

**Creating Desired Futures: Kluane First Nation's Politico-Legal Enactment of Value in
Southern Tutchone Lhù'ààn Mân Kéyi**

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Thesis submitted to the University of Ottawa
in partial fulfillment of the requirements for the
Master of Arts in Anthropology

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Abstract

Since the signing of their Final Agreement and Self-Government Agreement in 2003, Kluane First Nation (KFN), located primarily in the southwestern Yukon, has been navigating their post-settlement realities as an autonomous self-governing First Nation. According to the Canadian state, these Agreements intended to achieve certainty for all Parties, including certainty over jurisdiction, and KFN's ability to govern their own land and peoples. Two decades into the implementation of their Agreements, I ask, what has been achieved in actuality? In partnership with Kluane First Nation, this research sought to produce results KFN desired and found valuable. As such, it explores KFN's chosen topic of Traditional Leases, alongside essential entwined elements such as KFN's enactment of value, their navigation of uncertain and precarious land claim legislation as techniques of jurisdiction and territoriality, and taking control of research within their Traditional Territory. This exploration stems from our research partnership, my ethical commitments to KFN, and research's methods and methodologies. I argue that in their work with researchers, and their policies and practices on the land, KFN is enacting their vision for a meaningful and good life, within ongoing settler-colonial attempts to maintain control. KFN is engaging in and enacting what they find valuable in their use of their land despite ever-increasing obstacles, and often in ways which remain invisible to the settler-state.

Acknowledgments

I do not think the terms “partner” or “collaborative” could really do justice to Kluane First Nation’s and Southern Tutchone Lhù’àn Mân Kéyi peoples’ participation in this work. This thesis would have been entirely impossible without their sharing of knowledge, guidance, trust, patience, and kindness. To all of the Southern Tutchone Lhù’àn Mân Kéyi peoples who welcomed me into their homes, the KFN government employees who patiently explained the history of Traditional Leases over and over, and the Southern Tutchone Lhù’àn Mân Kéyi youth whose wisdom and tenacity inspired me: thank you. Thank you most especially to the land, to Lhù’àn Mân Kéyi, for teaching me and guiding me, for making me feel so full of life yet incredibly small.

A special thank you to Meg Stalcup, without whom I would not have been introduced to the discipline. Your push to pursue this MA has led me here, and your passion for learning (and theory!) and your students has inspired my growth as an academic.

To my supervisor, Karine Vanthuyne, thank you for trusting me, pushing me to think outside of my comfort zone, and guiding me throughout this process. Your energy, insights, and discussions have supported the development of this work at every stage.

To my committee members, Larisa Kurtović and Sonia Wesche, your knowledge and insights have been critical. Larisa, your relentless drive to learn, commitments to your interlocutors and sincerity as a professor and academic have pushed me to do the same. Sonia, your work with KFN to collaborate on research which benefits them, and your contributions to the Bringing Research Home project have shaped this work and my relationship with KFN. Thank you both.

Thank you to the Kluane Lake Research Station for housing me on the shores of Lhù’àn Mân for three months. To Henry (Harry) Penn in particular, thank you for all of the research discussions and board games. Though you may be an Engineer, you sure know how to ask poignant and thought-provoking (and at times, spiral-inducing) social sciences questions.

I would also like to acknowledge that this research project was funded by the Social Science and Humanities Research Council. Without their support, this project would not have been possible.

To my parents and family, thank you for your tireless support and nurturing of my curiosity and desire to learn. For teaching me to dream, and work restlessly to achieve them. Though this may be my departure from academia, you know that I will always be a lifelong student.

Finally, to my partner, Noah. My peer mentor, most vocal advocate, and candid critic. None of this could have happened without you. Thank you for years of academic discussion and editing, for constantly testing the limits of my thought and knowledge, for inspiring me with your passion for learning and creating change, for challenging my ethics and political views, for being such a wealth of knowledge and theory nerd, and for everything in-between. Thank you for joining me on this research adventure. It wouldn’t have been the same without you.

Shāw níthän (thank you).

Notes on Language

Southern Tutchone represents a language group with ten distinct dialects (Johnson 2011: 180, n. 81). As the focus for this thesis was the Southern Tutchone Lhù'ààn Mân Kéyi area and peoples, the specific spellings of Southern Tutchone words throughout reflect the Lhù'ààn Mân Kwánje (dialect) wherever possible. I follow the lead of Elder Alyce Johnson (2011) in doing so, and utilize her dissertation, based in Daniel Tlen's rich historical language work, to ensure my spelling is reflective of Southern Tutchone Lhù'ààn Mân Kéyi's specific dialect. In some instances, this means that the spelling I use may not align exactly with place names on a map, building, website, or historical text — particularly in areas of overlap with CAFN, whose dialect of Southern Tutchone differs from Lhù'ààn Mân Kéyi.¹ In order to respect the value of place names to Southern Tutchone Lhù'ààn Mân Kéyi peoples, as well as the ongoing regenerative work that KFN is doing to restore language and language speakers, I use Southern Tutchone Lhù'ààn Mân Kéyi terms wherever possible throughout this thesis.² Using Indigenous language communicates “the philosophy of place in ways that English fails to capture as it isolates words from the nuances embedded in narrative forms” (Johnson 2011: 62), and its connection to place and narrative is key in decolonizing Indigenous research (Bartlett et al. 2007: 2375).

As well, Southern Tutchone terms used throughout are not italicized, which is typically the norm in anthropological work when referring to another language, especially the main language of the place studied.³ This intentional lack of italics is intended to indicate that Lhù'ààn Mân Kéyi Southern Tutchone is the main language of the research setting, with places and histories centered around and intricately connected to the language — English is only included for comprehension. In the words of Margaret Kovach (2021: 72), “the language we speak influences how we know, and it holds within it a person's (and people's) worldview.” I do not have that knowledge or worldview, but the language and place names I use throughout contain it for the language speakers and knowledge holders who do.

¹ For ease of finding alternative spellings in other texts, documents, and via maps, the Southern Tutchone Language Glossary (Appendix A) contains some spelling variations in place names. As a note, these are limited to textual and online variations, and do not encompass the breadth of all ten dialects which exist within the larger Southern Tutchone Nation (Johnson 2011: 180, n. 81).

² The Southern Tutchone Language Glossary (Appendix A) at the end of this thesis is intended to be used as an accompaniment while reading, as it contains the English terms and English translations, as shared in Johnson (2011) and on KFN's Southern Tutchone website (<https://southerntutchone.kfn.ca/>).

³ Most anthropologists who have worked with Southern Tutchone peoples have not italicized Southern Tutchone terms in their works (including McClellan et al. 2007 v. 1; Cruikshank 2005; Nadasdy 2017). I follow the lead of Alyce Johnson (2011: 12, n. 14) in particular in my choice to forgo italics.

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List of Abbreviations

CAFN	Champagne and Aishihik First Nations
CYI	Council for Yukon Indians
CYFN	Council for Yukon First Nations
DPAR	Decolonial Participatory Action Research
KLRS	Kluane Lake Research Station
KFN	Kluane First Nation
OCAP	Ownership, Control, Access and Possession
PAR	Participatory Action Research
SSHRC	Social Sciences and Humanities Research Council
STLMK	Southern Tutchone Lhù'ààn Mân Kéyi
TCPS/TCPS2	Tri-Council Policy Statement
TT	Traditional Territory
WRFN	White River First Nation
YFN	Yukon First Nation

Introduction: Research Partnership in Lhù'ààn Mân Kéyi

“...if this is a relay race, and we’re trying to implement our Final Agreements, we’re like definitely just passing the first baton off now.”

KFN Citizen, government employee, and youth

In the three-hour drive along the Alaska highway from Whitehorse to Burwash Landing, the land changes vastly. From its topography on an online mapping system, I had anticipated what the land would look like: when the low, rounded hills would change to tall, peaked mountains; the thin rivers and lakes coming up along the side of the road; and the way the twisting road would curve around the mountains. Though I had done part of that drive before, in September 2019, neither that nor the mapped topography could prepare me for what awaited on the drive in early August 2021. The low, rock- and tree-covered hills look like speckled eggs, with lines of dark green running through them like veins. The mountains jump out unexpectedly when you turn a corner; impossibly high and jagged rock faces protruding from the earth far in the distance — they appear so far away, I once thought they might be in Alaska. Before you know it, those peaks dominate the entire skyline, inching closer and closer until you are driving at their base of lush pine, spruce, and aspen forests, once only a sea of green and now thousands of distinct individual trees. Sleek black ravens the size of rabbits soar through the sky or watch you from the side of the road; elk herds bugle back and forth to one another, their unique calls cutting through the air as they graze; grizzly bears, caribou, and sheep appear suddenly in the middle of the road, far too often right after you turn a sharp corner. At first, rivers and streams wind along the side of the highway, and a few small lakes open up to one side, still and enticing. Just over two hours in, a little piece of water becomes visible at the base of a mountain — glimmering in the mid-afternoon sun. As the road follows hills and valleys, the water expands, disappears, and reappears, until you

are so near that the road has to curve sharply to the left, lest you drive right into the lake. A long bridge takes you over a dried up river that once led into the lake, so that on one side, there is a vast body of water surrounded entirely by mountains, and on the other, there is a stretch of sandy dirt that resembles a desert, also enclosed by mountains. Wind funnels through the dry valley, throwing dust up into the air, on some days enough to create a thin film of dirt over everything. From here on, every bridge that once stretched over a river leading into the lake now only stretches over sunken rocks — the only indication they were once rivers is the signs displaying their names.

While useful for the geographically inept like myself, the topographic map does not prepare you for how small and insignificant the mountains, trees, and animals make you feel, nor how beautiful and vast this land is. It cannot tell you where the moose, sheep, or grayling will be in which season, it cannot tell you which places are rich with berries, or which fork in the trail will take you back to camp, and it cannot tell you when Lhù'ààn Mân⁴ will be frozen enough to walk across. The map shows thick, straight lines separating territory from province, and nation-state from nation-state, carelessly cutting through mountains, rivers, and lakes — entire life systems — while roads wind between them and the imposed borders. Those arbitrarily drawn lines not only cut through the land, they also split family groups, language groups, and Indigenous nations, severing the interconnected realities on the ground into distinct jurisdictions. Despite these clearly mapped borders, the map does not indicate the many smaller erected boundaries and borders, and what they mean for the people living there: the different Indigenous nations' Traditional Territories and their overlaps; the different categories of land within those Traditional Territories; Canada and Yukon Government's intersection and interaction with those Territories and categories; and for Kluane First Nation, the burgeoning question of whose jurisdiction lies where?

⁴ Lhù'ààn Mân means Kluane Lake in Southern Tutchone.

I thought the map would prepare me for the contours of the land if not its finite details, and yet what took shape in front of me had little resemblance to the lines on the page. As one could imagine, the research I was there to conduct mirrored the geographical landscape, in that I had a false sense of preparedness and expectation for both, and yet neither took the form the initial contours would suggest. Between the lines on the page, written or drawn, is that which cannot be wholly documented: relations, growth, interdependence, and flourishing; and also political actions, protection, resistance, coloniality, dreaming, and desire. Much more than living within the confines of their land claims agreement as the static end product of their negotiations with Canada and Yukon Government as one might expect, Kluane First Nation utilizes their Agreement as an active tool to create their desired future. This work and its title reflect not only KFN's commitment to achieving that future, but my own investment in it as well. I have seen (and will share a small slice of) Kluane First Nation's work to achieve that future, and I cannot wait to see all they do to ensure it remains a reality.

