

MINING DENENDEH: A DENE NATION PERSPECTIVE ON COMMUNITY HEALTH IMPACTS OF MINING

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ABSTRACT

This paper reviews issues related to mining in Denendeh from the perspective of the Dene Nation, an Aboriginal governmental organization that supports the five Dene governments of Denendeh. There is no single Dene perspective on mining: some call for greater involvement of Dene mine development; some for a greater share in the resource royalties and other benefits; some could be characterized as preservationists (of both lands and cultures). Dene have always mined, manufactured, and traded metals, and have used metals in order to live healthy and good lives. Metals and minerals have increasingly played an important role in living a good life. While traditional Dene mining must be characterized as small-scale, industrial large-scale mining in Denendeh made significant economic, social, and environmental changes to northern Canada. Mining has profound impacts on the physical and social environment. The Dene Nation supports sustainable development and this short discussion paper describes five points we feel would contribute to Dene goals for sustainability relative to mining.

INTRODUCTION

Mining in the North has been colored by a shift from precious metals (e.g., gold) to precious minerals (e.g., diamonds) and the rush that began ten years ago in the “Great Slave Geological Province,” which Dene call *Akaiicho* and *Monfwi* regions of Denendeh. The Dene are the Indigenous Peoples of the NWT, known collectively by them as Denendeh. The traditional territories of the Dene, Métis, and Inuvialuit are also known as the Northwest Territories (NWT). The Dene Nation, representing roughly half the population of 43,000 in the NWT, reorganized in 2002, now has a membership of the five Dene governments: the Akaiicho territory government (Treaty 8), Deh Cho First Nations, Gwich’in tribal council, Sahtu Dene council, and Tlicho government (previously Dogrib Treaty 11). We will elaborate on the parallels between sustainable development and the Dene view of living a good life, as well as the conflicts created by industrial mining, further in the paper. First however, we need to describe the context for mining in Denendeh.

MINING DENENDEH

The search for metals and minerals by Europeans is perhaps best symbolized by Samuel Hearne, who in the 1770s sought the source of copper used by the Yellowknives Dene. However, the practice of mining emerges early in

Dene oral history, with copper used to make tools and weapons, and metals being traded, as indicated in the story below. At the time of contact, Dene were not using metal to the same extent as Europeans, but the potential for mineral development in Denendeh was, among other things, a contributing factor for Canada to sign treaties. Oral history refers to the importance of minerals to the Dene:

the Tatsanottine have a myth that one of their women was kidnapped and carried blindfolded off to the country of the Eskimo in Asia and married to one of these, and that she made her escape with her infant in an *umiak*, reached the shore of America by paddling from isle to isle of the Aleutian archipelago, being protected on the voyage by a white wolf. Reaching the shore of Alaska she abandoned her Eskimo child because it robbed her of pemmican she had made. Seeing a blazing mountain she ascended it, thinking to find a par-



The Power and the Glory by Antoine Mountain. With permission of Antoine Mountain.

ty camping on the summit. She found that the flames were emitted by a molten metal, and when eventually she reached the camp of her own people they accompanied her back by the path she had marked with stones to get some of the metal, which they called bear's dung or beaver's dung, because it was red. They thought she was a woman descended from the skies, but when they had made the journey for the third time some of them laid violent hands on her, whereupon she sat down beside her precious copper, refusing to go home with them. When they came back some time later to seek the volcano of molten copper, she was still there, but sunk to her waist into the earth. She gave them copper but again refused to go back with them, putting no faith in their promises. She said she would give good metal to those who brought her good meat, iron if the gift were lung, liver, or heart of the caribou, copper for whomsoever gave red flesh, but if anyone brought bad meat they would get brittle metal in return. Those who came back later for more metal found her buried to the neck in the ground. The last time they came she had disappeared into the bowels of the earth, and from that time no more copper could be found on the bank of the Copper r., though there may still be seen the huge stones which the metal woman placed to mark the way. Her tribe have since been called the Copper People, for water scum and beaver dung are both figurative names for this metal. (Sessional Paper No. 21 cited in Villebrun u.p. 1995: 11)

Oral history finds some locations in Denendeh were avoided because of the high concentrations of minerals and metals. One area in the Sahtu (Port Radium) was avoided because of the presence of uranium, which was respected as being an integral part of the land.

