotiations, they will be subject to the scrutiny of the following:

Federal Government - scrutiny by the Privy Council Office, Federal Provincial Relations Office, Justice, DIAND and culminating in Cabinet approval of each AOGP.

Territorial Government - scrutiny in the N.W.T. through public discussions and debate in the Legislative Assembly.

ITC, COPE, Dene/Metis - scrutiny by each of these organizations through national assemblies, leadership meetings, community meetings and other public forums.

Stage 5. At this stage of the process, it would be necessary for the GNWT, COPE, the Dene/Metis and ITC to meet to review the outcome of stage 4 to ensure that a northern consensus is maintained.

Stage 6. Development of final agreements based on the AOGP's at each of the various aboriginal claims negotiations.

Phase III - Ratification and Referendum

Stage 7. The final agreements would be fed back to the Federal Government (Cabinet), The Territorial Government (Legislative Assembly), and the various aboriginal claimant groups' assemblies for ratification.

Stage 8. On the basis of the ratified final agreements, a referendum addressing appropriate questions on the political and constitutional future of the North would be held in the N.W.T. - the outcome of which would be binding on the Federal Cabinet.

Phase IV - Final Agreement and Implementation

Stage 9. Depending on the outcome of the referendum, final agreements would be signed and an implementation process developed and acted upon. This step in the process will involve a considerable amount of time and work such as the development and/or amendment of both Federal and Territorial legislation.

The Dene Nation and the Metis Association will hold community meetings, leadership meetings and assemblies on all major issues. We will explain our position to other groups and invite other groups to explain their position to us.

In this way we believe it is possible to use the concept of consensus as an instrument to achieve a strong, unified north built on understanding and respect. This, we believe, is the only solid basis for real development.

The diagram on the following page provides a visual explanation of the above process.



"A just settlement of their claims must be the basis of a new understanding between native and non-native. Some people fear that a settlement would result in all non-natives being shipped back to where their ancestors came from. The natives have never taken this position. If they had, many early European settlers would have starved or frozen to death."

The Canadian Labor Congress

Phase I - Consensus Building

- | | | |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Stage 1 | a) Preliminary Discussions
(ITC, Dene/Metis, COPE)
– agree on geographical and political boundaries
Proposals for political and constitutional change
– review by leadership | b) Public Discussions
– GNWT discussion paper
– debate in Legislative Assembly
– regional meetings
– other public forums |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|

- ▼
- | | |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stage 2 | Multilateral Discussions
(ITC, Dene/Metis, COPE & GNWT)
– reach northern consensus on political and constitutional change, division of the N.W.T. new forms of government, transfer of power from Ottawa |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Phase II - Negotiation

- ▼
- | | |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stage 3 | Aboriginal Claims Negotiations
– negotiate with Federal Government matters agreed to in multilateral discussions
– initial agreement of general principle (AOGP) |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- ▼
- | | | | |
|---------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Stage 4 | Federal Government
(DIAND, PCO, FPRO, Justice, etc.)
– scrutiny of AOGP
– Cabinet approval of AOGP | Territorial Government
– scrutiny of AOGP
– input from public discussions
– debate in Legislative Assembly | ITC, Dene/Metis, COPE
– scrutiny of AOGP by respective national assemblies |
|---------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

- ▼
- | | |
|---------|----------------------------------------------------------------------------------|
| Stage 5 | ITC, Dene/Metis, COPE, GNWT
– review to ensure consensus is maintained |
|---------|----------------------------------------------------------------------------------|

- ▼
- | | |
|---------|-----------------------------------------------------------------------------------|
| Stage 6 | Aboriginal Claims Negotiations
– develop final agreements based on AOGP |
|---------|-----------------------------------------------------------------------------------|

Phase III - Ratification

- ▼
- | | | | |
|---------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Stage 7 | Federal Government
– ratification of final agreement (Cabinet) | Territorial Government
– ratification of final agreement (legislative Assembly) | ITC, Dene/Metis, COPE
– ratification of final agreement |
|---------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------|

- ▼
- | | |
|---------|-------------------------------------------------------|
| Stage 8 | Referendum
(Note by all eligible residents) |
|---------|-------------------------------------------------------|

Phase IV - Final Agreement and Implementation

- ▼
- | | |
|---------|-----------------------------------------|
| Stage 9 | Final Agreements signed and implemented |
|---------|-----------------------------------------|

Table 1 - Comparison of...