This work stories a research project I undertook in partnership with Kluane First Nation (KFN), a small self-governing First Nation located in Burwash Landing, Yukon, and beyond. With a clear goal of Indigenous-researcher partnership, aimed at producing research and results that Kluane First Nation desired and found valuable, this work explores KFN's chosen topic of Traditional Leases, a type of lease-holding that KFN introduced for their Citizens to build cabins throughout their land, alongside essential entwined elements such as KFN's enactment of value, and their navigation of uncertain and precarious land claim legislation and jurisdictions. This exploration is predicated on the research relationship, and research's methods and methodologies. As such, that narrative is also woven throughout. Twenty years after their self-government agreement gave them state-sanctioned legal authority to govern their own people and lands, I ask,

how have Kluane First Nation and its Citizens grappled with the anticipated and unanticipated legal, political, and ethical outcomes of their land claim? I argue that in Kluane First Nation's enactment of their self-governance and self-determination, which contends with countless obstacles created by their land claim, and extends well beyond that which is Canadian state-sanctioned and recognized — far exceeding that which is put on the map, they are enacting what they find valuable, in service of dreaming and creating their desired futures for their Citizens. This is displayed most clearly in KFN's self-determined engagement in the research process with me, and their actions taken to enable Citizens to use the land in ways they find important. As the Kluane First Nation youth identified in the opening quote, if implementing their land claim is a relay race, KFN is only passing the first baton off now. They may have hit the ground running, but they are still at the beginning of the race, with so much ground left to cover as they use their land claim to achieve what they value.

Situating the Research: Lhù'ààn Mân Kéyi

Jurisdictional Mapping, Historical Complexities

The complex jurisdictions in Lhù'ààn Mân Kéyi⁵ are shaped by a long Indigenous-state history, and much longer interwoven histories of Indigenous peoples with the land. Canada's *Indian Act* (1876)⁶ legislation was imposed on Yukon Indigenous peoples since its coming into force, creating and assigning Indian status based on blood quantum, and replacing traditional governance structures with municipal-style governance structures called band councils (Castillo et al. 2020: 73). With the state having minimal presence in Lhù'ààn Mân Kéyi until the 1896 Klondike Gold Rush (Coates 1991: 44) and the building of the Alaska highway in 1942 (Nadasdy

⁵ Lhù'ààn Mân Kéyi means Big Fish Lake Country in Southern Tutchone.

⁶ The *Indian Act* (1876) consolidated all legislation for managing, assimilating, and 'civilizing' Indigenous peoples in Canada, dispossessing them of material, cultural, and spiritual rights (Leslie 2002: 24-25).

2003: 39), band councils were not imposed on Southern Tutchone Lhù'ààn Mân Kéyi (STLMK) peoples⁷ until the 1950s, when the Burwash Band was created (Nadasdy 2003: 48). Shortly thereafter, in 1961, the federal government amalgamated the Burwash Band and the White River Band, located 160km northeast of Lhù'ààn Mâna (Burwash Landing) — a band which already consisted of the Snag and Stewart River Bands, amalgamated in 1956 (Nadasdy 2012: 515). Under explicit guidance of the Indian Commissioner for B.C. and Yukon, the Indian Agency's⁸ amalgamations required distinct Bands to relocate to one central area, with the aim of reducing state costs and resources (Nadasdy 2003: 48). For the newly created Kluane Band, this meant former White River Band members in Beaver Creek were forced to move south to Lhù'ààn Mâna. This not only created complex relations amongst peoples and land, but is also in part the source of the complex nature of jurisdictions experienced by what is currently Kluane First Nation today.

The land claims process began for Yukon Indigenous peoples in 1973, when the 14 Yukon First Nations collectively claimed their unceded Aboriginal title in the historic document, *Together Today for our Children Tomorrow*, which they presented to leaders in Ottawa (CYI 1977). Earlier that year, the Supreme Court had recognized the existence of Aboriginal title on all Indigenous occupied lands until it was extinguished, in the *Calder et al. v. Attorney-General of British*

⁷ I follow the lead of KFN Elder Alyce Johnson in using the phrasing “Southern Tutchone Lhù'ààn Mân Kéyi”. As written in Johnson’s 2011 PhD dissertation, “Lhù'ààn Mân Kéyi” means “Big Fish Lake Country”, referring to both a geographic location and the language-specific region, as Southern Tutchone dialects vary. Lhù'ààn Mân Kéyi refers to both the Southern Tutchone within the Athapaskan family and Tlingit from the Na Dené family, two distinct cultural and linguistic groups. The added “Southern Tutchone” specifies one individual group within Lhù'ààn Mân Kéyi (Johnson 2011: 8-9). I use this instead of “KFN Citizen” to provide accuracy and Southern Tutchone language to describe the place and people I worked with, as well as to recognize that “KFN Citizen” is a term introduced by the 2003 Final Agreement. I use the acronym STLMK only in instances where “Southern Tutchone Lhù'ààn Mân Kéyi” frequents a sentence or paragraph. On their website, KFN uses the term, “Lhù'ààn Mân Ku Daí” to refer to “Kluane Lake people”. I recognize that there may be multiple ways to situate Kluane peoples with Southern Tutchone language, however I use Alyce Johnson’s terminology as the main guide for this work, and as such, use the term Southern Tutchone Lhù'ààn Mân Kéyi.

⁸ Each Indian Agency served as the administrative body for several local Bands. Frederick H. Abbott’s 1915 report indicates that within the structure of the Department of Indian Affairs, the “field organization” consisted of superintendents or inspectors, and Indian agents responsible for agencies (35). Agencies reported directly to the Deputy Minister of Indian Affairs. The Yukon had only one superintendent at that time (36).

Columbia (hereafter *Calder*)⁹ decision (Asch 2014: 26)¹⁰. With the entirety of the Yukon's land unextinguished, this document led to the negotiation and signing of the Yukon First Nations Umbrella Final Agreement (1993), which provided a framework for each First Nation to negotiate their own Final Agreement and Self-Government Agreement (hereafter Agreement or Agreements) (Nadasdy 2003: 56). Presently, 11 of 14 Yukon First Nations have negotiated and signed Agreements with Canada, which enable them to govern and manage their own affairs, while three have not and remain under the jurisdiction of the *Indian Act* (1876). Kluane First Nation (KFN), a small Nation located in Lhù'ààn Mân Kéyi, around the Lhù'ààn Mâna area, is one of the 11. As such, KFN's Self-Government Agreement (2003) enables them to create their own government and legislation, manage their own peoples, land, and animals, and should they wish, take over from the state and territory in providing services like education, policing, and health care, to their peoples. KFN's enactment of their self-government is explored in Chapter 2.

As part of their participation in the lands claim process, all 14 Yukon First Nations had to map out their "Traditional Territory" — all of the land their Nation had traditionally used. This created state-imposed First Nation borders on top of existing state and territory borders. Kluane First Nation's mapped Traditional Territory (TT) extends from Mount Cook and the Alaska border in the south, to Scottie Creek, and Mount MacLennan in the north, follows the Alaska border from north to south in the west, all the way through the Nìlì (Nisling) and Ruby mountain ranges in the east, reaching as far as the Kluane Plateau. But theirs is not the only Traditional Territory within

⁹ *Calder et al. v. Attorney-General of British Columbia* is a landmark decision made in 1973, in which six of seven Supreme Court of Canada justices recognized that unextinguished (or uncaded) Aboriginal title existed prior to the arrival of settlers (Foster, Raven & Webber 2007: 4). While the case was dismissed as Nisga'a had not followed the proper court proceedings, it was the first instance in which the existence of Aboriginal title to land prior to colonization was recognized in Canadian law (5). Notably, the question of how Aboriginal title could be extinguished (i.e. whether by treaty with the Crown, via land transactions, etc.) was not determined (5-6).

¹⁰ Notably, seven months after the *Calder* decision was made in January of 1973, "Canada publicly announced its new land claims negotiation policy" (Scholtz 2006: 22), and invited Indigenous groups who had not signed treaties to enter into negotiations with Canada for modern land claims agreements.

that space. Following their forced amalgamation by Canada in 1961, the Burwash Band separated of their own accord in 1990 (Nadasdy 2003: 43), to become the two distinct First Nations as they are known today, Kluane First Nation and White River First Nation (WRFN). As the mapping process occurred prior to their separation, the two First Nations have 100% territory overlap in their respective land claims (see Map 1) (Nadasdy 2012: 515). As well, a small portion of KFN's TT overlaps with the Champagne and Aishihik First Nations (CAFN) in the mid-east, and with Selkirk First Nation in the northeast. To complicate these overlapping jurisdictions further, WRFN has not signed a land claim agreement with Canada. As such, they remain under the jurisdiction of the *Indian Act*, and they do not have state-sanctioned self-governing abilities. This further obfuscates KFN's jurisdiction and authorities on their land, as will become poignant in Chapter 2.

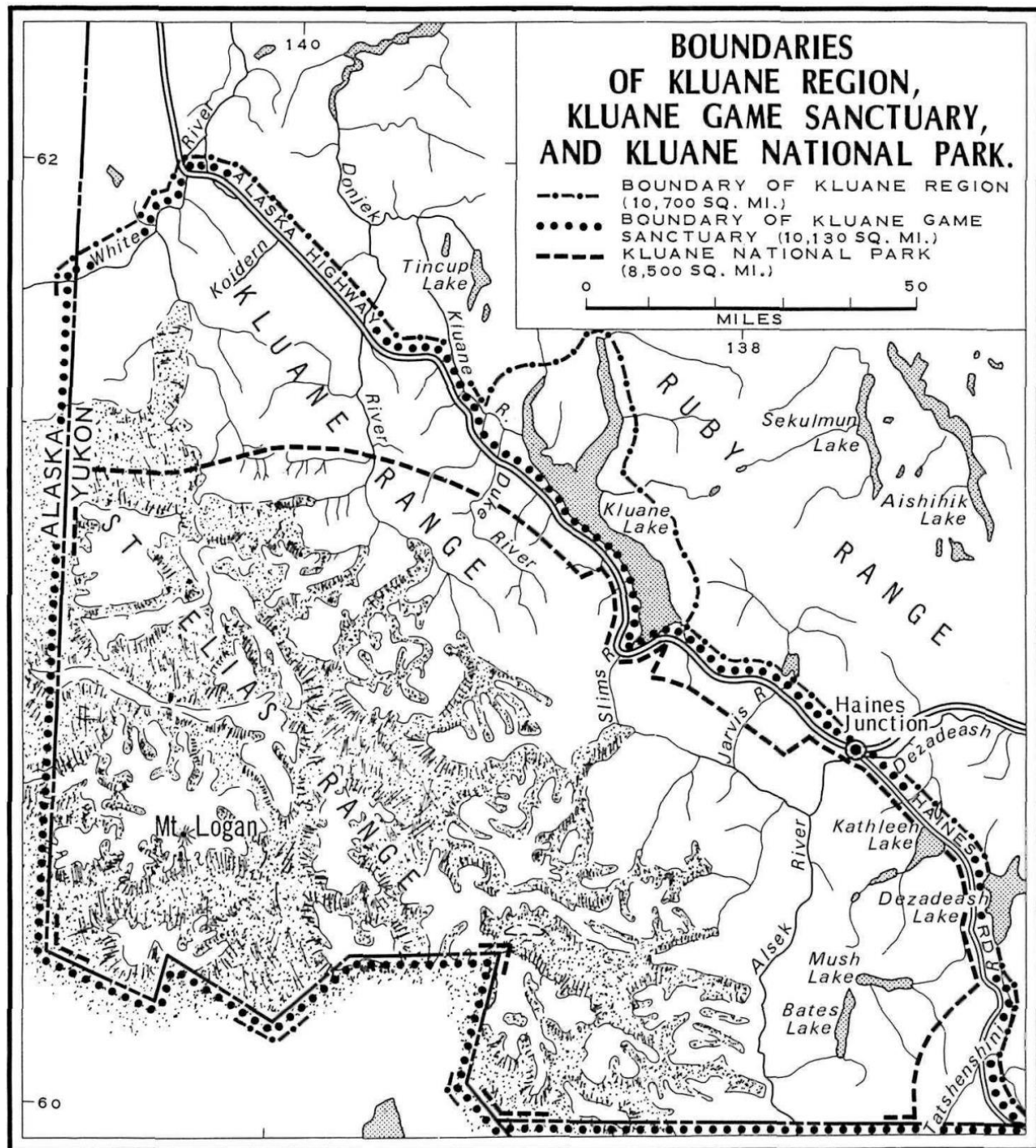
On top of meshing state, territory, and Indigenous nations' jurisdictions (enshrined in Canadian law or not), there are other types of state-imposed jurisdictions to consider, like parks, conservation, and protected areas. Within KFN's Traditional Territory lies what is presently known as Kluane National Park and Reserve (hereafter Park), a park reserve established in 1974 (Neufeld 2011: 236), deriving from the former Kluane Game Sanctuary imposed by Canada in



ban (see Nakoochee 2018, and Chapter 2 of the present work). The current Park and Reserve's boundary lies within KFN, WRFN, and CAFN's Traditional Territories. KFN and CAFN's participation in its management occurs through the Kluane National Park and Reserve Management Board. As well, in KFN and WRFN's Traditional Territories lie two other conservation areas: the Kluane Wildlife Sanctuary, and the Äsi Kéyi Territorial Park (see Map 2), both of which were formerly part of the Game Sanctuary's original boundary (see Map 3).