One of the more noticeable costs of mining to Dene has appeared in abandoned mines that both governments and communities are paying for. The North is speckled with abandoned or closing mines, such as the Port Radium mine on Sahtu (Great Bear Lake) and Giant mine, just outside of Yellowknife. The clean-up of mines is fast becoming a growing area of eco-

conomic development in Denendeh. While the government now requires from mining companies bonds and closure planning, the historic record has left the Dene to contend with the wastes from mining. The *Draft Mining Reclamation Guidelines* note, "closure and reclamation is considerable in the environmental impact assessment process, which precedes regulatory licensing and the commencement of mine production. . . . Mining is considered to be a temporary use of the land" (Indian and Northern Affairs Canada, 2004: 2). They go on to discuss the mining closure options as: walk away (sought-after solution), passive care, active care, and where active care results from "improper reclamation planning" (Indian and Northern Affairs Canada, 2004: 4).

LIVING A GOOD LIFE

An important goal for Dene is to live a good life. This life is supported through Denendeh, the land and water, which produces a rich complex of traditional foods that provide, nutritionally and otherwise, the spiritual, cultural, and physical well-being of the Dene. Living a good life has always been the goal of Dene culture and governance, economics and trade. Even with the current problems, including on-going adjustment to industrial mining, Dene seek to live a good life.

Mining has the potential to affect Dene life, through interference with traditional food sources. When the land is not healthy, the people are not healthy, and when the people are not healthy the land will also be unhealthy. Chiefs and Elders of the Dene Nation talk about being strong and healthy in terms of access to healthy animals, good berries, and many fish. They talk about showing respect to the land while living with all of the changes that come along with new ways, such as living in cities and participating with industrial development.

While Dene might not score highly in standard Human Development Indices, people "residing in the Arctic do not see themselves as lagging behind in terms of human development" (Young and Einarsson, 2004: 16). The 2004 *Arctic Human Development Report* finds Arctic populations to be skewed in terms of age structure and gender balance, highly resilient in terms of ability to adapt, and highly dependent on outside markets. Dene definitions of a good life now must take into account the influence and effects of development, including the mining economy. There are tensions between the wage and traditional economies. Dene mine workers are involved in one of the top wage-earning industries in Canada. However, wages are not necessarily shared between communities, within families, or even kept in the North.

DENE, TREATIES AND MINING

Governance is a fundamentally important issue when considering community health and the ability of people to control the rate, scale, and types of development on their lands. The signing of treaties between Dene and the Crown have been interpreted differently by each side. For the Dene, Treaty was a covenant, an agreement to respect the Crown in return for agreement to be respected as a Nation by the Crown. The Crown and later Canada assumed treaties enabled surrender of land and governance over Denendeh (Asch, 1988; Erasmus et al., 2004). Paci (2000) found, "Treaty 3 and 4 were also settled under conditions of resource scarcities." While Dene may have sought to avoid a rush on natural resources, experienced earlier in other regions of Canada, treaties were not signed with any specific agreement that either party would keep order over the other. Regardless, when Treaty 8 (1900) and Treaty 11 (1921) were negotiated between "Bands of Dene" and the Crown there was considerable mining activity south of the sixtieth parallel. Treaty 8 was signed under unhealthy conditions, as indicated in Aboriginal and Church requests for assistance during a flu epidemic. The Dene were "destitute." The Treaty Commissioners did not want to sign a treaty, as it was not seen by the Crown as being economically feasible. Lobbying by church officials led to the signing of Treaty 8, and Treaty 11. The later treaty was signed when the Canadian government wanted to develop hydrocarbon reserves at Norman Wells. Nevertheless, the relative health of communities has ebbed and flowed with developments. When the historic treaties were signed Dene cultures and languages were relatively more intact than they were when modern land claims agreements were reached; however, Dene continue to seek to live a good life and land claims and self-government agreements are sought after as mechanisms to enable Dene to live a good life (Notzke, 1994).