Page 1	of Financial Institutions and Governmental Entities	of Financial Institutions and Governmental Entities
Page 2	Page 3	Page 4
Page 5	Page 6	Page 7
Page 8	Page 9	Page 10
Page 11	Page 12	Page 13
Page 14	Page 15	Page 16
Page 17	Page 18	Page 19
Page 20	Page 21	Page 22
Page 23	Page 24	Page 25
Page 26	Page 27	Page 28
Page 29	Page 30	Page 31
Page 32	Page 33	Page 34
Page 35	Page 36	Page 37
Page 38	Page 39	Page 40
Page 41	Page 42	Page 43
Page 44	Page 45	Page 46
Page 47	Page 48	Page 49
Page 50	Page 51	Page 52
Page 53	Page 54	Page 55
Page 56	Page 57	Page 58
Page 59	Page 60	Page 61
Page 62	Page 63	Page 64
Page 65	Page 66	Page 67
Page 68	Page 69	Page 70
Page 71	Page 72	Page 73
Page 74	Page 75	Page 76
Page 77	Page 78	Page 79
Page 80	Page 81	Page 82
Page 83	Page 84	Page 85
Page 86	Page 87	Page 88
Page 89	Page 90	Page 91
Page 92	Page 93	Page 94
Page 95	Page 96	Page 97
Page 98	Page 99	Page 100

Appendix

Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Noting that the Universal Declaration of Human Rights and related international covenants have the individual as their primary concern, and

Recognizing that individuals are the foundation of cultures, societies, and nations, and

Whereas, it is a fundamental right of any individual to practice and perpetuate the cultures, societies and nations into which they are born, and

Recognizing that conditions are imposed upon peoples that suppress, deny or destroy the culture, societies or nations in which they believe or of which they are members,

Be it affirmed that,

1. RECOGNITION OF INDIGENOUS NATIONS

Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely:

- a. Having a permanent population
- b. Having a defined territory
- c. Having a government
- d. Having the ability to enter into relations with other states

2. SUBJECTS OF INTERNATIONAL LAW

Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity.

3. GUARANTEE OF RIGHTS

No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reason that the nation or group has not entered into recorded treaties or agreements with any state.

4. ACCORDANCE OF INDEPENDENCE

Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law.

5. TREATIES AND AGREEMENTS

Treaties and other agreements entered into by indigenous nations or groups with other states, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other states.

6. ABROGATION OF TREATIES AND OTHER RIGHTS

Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal laws of any state serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred.

7. JURISDICTION

No state shall assert or claim to exercise any right of jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely made with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any state which derogate from the indigenous nations' or groups' right to exercise self-determination shall be the proper concern of existing international bodies.

8. CLAIMS TO TERRITORY

No state shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cessation freely made.

9. SETTLEMENT OF DISPUTES

All states in the Western Hemisphere shall establish through negotiations or other appropriate means a procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned, shall be ended and new procedures shall be instituted consistent with this Declaration.

10. NATIONAL AND CULTURAL INTEGRITY

It shall be unlawful for any state to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to, the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries.

11. ENVIRONMENTAL PROTECTION

It shall be unlawful for any state to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resource or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group.

12. INDIGENOUS MEMBERSHIP

No state, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership.

Universal Declaration of Human Rights

(adopted by the United Nations on December 10, 1948)

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore, The General Assembly proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.