Map 2: Kluane National Park and Reserve, Äsi Kéyi Territorial Park, and Kluane Game Sanctuary, Parks Canada (2017). Retrieved from: <https://parks.canada.ca/pn-np/yt/kluane/visit/directions/region>



Map 3: Kluane Game Sanctuary and Kluane National Park, John B. Theberge (1973: 11). Retrieved from: <http://parkscanadahistory.com/publications/nppac-cpaws/kluane.pdf>

Southern Tutchone Lhù'ààn Mân Kéyi Peoples and the Land

Southern Tutchone Lhù'ààn Mân Kéyi peoples were historically nomadic peoples, structured around small family groups, migrating throughout their mapped Traditional Territory

and beyond in a “yearly round” (McClellan 1975: 97-98). Cabins and campsites were constructed by families and individuals along their path of migration (Nadasdy 2003: 29), and as several KFN Citizens told me, they were often used by other Lhù’àn Mân Kéyi peoples when needed. Yearly rounds varied by family and by year, depending on animal populations and weather, and included trading and gathering with other families — for instance, at Jèdälj Tl’äw Käy (Duke Meadow) (ibid). They relied heavily on hunting, fishing, and gathering, and they had close relationships to and extensive knowledge of the land (Nadasdy 28). One KFN Citizen indicated that this “seasonal round”, remains important for the community, and the history and ongoing practice is part of what makes it important for Citizens to be able to build cabins in the Traditional Territory: “have more than one place to rest your head along the trail, that’s how I look at it.”

By the end of the 19th century and well into the 20th century, the Sothern Tutchone Lhù’àn Mân Kéyi peoples were concentrated in Lhù’àn Mâna (Burwash Landing). This was the result of several changes largely induced by the Canadian state: the Alaska highway’s construction (Nadasdy 2003: 32-37), the banning of hunting in the Kluane Game Sanctuary (39), the enforcement of attendance in Mission schools (43), the creation of the Burwash Band, and the requirement of residency in Lhù’àn Mâna to access social services (49). While the highway — completed by October 1942 — increased KFN’s connectedness to the mainstream cash economy (32) and had some effect on their relationship with and use of the land, customary activities and relations remain integral for many Sothern Tutchone Lhù’àn Mân Kéyi peoples. As Alyce Johnson (2011: 41) adeptly notes, through oral traditions of narrative ontology,¹¹ Sothern Tutchone

¹¹ Johnson does not define “narrative ontology” in her dissertation. However, I take her meaning to be the narration through stories and songs of a Southern Tutchone Lhù’àn Mân Kéyi way of being on the land. This stems from her use of the term “mnemonic maps” to refer to the way “[n]arrative functions to share memories of a past and to provide a visual image of the landscape” (18). As well, it includes Tlen and Moore’s (2007) identification that “‘Southern Tutchone, like Apache, consider it essential to visualize the places described in the stories, but even without place names, they are able to picture how events unfolded at that place by interpreting the cues provided by directionals’ (274)” (as cited in Johnson 2011: 18).

peoples are rooted “to more than one place in time”, with geospatial memory or “mapped worldviews” connecting them to land, practices, and histories, even while centralized in Lhù'ààn Mâna. Indicative of these geospatial memories and their connections, is how Southern Tutchone women, as discussed by Julie Cruikshank, portray “glaciers as conscious and responsive to humans” (2005: 8). Southern Tutchone peoples connect to the land *and its actions* as much as to their human ancestors. Presently, many Southern Tutchone Lhù'ààn Mân Kéyi families visit traditionally used campsites and cabins throughout the year, and are building or seeking to build cabins at sites that have been used since time immemorial. Ensuring their ability to continue these practices, remember these places, relations, and stories, and use the land in traditional ways, is one of Kluane First Nation’s main priorities as a government. This emerged very clearly in discussions with KFN government employees and Citizens as I sought to understand and provide information on the future of Traditional Leases, as well as in KFN’s engagement with me as a researcher. Both of these will be explored in depth throughout the thesis.

Methods and Methodology

Seeking to understand KFN’s land management practices from their own perspectives within the context of a self-government agreement, multiple jurisdictions and borders, and numerous actors, this research took the form of a co-produced project in partnership with Kluane First Nation (KFN). After a number of preliminary conversations with my primary contact at KFN in April and May of 2021, the Lands, Resources, and Heritage team provided me with a list of six research topics that they were interested in pursuing. We agreed for both KFN’s and my own research processes to remain as open as possible in the initial stages, with the research topic being “land management” until an exact focus was chosen. For KFN, this included the letter of support approving research, and for myself, this included my applications for research permits from Parks

Canada and Yukon Government, as well as my ethics application to the University of Ottawa's Research Ethics Board. That way, while governmental and academic institutions took their lengthy 8-10 weeks granting approval, KFN and I could continue to develop our relationship and joint research project. This was only made possible because of mutual trust and respect, and upfront clarity around my ethical and methodological commitments. With the community receiving their first confirmed COVID-19 case in June of 2021,¹² and KFN's offices closing as a result, we were not able to speak about the project for a while, aside from a few emails letting me know the community's situation.

After receiving my research permits from Canada and Yukon Government at the beginning of July, my partner and I planned our 10-day road trip from Toronto, Ontario, to Lhù'ààn Mân Kéyi, Yukon, leaving at the end of July 2021. Unable to find anywhere to stay for three months in Lhù'ààn Mâna (Burwash Landing), we decided to stay a 45-minute drive from the community, at the Kluane Lake Research Station (KLRS), which sits at the south end of Lhù'ààn Mân (Kluane Lake). The project received ethics approval July 20, 2021, seven days before we left for the Yukon. As a result of KFN's closures and the busy summer season, I had not heard anything from them since mid-June, slightly slowing the research process and concerning for the prospects of our partnership. However, I knew that for KFN's ongoing work to take control over research on their land, the decision to not continue the research partnership may itself be a valuable and actionable product.

We arrived at KLRS on August 5, 2021, to find out that KFN had closed its offices until August 23, to give staff and community time on the land before winter, and a break from the relentless ongoing pandemic. In the meantime, I did my own research into the topics that KFN had

¹² With travel and border restrictions, the community had managed to avoid any confirmed cases in Burwash until then.

provided, continued to do my own reading, and took full advantage of living on a beautiful lake surrounded by mountains. The KLRS is run by the University of Calgary, and there was a steady flow of science and geography-based researchers coming and going throughout our three-month stay — in other words, endless research and academic discussion. When KFN went back to the office, I went in to meet everyone, finalize a research topic, and begin research. After identifying the three (of the initial six) research topics that were of the most interest to me, the Lands, Resources, and Heritage department selected the one they would find most valuable: a form of lease-holding called Traditional Leases.

KFN had introduced this form of lease-holding in 2012 to allow KFN Citizens¹³ to build cabins on a small portion of Settlement Land.¹⁴ As indicated above, these leases allow Citizens to continue using the land as they had prior to the settlement of their Agreement, by building cabins and campsites throughout their Traditional Territory. After experiencing some challenges with Traditional Leases, KFN wanted to understand how Citizens felt about and wanted to move forward with these leases. Seeking answers to these questions, I worked in-person at KFN's office in Burwash from the end of August until the beginning of November, conducting participant observation and individual interviews with community members. The decisions made were all joint: how research would be conducted, the best approach to gain interest in participation, who KFN wanted to participate specifically, the events that I would participate in, when it was safe or unsafe for me to be in the community due to COVID-19, what products from research KFN was

¹³ Though I indicated in the *Notes on Language* section following the Acknowledgements that I use Sothorn Tutchone Lhù'aàn Mân Kéyi to accurately describe and situate the peoples I worked with, I refer to "KFN Citizens" when discussing peoples in reference to policies, programs, or activities enacted by KFN. KFN government has policies in place which dictate membership, and many of their policies and programs apply only to those who make up their Citizenry (including Traditional Leases).

¹⁴ Settlement Land refers to the Category A, B, and Fee Simple Settlement Land that KFN and its Citizens maintain title to as indicated in their Final Agreement (2003) and Self-Government Agreement (2003). The remainder of their Traditional Territory (98%) has been ceded to Canada and is either co-managed (i.e. the National Park), or is fee simple land.

interested in receiving, and which information was okay for me to discuss in my thesis. Over the course of three months in the field, I conducted five interviews and three months of participant observation in Kluane First Nation's Lands, Resources, and Heritage office, at community events, and on the land. Though I had to leave the Yukon in November, research activities including interviews, document analysis and preparation, and a youth workshop continued virtually until May of 2022. The review and editing of products for KFN is ongoing. I conducted nine interviews in total: two with KFN Citizens, one with a KFN Citizen and former KFN government employee, four with KFN Citizens who were also government employees — one of whom is a KFN youth —, and two with KFN employees who are not KFN Citizens — one of whom is a Citizen of another Yukon First Nation.

In order to fulfill my research relationship with KFN, the methodology that I use is based in both Indigenous methodologies and critical anthropological methodologies. As such, I primarily use a decolonial (TallBear 2013; Mignolo and Walsh 2018; Tuhiwai Sith 2021 [1999]), relationally reciprocal (Wilson 2001), and partnered methodology based in an Indigenous ethical framework which emphasizes ethnographic refusal (Simpson 2014, 2016) and story's entanglement with theory (Maracle 1994). This is coupled with both Decolonial Participatory Action Research (DPAR) (Fals-Borda and Rahman 1991; Tuck and Guishard 2013) and what I call “study with to study up”¹⁵ methodologies. With an entire chapter dedicated to methods and methodology for analytical and critical self-reflexivity purposes, this section only presents an overview of methods and methodology used throughout the project, with more in-depth discussion found in Chapter 1.

¹⁵ The “study up” portion of this comes from anthropologist Laura Nader's (1972 [1969]) work, and will be touched on more concretely in Chapter 2.

Self-Location: The Researcher, My Positionality, My Biases

I am from Burlington, Ontario, situated on the traditional land of the Mississaugas, Mississaugas of the Credit First Nation, Haudenosaunee, Wendake-Nionwentsio, Attiwonderonk, and Anishinabewaki. The treaty land on which I grew up is Treaty 3¾, the land of the 1795 Brant Tract with the Mississaugas. I currently live in Ottawa and attend the University of Ottawa, situated on unceded Omàmìwininiwag (Algonquin), Kanien'kehá:ka (Mohawk), Haudenosaunee, and Anishinabewaki¹⁶ land. I am a white female and unilingual English speaker with settler ancestry—Italian, Irish, and English. I have benefited immensely as a settler raised and living on these stolen lands, and I have consistently questioned the ethicality of my living on and reaping the rewards of them. I have worked for Crown-Indigenous Relations and Northern Affairs Canada in Ottawa, Gatineau, and Whitehorse, a settler-colonial institution situated on Indigenous lands which is intended to manage Indigenous nations and their rights and title. Attending an academic institution as a settler, I am a product and (unwilling) part of the ongoing colonial and Euro-Western hegemony which considers its knowledge and way of being to be superior to all others — if it even acknowledges any other knowledge as valid. This is the settler and institutional upbringing which has taken part in shaping me as a person and researcher.