INDUSTRIAL MINING ECONOMY

Industrial large-scale mining came north to Denendeh in the 1930s, and it has made significant economic contributions to the Canadian economy. The Canadian government acknowledges the historic role of mining in the north:

mineral exploration and mining have played a significant role in the history and development of the Northwest Territories, and of Canada, since 1933, when the first modern mining operation was established at Port Radium on the shores of Great Bear Lake.

The Canadian government continues to seek mining development to benefit both territorial and national economies.

When the Con and Giant gold mines on the outskirts of Yellowknife commenced production in 1938 and 1948 respectively, these mines underpinned the economy of the territory for well over fifty years. Duhaime and Comtois (2003: 1) noted

the social stakes of mining development in the arctic are considerable: widespread pollution, economic boom and bust cycles, massive and temporary migration of workers into an Aboriginal environment, and so on. Mining has profound impacts on the physical environment, throughout the life cycle of a mine.

The costs of mining, that is the environmental and social rents that were companions to mining development, were often left unaccounted for; however recent shifts in accounting by Canada has determined the liabilities of orphaned and abandoned mines, expressed recently through a contaminated sites super fund.

EXPLORATION

Recent northern staking rushes can be understood as an indication of exploration potential and the promise of significant mineral potential in the NWT and Nunavut. The latest staking rush for diamonds, in particular since 2003 in Denendeh, has caused alarm among northern Indigenous communities in unsettled regions. In the "Slave Geological Province," the Tlicho have the advantage of a land claim and self-government agreement (since 2004) which secures a share over resource authority and royalties. In the Deh Cho and the other settled land claims regions, oil and gas development, with much greater potential for resource revenues, is being pursued. Dene are counting on land claims, self-government agreements and the implementation of treaties, to create a more regulated industrial development regime. The challenge remains, however, to ensure that the greatest benefits and the smallest impacts result from industrial development.

OPERATION

While the full accounting of social and cultural impacts of mining is lending support to the emerging field of environmental assessment research, observers have an intuitive sense that mining has caused profound changes to Indigenous cultures, particularly for Indigenous labourers and their families. The Sub-committee of the Intergovernmental Working Group on the

Mineral Industry (1992: 5) noted "Native role models," that is, Aboriginal people working in the mining industry interviewed for the report as representatives, "liked the benefits that their work provides ... their candid comments make it plain that there are costs especially for those working in fly-in/fly-out operations." The pressures of prolonged work cycles on families and on the inability to maintain traditional food systems can undermine community health and wellness. Mining affects more than the environment and the indirect impacts include increased substance abuse, family breakdown, loss of traditional cultural practices, and so on. The challenges of large scale industrial development is how to mitigate (plan for) the multitude of impacts on the health of Indigenous families and communities.

CLOSURE AND POST-CLOSURE

We know from historical experience that mines can leave a legacy of contamination: cyanides from gold mines, radionuclides from uranium mining, and so on. The ability of northern ecosystems to absorb and recover from the damage of mining is directly linked to community health. Greater efforts are now made in developing new mines so that they will have minimal impacts. New mines offer closure plans that offer mitigation. Abandonment and restoration plans in place before a mine closes offer an exit for a mine, but that does not mean the classical exit of bankruptcy and abandonment will end. Environmental bonds will hopefully contribute to the new era of responsible northern mining.

There is always residual loss of ecosystem services with mines. We see the impacts of mineral exploitation in Denendeh today, in our children tomorrow. What will Ekati, Diavik and Snap Lake bring? These model mines have their own unique features; however, one commonality is the design that once mining is finished the land will be reclaimed. There will be no town; no permanent roads, mine works, waste rock, no toxic tailings.