Heeding the wisdom of Eber Hampton (1995), I want to share a memory which has driven my pursuit of knowledge. In her opening speech to a group of university students at a conference I attended in 2017, an Elder was asked to wrap up her story, as her allotted time had ended. The Elder responded with a laugh, saying something to the effect of, “well you can see how much our

¹⁶ Typically, land acknowledgements only recognize what is currently called Ottawa as the unceded land of the Anishinaabe Algonquins, however they do not recognize other Indigenous nations who have traditionally used this land. For instance, Jason Rotisken:rakehte Arbour details his Kanien'kehá:ka community, Kana:tso's history and unceded rights and title to land in the Hull/Ottawa region in his unpublished 2019 manuscript, *How The East Was Stolen: Research Respecting Ottawa-Gatineau's Indigenous History*.

knowledge is respected in this space.” A blatantly horrified Indigenous studies professor spoke immediately afterward, acknowledging to the audience of young students that it was protocol to never cut an Elder off while they are speaking, especially when they have been invited into this space to share their wisdom. I felt ashamed at my institution for what this signaled, and disappointed in my program, which touted cosmopolitanism and felt morally superior for its critiques of colonization, yet also organized a conference in which its knowledge was considered universal. At the same time, my interest had been piqued — what were these other knowledges, and how many of them had been silenced in academia by Euro-Western knowledge? Most importantly, I wanted to hear the rest of the Elder’s story, and I did not want hers or any others’ words to be some token to appease white academic guilt.

It is within the confines of this hegemonic colonial state and its institutions that I was motivated by their epistemic and material violence to seek out and take seriously Indigenous lives and knowledges as a white settler academic. This research is motivated by my longing for change in the academy regarding accepted knowledges, research practices, and researcher-interlocutor relationships — change in all disciplines, not only relegated to “Indigenous studies”. It is also driven by my political commitments to myself, others, and the land, and my hope of communicating in a way that can be felt palpably when reading. Working in an academic institution, I have to fulfill certain requirements, including the written product of a thesis, and the use of anthropological theory in my analysis. As an anthropologist engaging decolonial¹⁷ practices, I seek to mobilize anthropological theory to story Indigenous lived experiences and desires in a politically engaged and institutionally critical way. The story told within these pages is the product

¹⁷ The term ‘decolonial’ is used intentionally in this thesis, to disrupt settler coloniality and discourses of decolonization which are often empty gestures used to signal reconciliation and proclaim settler innocence in ongoing coloniality (see Tuck and Yang 2012; and Mignolo and Walsh 2018). See *Decoloniality* in the present chapter, *Decolonial methodologies* in Chapter 1, and *Decoloniality* in Chapter 3 for deeper discussions.

of my attempt to do that. As such, the story is told from a Euro-Western perspective, with as much of an attempt as possible to privilege and mobilize Indigenous academics, voices, and knowledges.

I locate myself and my knowledge on the advice of Indigenous scholars to clarify my perspective on the world (Kovach 2009: 110-11) and give listeners insight as to where myself and this story are coming from (Hill 2020: 3), so that they can make their own judgments regarding its credibility (Absolon 2011: 73). Self-location¹⁸ is imperative for ethical research with Indigenous peoples to counter historical denial of researcher bias (72), as neutral or objective research does not exist — contrary to positivist Euro-Western notions (71). As Hampton (1995) elaborates, research cannot be objective because it is always driven by an emotional motive (52) from our memory, which “comes before knowledge” (48). That memory which gives us knowledge is the reason we are seeking to learn — not create knowledge — through research (ibid). If I can pinpoint one specific memory (undoubtedly, it is a compilation) which drives this research and my pursuit of knowledge, it is the memory of that Elder and her knowledge being disrespected, and my understanding of the tokenistic role she was being asked to play for the academy’s sake. Finally, my location as a white settler academic funded by Canada and relaying knowledge to a Euro-Western state and academic institution position this research at a power imbalance with my Indigenous interlocutors, as has been consistently identified by Indigenous scholars (i.e. Tuhiwai Smith 1999; Wilson 2008; TallBear 2013; Hoover 2017; Peltier 2018). Thus, my location itself is important, but so are the strategies I use to mitigate that imbalance throughout the research process.

¹⁸ It is important to note that “self-location” as a methodological undertaking is not the same within Indigenous studies literature and from an Indigenous paradigm as it is in a Euro-Western paradigm. Kovach (2021) identifies that locating oneself is a common practice in numerous Euro-Western methodologies, for instance in action research to identify your motivation to the action you partake in, and in community-based and participatory research to clarify your ethical stance. In an Indigenous paradigm, self-location is a fundamental part of any introduction of yourself, particularly because one’s knowledge is tied to place and relations.

Research in Partnership: Methods and Methodology

As Indigenous peoples within the so-called settler-state of Canada, Lhù'ààn Mân Kéyi and its peoples have been over-researched (Nakoochee 2018: 31) in often harmful ways. To mitigate the research that has been conducted *on* KFN, this research took the form of a co-produced research project, with Kluane First Nation being a fully autonomous partner and lead. More than granting me approval to conduct research, this type of collaboration entailed KFN choosing a research topic which aligned with their own aims, methods which would be used to conduct fieldwork, and the results they would receive from research. As this was a research partnership, I still provided my input and offered suggestions. This included sharing details like my interest in land management, the experience and knowledge I carried, and the kinds of results that my skillset would be most adept at providing. The outcome of this trust-based relationship (Kovach 2021: 91) will be outlined at in this work, in terms of the activities and their results, as well as the arguments and observations I make. The results of the work provided to KFN apart from this thesis include: a) an overview and background guide on Traditional Leases, b) a document with recommendations for the future of Traditional Leases from KFN Citizens, and c) a plain language summary of this thesis (along with the full version). Due to the sensitive nature of the information included in the first two, they cannot be included here. The third will be sent to Kluane First Nation to be reviewed and approved before it is shared with the community, and so will not be included here either.

Recognizing the power imbalances in the researcher-interlocutor relationship, particularly in over-researched Indigenous communities, this partnership's intentions were multiple: first, to conduct research ethically through an Indigenous ethical framework built on relational commitments (Kovach 2021); second, to respect and privilege KFN's autonomy as a self-governing Indigenous nation (Mora 2017); and third, to ensure research conducted is what KFN

desires and finds valuable (TallBear 2013: 20), not merely extracting knowledge which does not benefit the community (Deloria Jr. 1969). This research is rooted in what Margaret Kovach, Nêhiyaw and Saulteaux scholar from Pasqua First Nation, calls an “Indigenous ethical framework”,¹⁹ which is place-based, particular to the Indigenous community (2021 [2009]: 91), and understands ‘ethics’ as being synonymous with ‘good relations’, built on truth, trust, and respect (98). As Indigenous ethics cannot be “limited to a defined set of rules” (99), this perspective served as a guideline to foment my broad ethical commitments to KFN prior to engaging them, while the framework and specific commitments themselves emerged with KFN and each Southern Tutchone Lhù'ààn Mân Kéyi person in the research process. Grounded in Indigenous methodologies, I use a Decolonial Participatory Action Research (DPAR) methodology (Fals-Borda and Rahman 1991; Tuck and Guishard 2013), and “study with to study up” methodology (Nader (1972 [1969]; Gusterson 2015) (see Chapter 1).

I want to be clear that my use of the terms “co-conduct” and “partner” when referring to the collaborative nature of this project is intended to represent the research relationship clearly: KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples are not some abstract undefined Indigenous collaborator or representative of Indigeneity (Todd 2016: 6-7). They are “dynamic Philosophers and Intellectuals, full stop” (7), with knowledge sometimes demonstrated through Euro-Western academic channels (i.e. Johnson 2011), and in others through every day engagements with one another, researchers, state representatives, colonial legal tools, and most importantly, the land. The incomplete sliver of knowledge that I have gained through research has

¹⁹ Axiologically, an Indigenous ethical framework goes beyond the minimum (and often insufficient) requirements of the 2018 *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2) and the *Social Sciences and Humanities Research Council* (Kovach 2021: 93). More than checking off a few boxes to mitigate universities’ liability (98), an Indigenous ethical framework meets the ethics requirements of the community themselves, particularly relationally (93). For an expansive breakdown of research ethics guidelines and protocols with Indigenous peoples in Canada, see Chapters 4 and 5 of Margaret Kovach’s book, *Indigenous Methodologies*.

been taught to me by Southern Tutchone Lhù'ààn Mân Kéyi people, Elders, and academics (all intellectuals in their own right), and KFN employees. I do not seek to represent KFN or STLTK peoples as some faceless Indigenous nation granting me authority over notions of Indigeneity or Indigenous knowledge and life. Southern Tutchone Lhù'ààn Mân Kéyi peoples compose a distinct Indigenous nation which cannot be universalized or totalized, and the knowledge that I present in this thesis is my imperfect understanding of the knowledge which was shared with me. Any mistakes, misrepresentations, or inadequacies are the fault of myself alone.

Story and Theory

Lee Maracle writes extensively about the interconnectedness of theory and story, and the pains that academics go through to remove people and plot from theory (1994). She says, “[i]t takes a lot of work to delete the emotional and passionate self from story, to dehumanize story into ‘theory.’ So we don’t do it. We humanize theory by fusing humanity’s need for common direction — theory — with story” (1-2). The “we” that Maracle refers to is Indigenous orators. I similarly present this thesis as a set of stories which together form the overarching narrative of my fieldwork, because “if it cannot be shown, it cannot be understood” (3). In particular, the theory that I present is entangled with stories, to show the life, people, plot, and emotion that foreground theory, and to make clear that there are no easy or simple answers in research (Simpson 2016). Much like Eber Hampton, I prefer the messy, warm, growing life to cold hard “objective” facts (Hampton 1995: 49), and I hope to breathe life into theory here. Anthropology similarly recognizes the importance of people to theory — ethnography is a crucial element of anthropological work as a result. But ethnography, in contrast to Indigenous methods of storying, is a translation and analytical decision the researcher makes from their participation, with the power to politically define, depict, and represent Indigenous lives as the writer sees fit (Clifford and Marcus 1986: 2; TallBear 2013: 14-

15). Indigenous story and theory have political and defining powers of Indigenous lives as well, however, they are tied to and held accountable by their relations (Wilson 2001, 2007; Kovach 2009, 2021), and they are inherently reflexive. Story begins with the self, and the stories I weave here are both situated in the context of my own story, and seek to uphold the commitments I have made to all of my relations in Lhù'ààn Mân Kéyi.

As indicated by the Council for Yukon Indians (formerly the Yukon Indian Brotherhood), Yukon Indigenous peoples “have never been a ‘talking’ people. We’ve been brought up to ‘feel’, and very often words seem to us, like an excuse for people who are afraid to ‘feel’ or ‘think’” (1973: 14). I want to identify that this applies to this thesis in two ways: the first, that this work and my reiteration of conversations cannot encompass all of the feeling and thinking that occurs outside of the verbal realm for Lhù'ààn Mân Kéyi peoples, beyond even language-specific limitations. Secondly, this thesis may be presented in a textual format, but it is one that seeks to privilege both the feelings and thoughts that occurred outside of what words can capture. Hopefully, the narrative devices used within this format give weight to the space beyond words.