There are now two closed gold mines within the limits of Yellowknife, with in excess of some 237,000 kg of arsenic trioxide slowly leaching into the immediate environment. In comparison, Discovery mine, which began production in 1944, has been closed since 1969, having left tailings and an aging and abandoned town site. There is talk that Discovery will reopen sometime in 2006 if the price of gold continues to rise. When Giant closed down, the economic impacts on Yellowknife saw housing prices plummet. The diamond rush has led to Yellowknife booming with a construction rush to house all the incoming workers. Some of the highest rents and housing prices in Canada

are in northern Canada. If future mines continue to rely on the import of southern capital/labour; without a full grasp of the social and ecological impacts these inputs bring, northern economies will continue to boom and bust and function in an unsustainable manner.

Returning to our desire to examine the link of community health and sustainability, we would advance the following considerations. For mining to be sustainable development, the industry must respect Dene laws and principles: Dene have definite views on what responsible mining in Denendeh means. The following five areas are offered as considerations, but more research will undoubtedly yield others as well. The goal of future research will be to identify and implement strategies to ensure that mining will sustain healthy communities in Denendeh.

OPEN ACCESS CONDITIONS AND EXPLORATION IMPACTS

Aboriginal rights and title are fundamental to questions of development. When Aboriginal title is unsettled, the Crown is still obliged to consult with Aboriginal peoples about development on their lands. However in Denendeh, prior to modern land claims, the Crown allowed open access to mining companies, enabling the 1990s diamond rush in NWT and Nunavut. The “free entry” mineral rights system grants any individual or corporation the exclusive rights to the minerals under a given area of public land. The system has three components: the right of entry onto lands containing minerals, the right to acquire claims on those lands, and the right to go to lease and mineral production. Third-party claims over mineral rights are an encumbrance on land selection where Aboriginal rights and title are disputed. The dispute is between Aboriginal governments and the Crown. Industry claims should not limit resolution of Aboriginal title, nor should these claims interfere with the overall goal of sustainable development. A possible path for the resolution of perceived conflict is for royalties, rents, and other fees to be paid directly to Aboriginal land holders rather than being transferred from the Crown.

A key Dene concern is the environmental impact of exploration. Duhaime and Comtois (2003: 4) note, “numerous companies conduct exploration campaigns without having any concern for the impact of this type of activity on the environment.” The Dene are asserting more control over this end of the mining life cycle, as evidenced by a 2004 decision from the regulator requiring an environmental assessment for exploration. In 2004, an exploration company, required to complete an environmental assessment for a Slave region proposal, wrote:

[W]e are not prepared to go through an Environmental Assessment to obtain a simple work permit to conduct grass roots exploration. Further, given the amount of time it has taken to get to this point, it is unlikely that we can effectively accomplish our proposed preliminary first phase of exploration this year.

Dene rejection of mineral exploration, for diamonds or other minerals, from staking to advanced stages, is increasing. In Wool Bay and Drybones Bay, the Yellowknives Dene, Lutsel'Ke, and Métis have asserted their claims. The 2003 public hearings of the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for Wool Bay and Drybones Bay brought into stark contrast the conflict between "unresolved" Aboriginal title and claims held by junior exploration companies. While not usually subject to public review, the environmental impacts on claims in the region halted exploration in the face of resistance by Dene who claimed their spiritual and cultural use of the land was in jeopardy. Dene claims took precedence over exploration. A similar situation occurred in *Edehzhie* (the Horn Plateau), where development of four mineral stakes threatened the "candidate" protected area. Dene governments sought to remove third-party interests, granted though the licensing and permit granting of the territorial and federal governments.

An alternative to open access conditions is to enter into meaningful discussions with directly impacted communities and regional governments. The situation is complicated by different positions with respect to regulatory authority. It should not be thought that Akaitcho or Deh Cho First Nations support the public regulatory Board's legislative authority. They have rejected the federal and territorial government's assertion of authority over their lands. The conflict remains present at hearings; however, the Dene are practical and in order to stop what they see as predatory mining activity they are willing to be "interlopers" at board hearings, legislatures, parliament, shareholders meetings, and courts.

RECONCILIATION OF COMPETING LAND USE

Mines cause significant change to people and their land, water, and air; to ecosystems and watersheds. Competition for alternative uses of land and the ramifications for land, water, and people is profound. Duhaime et al. note:

... over the years, the local populations using the territory have discovered abandoned sites when traveling between their hunting and fishing areas. Inuit and Naskapi hunters reported different equipment on the sites, from cans of food to

modular labs, heavy machinery and equipment for storage and transportation of oil products. (2003a: 1)

Land has a number of roles and functions: it supports wildlife, is the basis for clean water, provides places to live; or it can be the basis for a range of economic development activities. The same piece of land may go through various uses, from trap line to mine. Dene do not have concepts of “wilder-ness,” as untouched land, and point out that the Dene Mapping Project of the 1970s showed extensive land use throughout Denendeh. Dene do, how- ever, have respect for land and care for the land as it cares for them. For min- ing development, there are “theories of sequential land use”: this should “one day mean that areas once dedicated to mining can be put to more people- oriented uses after the mine has closed” (Department of Energy, Mines and Resources, 1973: 43).

The exploration and development of a mine, leading to production and to its eventual closure, requires transparent and open trade-offs. The life cycle of a mine no longer ends when the gate is locked following the bank fore- closure. The decision to transform an area into a mine is paired with the responsibility of remediation, often spelled out in detail during stringent en- vironmental review.

CAPTURING REVENUES

The Dene are not opposed to mining; however, they would prefer a great- er share in the benefits and reduced risks and impacts from mining. A partic- ular risk for the Dene is dependence on a single economy. Avoiding a staples trap is a Dene priority. Innis coined the term “staples trap” to describe the export of raw resources and under-development of a manufacturing sector (1930). The trap lies in commodities being exported for less than the cost of importing manufactured goods, thereby creating dependency.

Under the right conditions, Dene want to own mines, to have mining jobs, and to be connected to the global economy. However, mining jobs have to be “good jobs” for a Dene individual. Krahn and Lowe argue,

the criteria for deciding whether a particular job is good or bad are not univer- sal. Individuals compare the rewards a job provides against their own needs and ambitions and against the personal costs of working in such a job. (Krahn and Lowe, 1988: 95)

Increasing wages to Dene workers benefits workers, but fails to consider the greater good, and leaves those not employed in the industry to pay the

rent. Dene governments do not accept the necessity of relying on southern capital and labour whenever a rush leads to a mine being built (Van Muers and Associates, 1975).

The Dene consider the priorities of other parties in regards to capturing revenues. The Canadian government may not choose to capture revenues at the local and regional levels, instead preferring to transfer grants to the region, thereby controlling expenditures, provision of services, and ultimately governance. The territorial government may wish to capture resources; however, they may not be equally interested in strengthening Aboriginal governments, who will ultimately have equal and greater powers. There may be remedies to the “staples trap” with increased manufacturing and services in the North; however, how will we know if these remedies, such as devolution, are not causing further problems?

The Government of the Northwest Territories has proposed a NWT Industrial Mining Skills Strategy (2004), which calls for investments by industry and all three northern governments (Aboriginal, territorial, federal). They propose, through investments of \$73,000/worker, to produce roughly 500 Aboriginal mine workers over the next five years. Harper (1982) points out similar plans that failed to produce more Aboriginal mine workers. The Government of the Northwest Territories proposal, however, is much richer than previous schemes and is touted as “made in the North.” A recent news release from the Canadian government (July 19, 2004: 29) describes a new educational tool, a video on the mining cycle, to help Aboriginal peoples become more informed about the mineral industry, in hopes they will become workers in the mines.