This work uses story as a narrative device to mirror what occurred during fieldwork. This device is used with intention to evoke in the reader very similar experiences that KFN employees and Southern Tutchone Lhù'ààn Mân Kéyi peoples contend with regularly. This includes experiences of confusion and not having a complete understanding of why Traditional Leases were introduced by KFN government. These moments where readers similarly feel as though they may be missing key pieces or details are crucial for understanding theory comprehensively. The technique of jurisdiction and lack of certainty described in Chapter 2 cannot be separated from the feeling of being overwhelmed by the sheer mass of legal obligations that a First Nation must understand to enact legislation. The way that KFN is using their Agreements to enact legislation

and regulations which support their values cannot be disentangled from the bureaucratic certainty which they must contend with to attain what is important to them.

Conceptual Framework

The work and its methods and methodologies are based in and contribute to decoloniality scholarship, by engaging decolonial research practices which disrupt the ongoing coloniality of the academy and Euro-Western states (Kovach 2010; Tuck and Yang 2012; Mignolo and Walsh 2018). It draws from and presents analysis regarding the concepts of jurisdiction (Pasternak 2017) and territoriality (Sack 1986; Nadasdy 2003) to understand what Southern Tutchone Lhù'ààn Mân Kéyi peoples, KFN government, and representatives of the Canadian state, are doing in a space of complex jurisdictions and relations. Finally, contending with what this research is about on a fundamental level, I explore Southern Tutchone Lhù'ààn Mân Kéyi peoples' enactments of what they find meaningful and important, through an anthropology of value (Graeber 2001). The concept of decoloniality is outlined at length here, as it lays the foundation for my political engagement with KFN in the research process, and my efforts undertaken in this work. The others will emerge at various points throughout the thesis.

Decoloniality

I use the term “decoloniality” instead of the more common term “decolonization”, to accurately reflect the meaning and implications each term carries. Decoloniality is rooted in the concept of coloniality — the logic which underlies colonial and imperial expansion — which emerged in response to lived experiences in Latin America in the 1970s through the work of scholars like Aníbal Quijano (Mignolo and Walsh 2018: 112). In response to coloniality, decoloniality is the praxis of de-linking from that colonial logic, of “undoing and redoing” (118). It intends to: (a) “displace Western rationality as the only framework and possibility of existence,

analysis and thought” by bringing to light radical perspectives (17); (b) render visible and disrupt the colonial matrix of power; and (c) suggest a political otherwise outside of the ongoing colonial condition (56, n. 63). Decoloniality aligns with Indigenous scholars’ interruptions of academia’s use of the concept of decolonization, their critiques of its roots in universalizing Euro-Western thought (Kovach 2010; Betasamosake Simpson 2014),²⁰ and their calls to unsettle the decolonization discourse (Tuck and Yang 2012) and root the concept in Indigenous knowledges (Kovach 2010). For instance, much like decolonial scholars, Tuck and Yang seek to disrupt the settler decolonization narrative in favour of Indigenous sovereignty and futurity, for whom decolonization is not merely a metaphor or catch-all term for anti-oppression, but “requires repatriation of Indigenous land and life” (2012: 21).

Decoloniality is a fruitful concept for this research in particular because of: a) its emergence in response to lived experiences and needs, as opposed to Euro-Western academic debates or efforts at “reconciliation”; b) its underlying tenets of disrupting and displacing Euro-Western thought; and c) its intention to not reflect a universal concept; each use of the term, including my own, is from a historically specific location (Mignolo and Walsh 2018: 108). Though Quijano’s coloniality was based in colonial expansion in South America, the distinct technique of settler-colonialism in Canada is inherently related to colonialism, and its colonial matrix of power is ripe with parallels (16). This is especially true when considering coloniality “as a complex structure of management and control . . . of knowledge and subjectivities” (125), which appears as the Canadian state’s techniques of territoriality (see Chapter 3). I apply the concept here not because it can be applied universally, but because it lends necessary terminology to move beyond “decolonization” and change the terms of the conversation. I do so with the recognition that there

²⁰ Indigenous scholars’ critiques of settler academia’s use of decolonization are discussed in Chapter 3.

is no English word, as a noun-based language which “perpetuates colonial systems of thought and relationships with the world” (Fellner 2018: 284), which can adequately encompass Indigenous agendas and actions (ibid). Still, in order to provide any intervention in a Euro-Western academic space, finding adept English conceptual terms remains necessary. This is not about “more inclusion”, but that “the task of decolonial artists, scholars and activists is not simply to offer amendments or edits to the current world, but to display the mutual sacrifice and relationality needed to sabotage colonial systems of thought and power for the purpose of liberatory alternatives” (Martineau and Ritskes 2014: II).

Decoloniality is important because KFN is not just being acted on through structures of decolonization, they are enacting decoloniality — whether or not full land repatriation or delinking from the colonial matrix of power has been achieved. As will emerge through the telling of this story, their liberatory alternatives may appear as forcefully expressed through Euro-Western structures and practices (i.e. KFN government, legal tools, etc.), however I see them as decolonial actions to be politically otherwise through the means at their disposal (for instance, Traditional Leases). Finally, my ethical stance and engagements with KFN require that I engage in this work and the academy decolonially. Decoloniality is one of my key methodological tenets (see Chapter 1), and will be engaged conceptually in Chapter 2.

Organization of the Thesis

During the youth workshop I facilitated in March of 2022, one youth said, “self-government is a tool to create the future that we want.” Much of what I discuss in this thesis echoes that statement: both verbally and through their actions, Southern Tutchone Lhù'ààn Mân Kéyi peoples and KFN employees showcase that their land claim is not the future, it is a tool allowing them to create their desired future. In the chapters which follow, I argue that in their work with

researchers, and their policies and practices on the land, KFN is enacting their vision for a meaningful and good life — within and through ongoing settler-colonial attempts to maintain sovereign control. Chapter 1 presents an analysis on the methods and methodology used in this project, including how they inform and are informed by KFN's governance in the research process, and discusses the present and future role of the anthropologist working with Indigenous communities, KFN in particular. Chapter 2 contributes to ongoing discussions of settler-colonial attempts to maintain sovereignty and control over land and peoples through land claims which provide a bureaucratic certainty to Indigenous nations, by detailing KFN's post-settlement experiences and techniques of navigating uncertain and precarious obligations. In Chapter 3, the thesis culminates in an analysis of KFN's enactment of what they find meaningful and valuable, enmeshed in a state and Agreements which do not recognize that conception of value, particularly land's value. I utilize the conclusion to dream. To dream of research which begins with and leans into what an Indigenous community finds important; is flexible and adaptable to meet shifting needs and desires of community members; prioritizes long relationship-building, co-learning, and slow research; and does not prescribe what every project must entail, but instead offers guidance for how the academy needs to change.

Chapter 1: Community-Led Research Partnership: Methods and Methodology

In my research proposal defense in 2021, one of my examiners asked something to the effect of: “What if the community doesn’t even use the term “land management” to describe their actions on the land?” As an eager white settler academic aiming to disrupt hegemonic Euro-Western discourse and theory by engaging Kluane First Nation (KFN) as an autonomous partner with distinct and valid knowledge, I felt ready for that reality. Though I cannot remember my exact answer, I likely assured my committee that “land management” was the term myself and state entities use, but I was prepared for the likelihood that KFN Citizens did not describe their own actions as such. Regardless of my surety when embarking on fieldwork in the late summer of 2021, upon reflection I can see that I was confronted with my examiner’s provocation on several occasions. My examiner had not intended for me to think about what word KFN Citizens might use instead, nor the ways they care for the land that do not fall under a Euro-Western understanding of “land management”. The intention, I believe, was to draw attention to my “own desires for particular kinds of ethnographic subjects and answers” (Kurtović, as quoted in Gandsman 2020: 173), and change the way I thought about fieldwork. In reflection, I wonder if my academic preparation prior to fieldwork had predisposed me to feel as though I already had all of the answers (Deloria Jr. 1969: 80). Or, at least, perhaps that I knew the answers I wanted to hear. If I had forgone questions like “what does ‘land management’ mean to you?”, which I felt accounted for my examiner’s question, I may have been able to see what was important, or at least ask questions aimed at garnering that.

I asked the same question regarding land management to spur discussion in a workshop with KFN youth that I facilitated in March of 2022. After a few moments of raised eyebrows all around, one participant finally said, “I don’t ever think about ‘land management’ when I’m in the

mountains; I'm just in my home.” This workshop was one of my final pieces of fieldwork, and this response mirrored others I had heard in interviews. My predispositions and search for particular kinds of answers are clear here. As though I could slap a ribbon on my lapel for affirming what others have argued: the land claims agreement process forced Indigenous governing bodies to speak the language of the state when its peoples do not (Nadasdy 2003: 25). Otherwise, what does it offer me analytically to show that Southern Tutchone Lhù'ààn Mân Kéyi (STLMK) peoples do not use Euro-Western terms to describe their actions? Reiterating a common anthropological argument is not particularly valuable academically or for KFN — it does nothing to achieve their aims. Instead, I began looking at how those answers showcase what is important as much as what is not. For instance, what does it mean for the mountains to be home, for STLMK peoples to inhabit that space? What *are* they thinking about, if not land management? How do their actions on the land show up in KFN's self-governance, or become translated into “land management” in KFN's policies and legislation?

These reflections on what is important, and the way my methods were not always adept at seeing that, have provided valuable insight for analysis of the material presented here. Critical self-reflexivity of this process and my actions allow me to showcase what KFN *does* find meaningful and how they enact that meaning.²¹ Moreover, it allows for examination of research's methods and methodology, how those methods display KFN's autonomous actions and desires, and their broader implications for settler academics and anthropologists working with Indigenous nations. It allows me to contribute to KFN's own work to ensure that research aligns with their aims, values, and ethical protocols, by asking: what do this project's methods and methodologies illustrate, and what is the role of the anthropologist with Indigenous communities?

²¹ I use meaning and meaningfulness interchangeably with value, as outlined in Chapter 3, to discuss and display what is important, meaningful, and valuable to KFN in their land use, management, and research priorities.

This chapter does two things: first, by analyzing both this partnered research project and non-partnered research occurring in STLTK, it supports and contributes to KFN's aims to bring research home; second, it presents the thesis' principal methodology, decolonial participatory action research, and the ethnographic realities of methods and the academy's institutional requirements and guidelines in action. The autonomy that KFN holds as a Nation is mirrored in the research and our relationship, and I discuss both situations in which that is apparent, and where that autonomy encounters friction. This chapter discusses current research occurring in STLTK, and KFN's actions to ensure it aligns with their priorities and values, with this project serving as a case study to inform their future engagements with researchers. I argue that the research landscape in Southern Tutchone Lhù'ààn Mân Kéyi is one in which KFN is utilizing their self-governance as a tool to shape the future of their land, government, and people. In conclusion, I discuss the role of the anthropologist in partnership with a self-governing Indigenous nation, arguing that the role of the academic must be dictated by the community itself — whether they have a state-recognized self-government agreement or not.

Community-Led Research in Lhù'ààn Mân Kéyi

“Honestly, I wish all emails from researchers looked similar to yours!” read the first email response I received from my primary contact at Kluane First Nation government. Often overburdened with the breadth of research requests they receive, even having to deny several while I was in Burwash due to lack of capacity, KFN is faced with choosing amongst the variety of research requests they have at any given time. The email I sent had been successful largely thanks to the advice I had received from others who have worked with KFN (Dr. Sonia Wesche and Roberta Nakoochee, M.A.) or who were KFN Citizens themselves (Robin Bradasch, whom I had formerly worked with). With their guidance, my email not only laid out my research interests, but

most crucially detailed my skillset and what I could offer the community — a KFN-led research partnership, honoraria, a student researcher position, a variety of products in multiple formats, and how my work and academic experience could contribute to work they might need.

This engagement showcases several critical details of the research landscape in Southern Tutchone Lhù'ààn Mân Kéyi (STLMK): KFN not only holds but exercises autonomy to choose research which aligns with their values and contributes to an ethic of giving back; there is ample research occurring (or proposed) in STLMK which continues to be self-serving; KFN is still developing their guidelines which research in their Traditional Territory will be subject to (discussed below); and what most benefitted KFN's aims in this moment was research which lends its capacity to benefit the community (i.e. recommendations from Citizens on Traditional Leases), without overburdening KFN's already limited capacity (i.e. having pre-existing knowledge of the self-government agreement).