ADVANCED UNDERSTANDING AND KNOWLEDGE OF CUMULATIVE EFFECTS

Cumulative effects result from a range of development over time and space. Cumulative effects assessment enables communities to understand the connectivity of nature and social systems as they are impacted by developments. Cumulative effects analysis does not concern itself with laying blame on the actions of one. Challenges lie in determining how much responsibility to assign different actors for environmental outcomes. Cumulative effects are being more actively considered in development in Denendeh today, at least by the Dene who see this way of looking at environmental assessment in line with a more holistic approach.

Current regulatory regimes struggle with the concept of cumulative impact; however, some innovative work holds promise. A failing of the

Mackenzie Valley Land and Water Act, and subsequent Boards, the Canadian Environmental Assessment Act, etc., is the inability, and unwillingness, to accommodate cumulative effects beyond consideration of a single project (Paci et al., 2002). The approach finding significant hearing and application in Aboriginal land use planning stresses the cumulative effects of many projects. The Deh Cho First Nations Land Withdrawal and the NWT Protected Areas Strategy provide current examples in Denendeh. A significant characteristic of Aboriginal land use planning is the integration of cumulative effects and the social and cultural impacts from development. Environment Canada and Indian and Northern Affairs Canada have also sponsored research to develop a Cumulative Effects Assessment Monitoring Framework in the North Slave Geological Province. However, lacking funds and legislative authority the framework remains conceptual. Thinking on cumulative effects has been extended through work in environmental protection, but remains to be done in arenas of economic development.

PROPER AND RESPECTFUL APPLICATION OF TRADITIONAL KNOWLEDGE

A separation remains between the application of traditional knowledge and western science. Much has been written about the dichotomies, real and artificial, of “traditional knowledge” and “science” (Paci, 2000; Sherry et al., 1999). The diamond mines in Denendeh distinguish themselves from previous mines in their consideration sometimes given to traditional knowledge. Examples of applications by Diavik and Ekati include learning from Elders about environmental conditions and optimizing this knowledge in construction, or developing aquatic monitoring that includes fish tasting for example (some would argue that this approach has also weakened the scrutiny of assessing and monitoring effects).

An emerging feature of northern mines is the development of Impact Benefit Agreements (IBA). It is unclear whether IBAs can enshrine the proper and respectful responses of mining companies to Traditional Knowledge. Dene communities are using IBA funds to support a range of services, including traditional cultural practices. By using their IBA funds for culture camps, language programs, education grants, and other endeavors and projects, Dene communities are working to sustain their cultures.

Standardizing traditional knowledge, in a paradigm or in development projects, is highly problematic. Deh Cho First Nations, like other Aboriginal governments, have or are developing Traditional Knowledge protocols. Dene Nation has drafted a protocol to share and protect the Dene Mapping Project

information. Implementation of protocols remains problematic as there are often inadequate resources at the disposal of Dene to enforce and police them. In the Sahtu region, Deline, in collaboration with university partners, seek to build traditional knowledge capacity to formalize their traditional knowledge in a community Knowledge Center. These are a few examples of alternative mechanisms and institutional responses to respectful and proper application of TK.

There are a number of respectful and responsible expressions of traditional knowledge and key to understanding these are the involvement of several levels of Aboriginal governments. Dene involvement in the expression of what is and what is not traditional knowledge, how it is to be used and represented, if it has a role in development or not, and so on, is of critical importance.

CONCLUSION

The Dene continue to depend on animals, plants, and fish to provide them with the staples of a good life. The spiritual and cultural dimensions of living a good life include traditional food systems and other components of continued traditional economies, even within a mixed economy. Traditional food is still more affordable and more nutritious in most of Denendeh, in particular outside of the few larger urbanized communities, than importing commercial goods. The continuation of traditional food systems is contingent on sustaining future supplies. The ultimate question is will the conversion of minerals and metals limit future supplies and the ability of Dene to live a good life? This short paper suggests a link between community health and sustainable development, and reflects on five key principles. Dene will support development when it is sustainable, this is, when it can ensure the continuation of Dene cultures, economies and environments.

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