Research in Lhù'ààn Mân Kéyi

As indicated in the introduction, I stayed at the Kluane Lake Research Station (KLRS) throughout my fieldwork. The KLRS is situated at the southern end of Lhù'ààn Mân (Kluane Lake), with an active runway used by the neighbouring glacier tour business, making it a focal point for scientific research on the nearby glaciers, the lake and its river systems, flora and fauna, and nearby animal populations. As such, the KLRS is a place that mostly attracts those in the hard sciences, many of who had very different types of research engagements with STLMK peoples and land than my research entailed. For instance, many of the scientists I encountered stayed in LMK for only a couple of weeks, collecting samples from the land and flying back to their labs to analyze them.²² Fieldwork like this does not allow for any relationship-building or meaningful

²² This is true of many scientists I encountered, however is not representative of all of the researchers working in Lhù'ààn Mân Kéyi. Notably, there were a few long-term researchers who sought to engage KFN and produce

engagement with the land and peoples their research is taking from. Most of the KLRS occupants considered my three-month stint to be long, even when I know that it was not long enough in the scope of relationship-building necessary for partnered research with Indigenous communities.

For most of the scientists I encountered, even those staying for a longer period of time, their research did not include KFN's participation in any way, beyond receiving their permission to conduct research as required by the Yukon Government's Scientists and Explorers Act License, a permit required to conduct research in the territory. A couple of scientists who had been working in LMK for decades, as I was told while at the KLRS, went so far as to explicitly identify that there was no point in sharing the results with people who could not understand them — a common discriminatory trope perpetuating stereotypes of the “savage Indian”. This was similarly identified by KFN youth in our discussion pertaining to research in their Traditional Territory, who shared that “researchers often assume we [KFN Citizens] don't have the same level of knowledge because we don't have a PhD.” Research like this explicitly excludes KFN, divesting them of the ability to control how research is conducted, what kinds of research are conducted, as well as research's results and dissemination.

This is not only a problem of dissemination, but also of not recognizing KFN's knowledge as valid. There are several long-term research projects in the area, one of which involves a longstanding settler academic who studies the life patterns of animal populations, sending students up to Lhù'ààn Mân Kéyi year-round to track those patterns. In the few decades they have been conducting research, the lead researcher has so far been unable to see value in seeking the knowledge of any of the three First Nations whose Traditional Territories their research is conducted in. Nor have they attempted to present their findings to any of the First Nations. A KFN

research the community finds valuable (for instance, PhD candidate Kristina Penn, whose hydrology work on Lhù'ààn Mân is forthcoming).

employee identified this research as an example of problematic and useless research which occurs in KFN's Traditional Territory, as it does not engage the community whatsoever. Not only is it reductive of Indigenous capabilities, it assumes STLTK peoples would have nothing of significance to contribute. In their frustration regarding research like this, the employee stressed that the community knows those animal populations, their patterns, and their yearly numbers intimately, from being on the land. Not only would they have valuable knowledge to share, their techniques for counting, monitoring, and documenting animal populations are less invasive — no cages, tranquilizer, or tagging required.²³ This was one of many research projects occurring in KFN's Traditional Territory when I was present which did not engage KFN whatsoever. This practice is harmful in that it extracts knowledge from Lhù'ààn Mân Kéyi (and may harm its animal populations) without giving back to the land, animals, or peoples. Its aims and findings serve no benefit to Lhù'ààn Mân Kéyi, only to the researchers themselves.

Even when researchers do engage the community, youth identified that engagement is positioned as needing to help KFN conduct research and analyze data on changing animal populations and lake levels, when Southern Tutchone Lhù'ààn Mân Kéyi peoples have been doing the same for thousands of years. As one youth said, “data collection is a traditional practice.” Still, a KFN youth identified that researchers often refer to their findings as “discoveries”, “plac[ing] themselves at the center of knowledge...[when] all knowledge comes from the land” — or when KFN already knew what they claimed to discover. These white saviour-like tendencies both

²³ In an article detailing Koyukon Athapaskan-specific Indigenous knowledge (as one of many ways of knowing) in what Euro-Western knowledge would deem “science” based management techniques of geese, Annette Watson (2013) discloses Koyukon environmental ethics and what is at stake in co-management spaces where Indigenous knowledge is not recognized. Watson identifies that many Koyukon peoples do not approve of the invasive techniques used by biologists to monitor the geese — “One elder exclaimed, making a choking motion around her own neck, ‘[h]ow would you like it if you had’ to have that ‘around your neck?’” (1097). Koyukon peoples claim that practices like neck banding decrease bird populations as they have trouble eating, which forms part of the original problem they are seeking to study (changing bird populations) (ibid).

harmfully and incorrectly depict Indigenous peoples as in need of help from white academics, and serve to reassert scientific tendencies to hierarchize Euro-Western knowledge as superior to Indigenous knowledge. As well, engagement does not mean that researchers are using Indigenous methods, meeting KFN's axiological commitments, or seeking to understand the knowledge of the place they are in. Researchers who present their findings to KFN might not recognize, as those youth did, that "all knowledge comes from the land."

Finally, research engagements can be as harmful as non-engagement, as they burden Elders and communities by asking them to repeatedly share their knowledge, in some cases without the rigorous ethical contemplation of engaging Indigenous communities respectfully and beneficially. For instance, one PhD environmental geography researcher at the KLRS worked with a social geographer who was unable to go to STLTK to conduct interviews. Near the end of their stay, knowing that I was working directly with KFN regularly, that researcher requested that I ask KFN Citizens how they use plants in their Traditional Territory during my own interviews. Aside from not ethically being appropriate as per the university's standards, I was shocked at the question for its lack of consideration of KFN's autonomy and role in research, nor the harm it could cause. KFN had not expressed interest in research on Citizens' uses of plants, the researcher did not identify if and how their research would benefit the community, and they did not seem contemplate whether that knowledge would be something STLTK peoples would desire or be willing to share. I declined the request, and instead searched for and directed the researcher to several books which identify plants used in Lhù'ààn Mân Kéyi. The feeling of being asked to take knowledge outside the scope of my research relationship with KFN stuck with me: how could KFN ensure that research on their land included ethical, reciprocal, respectful, and beneficial engagement?

Bringing Research Home: Creating Desired Futures

To make sure research in Lhù'ààn Mân Kéyi works with and for them, KFN is leading a project alongside researchers, including the University of Ottawa's Dr. Sonia Wesche, to take control of research in their Traditional Territory.²⁴ Moving beyond basic permission requirements, KFN is creating guidelines for researchers that emphasize reciprocal community engagement, land use that meets their ethical standards, KFN aims and desires as a priority, and Southern Tutchone Lhù'ààn Mân Kéyi peoples' knowledge as valid. Working in conjunction with this project, KFN has so far conducted three research summits, as opportunities for research occurring in Lhù'ààn Mân Kéyi to be presented to community members. It is through research projects like this one, that KFN is creating a repertoire of engagements that align with their values and aims, and refining their guidelines. There are also other initiatives occurring simultaneously in STL MK, including a workshop in 2019 that KFN youth participated in at the Kluane Lake Research Station, which focused on youth pinpointing topics of interest and concern for research, with an end result of pairing youth with researchers to facilitate projects which are of value to them.²⁵ The remainder of this chapter speaks to the methodological results of this partnership for Kluane First Nation, and illuminates the instances in which the academy revealed that it is ill prepared for Indigenous-led research like this.

²⁴ This project, "Bringing Research Home," is ongoing. As such, it does not currently have any publications associated with it.

²⁵ This workshop was conducted by Ocean Wise, as part of the Ikaarvik: Barriers to Bridges program, intended to connect youth in the Arctic with research occurring on their land and in their communities.

Research in Partnership: Methods and Methodology

Decolonial Participatory Action Research

Anthropology's problematic history and KFN's experience of it in particular were outlined in the introduction.²⁶ Further, the sections above spoke to KFN's current experiences with researchers in the hard sciences — and the perpetuation of the colonial gaze is something that anthropology continues to grapple with as well.²⁷ Instead of potentially “ironically perpetuat[ing] the colonial gaze by expending energy repudiating it,” (Dillon 2016: 2), however, I take an approach suggested by scholars working in the realm of Indigenous futurisms, and instead aim to contribute to survivance (over survival), to “establishing vibrant Indigenous presence as a condition of the (post)colonial, not a counterargument to it” (4). In alignment with that presence, this research took the form of a co-produced research project, with Kluane First Nation being an autonomous partner.

Research partnership itself is a methodology taught by Euro-Western academia and often endorsed by Indigenous academics, — Participatory Action Research (PAR) — but my use of it is couched in Indigenous authors' guidance on the importance of relationship. Margaret Kovach claims that a “relationship-based model” is essential for research with Indigenous communities, as it signals an investment in the community, and respects Indigenous self-determination and futurity (2015: 55). In his proposal for an Indigenist research paradigm, Opaskwayak Cree scholar Shawn Wilson highlights relational accountability as foundational to methodology: you “*answer to all of your relations*” during the research process, and the knowledge you gain is shared (not owned or discovered), and fulfils your research relationship (2001: 177, emphasis in original). However, ensuring relational accountability, “adhering to ethical protocols, relationality, and involving the

²⁶ Anthropology's history and harmful impacts on Indigenous communities can be found in Deloria Jr. (1969), Fabian (1983), Tuhiwai Smith (2021 [1999]), and Denzin & Lincoln (2008).

²⁷ As well outlined by authors including Harrison (1991), Simpson (2016), and Todd (2016).

community requires *time*” (Hill 2020: 8, emphasis in original). Time which is often restrained by the institutional requirements for research and funding, which favour the quick production of research deliverables over the building of meaningful relationships (Sylliboy et al. 2021: 4). This institutional limitation had visceral effects on this research and relationships which could be built.

A PAR methodology is a crucial element of this research, as it combines: a) active participation of interlocutors — in this work, KFN was a partner; with b) actionable results — the research products shared with KFN intend to help inform their policies. PAR²⁸ finds its roots largely in Colombian activist and sociologist Orlando Fals-Borda’s work, as a “radical commitment . . . beyond usual institutional boundaries” to emancipate oppressed peoples from hegemonic forces, via their own participation and collective action in research (Fals-Borda and Rahman 1991: vii). As noted by Indigenous advocates, PAR is currently employed as a methodological, epistemological, and axiological stance of commitment to collaborative research, as opposed to a set of specific methods (Tuck and Guishard 2013: 14). In particular, PAR’s ethical commitments to the outcomes of participants makes it “useful for Indigenous people because it aligns with our axiological beliefs” (Wilson 2001: 178). As part of that axiology,²⁹ PAR’s ethical standpoint is decolonial in nature, however its methodologies remain rooted in Euro-Western paradigms and thought (TallBear 2013: 18-19). Participation and actionable results alone do not disentangle PAR from Euro-Western methodological tenets, and it does not provide the methods necessary to disrupt that thought. As such, I use Tuck and Guishard’s proposal of “decolonial

²⁸ PAR bridges two streams of research methodology: action research and participatory research, and has had many forms on its theoretical journey. For a thorough overview, see Stephen Kemmis and Robin McTaggart’s chapter, “Participatory Action Research: Communicative Action and the Public Sphere”, in the *Handbook of Qualitative Research* (2005).

²⁹ Wilson defines axiology as “a set of morals or a set of ethics” (2001: 175). He advocates for an Indigenist research paradigm, with part of its axiological basis being that “research has to do something beneficial in this world” (ibid). PAR aligns with Indigenous axiological beliefs because it seeks to “improve the reality of the people with whom you work” (178).

participatory action research” (DPAR), as an ethical framework which is methodologically decolonial, and goes beyond the insufficient minimum requirements of ethics review boards that uphold settler colonialism (in the United States, Institutional Review Boards) (2013: 3-4).

It is pertinent to reflect on what DPAR means for this work. Of course, in partnership with KFN, the outcomes of research were jointly decided. The outcomes for KFN were feedback from Citizens and a background guide on Traditional Leases. Though it was not a research product they requested, I recognize that this thesis remains a product which impacts KFN. As such, this work remains devoted to my axiological commitments to KFN, and instead of producing a solely Euro-Western theoretical document, or a “cultural representation” of the community (which is the discipline’s historical precedent), this work strives to showcase what Southern Tutchone Lhù’àn Mân Kéyi peoples desire and identify as important. It intends to disrupt the narrative of KFN as solely an Indigenous government created and harmed by the Canadian state,³⁰ by presenting lived experiences of people on the ground, and seeking to do justice to the knowledge shared with me. This approach is made possible in part because of one of anthropology’s teachings: to allow fieldwork to speak for itself, with analysis building from what is experienced instead of preceding it. My methodology emerges *from* what I learned, it did not wholly guide fieldwork.

Decolonial Methodologies

To clarify the meaning of “decolonial” PAR, it is pertinent to delineate more broadly on decolonial methodologies. “Decolonizing methodologies,” as Tuhuwai Smith terms them, are intended to confront and deconstruct the entire Euro-Western academic canon, to decenter Euro-

³⁰ The creation of Indigenous governments in the likeness of the state is identified clearly in Nadasdy’s work (2003: 263; 2017: 13). He identifies that the negotiations process created new subjectivities (2003: 121) and changed the way Kluane people think about the land (263). He also argues that the process restricted the governance structure and abilities that KFN has (2017). I do not necessarily disagree with his claims, however this work seeks to move away from focusing on how KFN has been harmed by the Canadian state, to center KFN’s dreaming, desire, and lived experiences (Tuck 2009). This disruption is aimed at decoloniality.

Western knowledge while centering Indigenous knowledges (2021 [1999]: xii). Lori Hill (2020: 3) argues that a decolonial re-storying of Indigenous existences, epistemologies and ontologies must employ Indigenous methodologies guided by the community and participants themselves. In this work, I center Indigenous knowledges, voices, and methodologies to meet my ethical commitments to KFN, and contribute to decolonial scholarship by disrupting the Euro-Western world's claims of universality and superiority. Indigenous voices are not merely included here as an afterthought to fulfill a diversity or authenticity requirement, they form the foundation of this work, which uses Indigenous methodologies to identify KFN's governance and actions as an alternative to, and working both within and outside of, Euro-Western state formations. I understand Indigenous scholars' usages of "decolonizing" to be synonymous with decoloniality (Mignolo and Walsh 2018). More than only an integration of Indigenous and academic aims in research, a decolonial methodology and its methods "begin and end with the standpoint of [I]ndigenous lives, needs, and desires, engaging with academic lives, approaches, and priorities along the way" (TallBear 2013: 20). This creates research in service of Indigenous futurisms and flourishing, while reframing the dominant Euro-Western view of both Indigenous and non-Indigenous peoples (21).

To be sure, my own knowledge and paradigm are based in a Euro-Western academic background, and cannot claim to be Indigenous or KFN-based. I incorporate as much knowledge shared by Southern Tutchone Lhù'ààn Mân Kéyi peoples and Indigenous academics as possible, however myself, my knowledge, and this work are not Indigenous-based themselves. As a non-Indigenous scholar, I heed the advice of Indigenous academics, many of whom identify that non-Indigenous scholars can use "Indigenous methodologies" if they: a) distinguish knowledge's ties to specific, place-based histories (Kovach 2021: 74), b) credit Indigenous thinkers (Todd 2016: 7), c) recognize that they cannot be universally applied (Hill 2020: 3), d) situate ourselves in (and as

part of) research (Kovach 2009: 110), e) acknowledge that research is about learning, not creating knowledge (Hampton 1995), and f) take Euro-Western scientific methodologies to task by centering Indigenous methodologies (Absolon 2011: 29). That said, scholars like Shawn Wilson claim that Indigenous methodologies, as well as theory, must be based in an Indigenist research paradigm (2001; 2007). I use Indigenous methodologies to do justice to the knowledge shared with me, and work to disrupt Euro-Western methodologies, but my work is not (nor could it be) based in an Indigenist paradigm, and it does not represent Southern Tutchone Lhù'ààn Mân Kéyi methodologies.

There is also, as Sally Matthews prompts, a lingering question of what it means to participate in decolonial methodologies and theory as a white academic (2021). Though Matthews discusses her own specific positionality as a white lecturer of African studies in a South African university (1113), her provocation remains prevalent: if white scholars want to contribute to decolonial scholarship, what might they need to do differently than non-white scholars (1116)? I do not have the answer, nor do I think it is necessarily my place to provide that answer as a white scholar working with an Indigenous community. I do, however, want to recognize (and not deny) the ambivalence of my position: my participation in decolonial scholarship makes me part of the problem while attempting to partake in the solution (1117). I carry with me Euro-Western hegemonic knowledge even while I seek to dismantle it, and I profit academically by contributing to this body of decolonial work. My desire to contribute to decoloniality does not mean that this work has achieved being decolonial, it is an incomplete attempt at participating in a “decoloniality *for*” (1118) my Indigenous partners, to whom I am relationally accountable.

Still, my partnership with KFN as an autonomous Indigenous nation is a large part of what makes this research strive towards decoloniality. By using the concept of decoloniality, this work

intends to disrupt the academy's discourse of "decolonization", which does little to actually make room in academia for Indigenous methods, political alternatives, and everyday realities. This disruption allows instead for research which is dictated by the Indigenous nation, and showcases Indigenous lived experiences and thriving — a repatriation not only of land or life (Tuck & Yang 2012), which are not in my power to give, but of autonomy, control, and representation. This repatriation of control and representation also align with the post-colonial tradition of "writing back"³¹, Tuhiwai Smith's "researching back" (2021 [1999]: 8), and Tuck's "theorizing back"³² (2008). In doing so, it subverts dominant colonial histories, texts, and even research itself, all of which uphold colonial narratives, by critically analyzing the ongoing process of colonialism and providing alternatives to it. Writing, researching, and theorizing back form part of a decolonial methodology and this work.

The Academy's Ethics in Community-Led Research: Academic Requirements, TCPS2, OCAP

It was several weeks into my arrival in Lhù'ààn Mân Kéyi before I was able to meet with KFN employees. KFN had taken a couple of weeks off at the beginning of August, and my primary contact was away for another week following that. Knowing my limited three-month timeline, I was anxious about my ticking clock, as I had to leave by the end of October. This short period of in-person research was due to a lack of adequate funding to sustain the research for longer than that,³³ and because of the university's expected timeline for the completion of a Master's. Serving

³¹ "Writing back" is a concept first introduced in Aschroft, Griffiths, and Tiffin's, *The Empire Writes Back* (1989), a phrase taken from Salman Rushdie's 1982 article in *The Times*. In their work, Ashcroft, Griffiths, and Tiffin discuss postcolonial literature and theory from formerly colonized peoples radically critiquing canonical colonial literature, and identify that the ongoing rewriting of colonial literature subverts its reductive representations.

³² Tuck's concept draws from and includes Tuhiwai Smith's "researching back", however expands further to include Sandy Grande's (2004) "dialogical contestation . . . a demystifying and de-deifying of grand theory in order to revise, resist, and refuse stereotypical or erroneous analyses of us and our communities" (Tuck 2008: 112).

³³ This research was funded with a SSHRC grant, which was barely enough to cover my travel, housing, and a small honoraria to a maximum of 10 participants for my three months in Lhù'ààn Mân Kéyi.

as my sole income source, this meant that my SSHRC grant funded the trip and my stay, as well as the compensation given to participants. It also meant that the three-month mark was my fieldwork's firm expiration date, as it would be the end of my funding.³⁴ With fieldwork typically taking place in the summer between your first year and second year (four months), I already felt like I was behind — my research had not begun until August. With the academy's other financial limitations, like tuition scholarships ending after the second year of the program, and Master's students only being guaranteed two teaching assistantships per year, there was no extra time to extend. Even if the academy theoretically supports long relationship-building, it does not provide students at the Master's level with the tools needed to accomplish it.³⁵

My relationship with KFN built slowly over those three months and beyond, requiring time to build our relationship before a research topic was selected and research began. I knew prior to arriving how important relationship-building was, yet it was not until I was in the field and working with KFN that it became clear that three months was not enough. The kind of reciprocal relationship that a partnered project with an Indigenous nation demanded would need much longer than the time we had. The limited time I did have working in KFN's office was largely spent trying to understand Traditional Leases, gather background information from KFN's materials, and discuss KFN's desires and needs for research's methods and results. For Southern Tutchone Lhù'ààn Mân Kéyi peoples outside the scope of KFN government, apart from a few instances, the reality of research time constraints would mean that we did not have the time needed to build much

³⁴ On May 1, 2023, there was a nation-wide walkout of graduate students from Canadian universities, to call on the federal government to increase the funding for graduate students, doctoral students, and post-doctoral fellows, which has not increased in twenty years (CBC News 2023). The walkout was organized by the grassroots organization Support Our Science, whose actions respond to Innovation, Science and Economic Development Canada's 2023 "Report of the Advisory Panel on the Federal Research Support System" (Support Our Science 2023).

³⁵ The harm, insufficiency, and extraction of short-term research has been well-documented by Indigenous academics. As such, there are many anthropologists and Indigenous academics alike calling for "slow ethnography" or "slow research". While not within the scope of this project, slow research is something I advocate for. See Liza Grandia's (2015) "Slow Ethnography: A hut with a view" for instance.

of any relationship. This is a clear shortcoming of this research, in part stemming from the academy's restraints, and REB's ethical guidelines.

The ethics review board structure and academic guidelines for ethical research fall short of achieving and upholding Indigenous axiologies (i.e. Tuck and Gishard 2013). They are critiqued as being “too prescriptive and perpetuating colonizing practices” (Castleden et al. 2012: 165). From my own experience, they are too rigid, unable to meet the flexibility needed for research with Indigenous communities, or contend with the autonomy that KFN has to direct research. While building mutual trust, some components of the research process and methods needed to change as KFN's desires became clearer. Due to the rigidity of the academy's ethics approvals, the weeks it would have taken to change my ethical clearance would have meant I missed the opportunity to partake in the activity anyway. KFN's autonomy is neglected here — the academy's voice remains absolute regarding which practices are ethical, and researchers may be prohibited from pursuing research activities that the community deems ethical.

More troubling, however, is that the institution's tendency to essentialize and universalize what it means to do ethical work can result in researchers not paying attention to specific community and individual needs and desires. This emerged very clearly in my own work, as institutional recommendations to “offset” harmful research were rejected by KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples. For instance, the *Tri-Council Policy Statement (TCPS2)* guidelines on Research with Indigenous People recommend that non-Indigenous researchers strengthen community capacity (particularly the “least organizationally developed communities”) by employing or training community-based research assistants, to provide reciprocal learning opportunities (CIHR et al. 2018: 125).³⁶ While I offered to employ a KFN Citizen in initial

³⁶ A more recent version of the TCPS2 was published in 2022. This work does not account for any amendments which may have been made to these guidelines, as the 2018 TCPS governed this research.

planning phases of the research, that type of “giving back” was not a priority for KFN at the time my research was conducted. It is important to note as well that this type of engagement (often called training new anthropologists) has been considered a renewed form of civilizing mission, expressed through a desire to develop Indigenous communities (Minh-ha 1989: 59).³⁷ With STLTK peoples discussing their experiences in residential schools during interviews, it hardly seems that the recommendation to “foster education and training” (CIHR 125) would have been well-received. This is not to deny the role that capacity building can have in reciprocal research, but to stipulate that “a capacity building ethos” of giving back requires seeking the guidance of the community in how capacity building is done prior to making those decisions (Kovach 2021: 251).

Similarly, the 2014 *Ownership, Control, Access, and Possession* (OCAP) guidelines, sometimes heralded as being a necessary first step in the research process (i.e. Sylliboy et al. 2021), call themselves “ubiquitous” and the “de facto standard” for research with First Nations (The First Nations Governance Centre 2014: 4). While its critiques of TCPS for not recognizing existing Indigenous governance structures and distinct First Nations values may be valid,³⁸ OCAP problematically claims that TCPS should consider OCAP as applicable to every First Nation, not only “one consideration for some First Nations”, as it “reflect[s] universal First Nation values” (5). Importantly, KFN did not ask me if my project adhered to the OCAP guidelines, nor would they have necessarily known what they were. While OCAP has some pertinent insights to offer, I would be remiss to say I felt comfortable underscoring a community-led project with a guideline utilizing the same essentializing terms as colonial institutions.

³⁷ Minh-ha uses the term “Third World” to discuss those who are othered and considered in need of ‘training’, ‘equalizing’, or ‘help’. I use the word Indigenous when describing her claims, as it best fits this thesis and current terminology.

³⁸ These critiques were made in relation to the 2010 version of the TCPS2, which was the first amended version since the 1998 original TCPS. This was prior to the 2018 TCPS2’s release, which saw amendments to include specific guidelines for communities with various governance structures (in Chapter 9, Research with Indigenous Peoples).

The Interview, The Recorder, The Notebook

“We’ve shared all this before. We’ve talked to researchers about this before,” a Southern Tutchone Lhù’àn Mân Kéyi person says after looking over my interview questions. I nod, not knowing the details but understanding that KFN has been heavily over-researched. They seem frustrated, agitated at the list of questions.

They continue: “There was another guy before doing research, asking all these questions. He said he would send us the work he did after, but I never saw anything from it.” I continue nodding, this time at their tone, sounding like indignation or chagrin. I know that they are not finished, nor would I have anything to say. This is not about me but what I represent: another researcher with false promises; another who might take without giving; another who might make this person feel used or foolish for believing.

“My mom, when we were growing up, as soon as a tape recorder was turned on, she would stop talking. I never understood why. Now, I know why.” They shake their head, finished. Their voice is not angry, not yelling or even rising, but low and spent. Disappointed or exhausted, maybe. Perhaps tired of the endless tirade of researchers plaguing KFN for decades, taking knowledge in exchange for deceit.

I am crushed to have invoked this response, and demoralized that my anxieties as a white settler academic have come to fruition. I feel that I have caused harm, even if they did not feel harmed themselves — even if they felt powerful and autonomous in their refusal.

Throughout this project, I have worked rigorously to avoid repeating the mistakes of my predecessors. Yet by choosing the long-used method of individual interviews, by conducting a short-term research project, and by using objects like recording devices and a notebook, I have

done so anyway. This specific moment in which I felt I inflicted harm, knowing that my actions reminded this person of another researcher's false promises, and their mother's reaction to a tape recorder, affirmed my settler anxiety and self-inflicted imposter syndrome. And yet, in the multiplicity of ways that reaction could be read, the individual may have felt strong and gratified, or any number of positive emotions. Regardless, the weight or lightness that either of us may have carried with us from that experience contributes to something incredibly important: as part of my outcomes of research to Kluane First Nation, I noted the refusal, and highlighted both the limitations of the interview, and the benefits of research dissemination to community members.

My first interview was at the end of September, on Orange Shirt Day. I sat in an Elder's home that morning, helping draw and cut tracing pieces for vests that would be made later that day. The Elder fed me breakfast as we worked and talked, and I waited for their signal to begin the interview. I could sense the Elder feeling me out as I drew the lines of the vest, asking questions about me and what I was doing in Lhù'ààn Mân Kéyi. When we sat down to begin, their demeanor changed. I told them the interview was informal, just intended to be a conversation. The questions were there to guide us, but we did not need to go through them as they were written. Switching out of the easy conversation we had been having up until that point, the Elder read the questions aloud from the interview guide, and answered each in a couple short sentences. As I prodded their answers or they got off topic, they said things like "Can we just go through this?" and "Okay, what else?" At the time, I thought nothing of it — I was only happy to finally conduct an interview. As I listen to our recorded conversation, barely audible over their dog's laboured breathing, I can tell the way the interview, the recorder, and my notetaking changed the dynamic. I was no longer a person cutting out vest pieces and eating dried moose in the Elder's home, I was the researcher, conjuring every image of the impersonal. The importance of relationship is clear here: had I been

able to spend the time building relationships to foster the mutual trust with STL MK peoples that was necessary, perhaps I would have known to use other methods than the interview and a recorder, or else our familiarity may have meant that those objects did not change our conversation.

Both of these situations left me with the same question: what do these instances indicate for the role of researchers, and how does that support KFN's ongoing work? The need for a solution to the time and funding constraints which prohibit deep relationship building of academic research (particularly at the Master of Arts level) form a large part of the answer, a researcher's knowledge and preparedness another, and the complex relationships throughout Lhù'ààn Mân Kéyi a final piece. Aside from the academy's deficiencies, spoken to above, my own lack of preparation was apparent. As Paul Nadasdy identifies (and he is not alone): research methods for Kluane First Nation center "watching and doing, rather than by engaging in formal research or pestering people with questions" (Nadasdy 2003: 23). While I sought to balance my own preparation with not biasing my research towards what other anthropologists had concluded by not over-researching KFN prior to fieldwork, it is critical for researchers to learn from what has come before. Part of this challenge as well is that the customary order of research activities does not provide room for spending time in the community to build relationships and determine methods prior to fieldwork. Fieldwork only comes after a research proposal and ethics documents have been submitted, with all methods outlined already. Flexibility in the order of research activities will be necessary as community-led research progresses. This is crucial for the ability of research to build necessary community connections which will inform research methods, methodology, scope, and topic.

Relational complexities in STL MK presents another challenge: research's co-production was tied entirely to KFN government, a governing body created by a land claims agreement with

Canada,³⁹ made up of KFN Citizens and non-KFN Citizens. Importantly, the method of interviews was approved and encouraged by KFN.⁴⁰ KFN identified that they themselves have conducted interviews or hired researchers to conduct interviews in the past to collect feedback and input from Citizens for policies and programs. They identified that this is often the easiest way for KFN to ensure they receive detailed feedback from everyone in the community, highlighting the importance of the interview as a tool to support their development of legislation, regulations, and policies which are directly informed by Citizens' desires. Our partnered research indicated that the influx of interviews without prior relationship-building or in-depth knowledge of STLTK can be particularly harmful and draining, especially to Elders. The situations I describe above, of being asked to share knowledge on repeat and the interview changing the nature of the conversation, indicate that this information is being sought repetitively by individuals who do not know Lhù'ààn Mân Kéyi. And yet, interviews remain an important technique to capture Citizens' desires and goals related to land use. With the complex relationships existing in Lhù'ààn Mân Kéyi, between KFN and STLTK peoples, between different families, between KFN and the state, and between STLTK peoples and researchers, there may not be a method which works for everyone. What there is, however, is a clear need for researchers and institutions to trust that Indigenous governments like KFN are intimately aware of and constantly balancing their Citizens' complex and diverse needs and desires.

³⁹ KFN government is a governing body with complex historical beginnings. It was created as an Indian Band by Canada via the *Indian Act* legislation, combined with other Indian Bands, and then separated once again prior to finalizing their Agreements. The installment of the Band and its role during land claims negotiations informed the perspectives of those negotiating on behalf of KFN. Coupled with their lack of a formalized governance structure prior to the Band's creation, this impacted negotiators' thoughts of what a governing body should look like (see Nadasdy 2017 for a more fulsome discussion).

⁴⁰ This is not to say that KFN government is not well-equipped to determine the methods most appropriate for their people (they most certainly are), only to indicate that like any governing body, they do not represent everyone. The nature of their creation and the knowledge KFN had to adopt to contend with the state (Nadasdy 2003; 2017) only exacerbates the complexity of this relationship — not every Southern Tutchone Lhù'ààn Mân Kéyi person agrees with the decisions KFN makes.

The Thesis

In the interest of not overburdening KFN and Southern Tutchone Lhù'ààn Mân Kéyi people with constantly affirming their knowledge, this thesis has not been vetted in its entirety by the community or government. To work within the push and pull of correctly and adequately presenting the community's knowledge and experiences without burdening their already limited capacity or asking them to repeat intimate knowledge to a Euro-Western knowledge system, I did not ask that this thesis be read and examined by KFN or its people. Assuming that a community would want to read and edit the project in this form serves to reinscribe notions of academic knowledge and its written form as somehow superior or universal.⁴¹ Besides, requesting revision of KFN's knowledge presumes that I have something of their knowledge to present. As Lhù'ààn Mân Kéyi youth identified, researchers tend to place themselves at the center of knowledge and claim discovery of knowledge, when all knowledge comes from the land. I present here what I learned and experienced in co-conducting research with KFN, and the knowledge I share is only my understanding of what was shared with me. It is not a complete or wholly accurate reflection of KFN as a government, nor STLTK or its peoples. This work could not attempt to portray the complexities and intricacies of STLTK peoples' lives, political systems, land management, state interactions, or value. It discusses a sliver that has been shared, in the ways that I understand it, which should not be taken as the totality of what exists.

Even so, there were accountability mechanisms in place with KFN government, even if they did not include the complete review of the thesis. For instance, ongoing discussions with KFN's Lands, Resources and Heritage department occurred throughout the project, affirming

⁴¹ Tuhiwai Smith (2021) lays out the Euro-Western system of ideas which has embedded structures of classification and hierarchization, particularly of knowledge and its forms, in order to “ensure that Western interests remain dominant” (54). This includes the privileging of the “expert” written text over oral histories, and presents colonial legal views regarding admissible evidence and valid research (53).

timelines and knowledge regarding Traditional Leases and other KFN documents, and discussing analysis of the content and knowledge gained. The same can be said of the youth workshop that occurred in March 2022, in which KFN youth contributed their own knowledge of Traditional Leases and land management to the knowledge which had been shared with me by others. Within this workshop as well, youth confirmed and added to knowledge shared by other youth.

What of the Anthropologist?

Questioning the role of the anthropologist is not by any stretch a new or unique phenomenon, even if it is not always explicitly described as such. Johannes Fabian did it in 1983, James Clifford and George E. Marcus did it in 1986, and Indigenous thinkers have been doing it as long as they have been subject to the anthropological and ethnographic gaze — whether within or outside of academic channels (i.e. Vine Deloria Jr. 1969, Linda Tuhiwai Smith (2021 [1999]), etc.). But I want to hone in on what is unique about this project and thesis: through my partnered work with KFN, I am able to ask, how can anthropologists pursue research with Indigenous peoples *now*, at a particular moment in history in which Indigenous communities are vibrantly leading and dictating research with their communities and on their land?

As an anthropologist contemplating what must become of my discipline, I think that vulnerability and self-reflexivity are part of what this work most has to offer: an honest and critical account of my role in the partnered project I undertook with KFN, who is working to ensure that research in STLTK aligns with their aims, values, and desires. An important aim of this thesis is to contribute to the fight for research with and in service of Indigenous peoples, that takes time to build relationships, pays attention to the desires of communities, upholds the autonomy of Indigenous nations, and finds its basis in community methods and knowledge. My intention is for this work to contribute to a large body of work across disciplines which emphasizes collaboration

with and accountability to Indigenous nations. I have made it clear that I do not think the academy is ready to contend with the autonomy of Indigenous nations in research projects, nor what our interlocutors may rightfully demand from us as researchers representing those who have always taken without giving. Still, we as researchers cannot hide behind the academy's institutional inadequacy — we must contend with Indigenous autonomy, desires, and needs even when the academy does not provide the tools necessary to accomplish that. Our doing so may even constitute a necessary disruption of the academy's lingering policies and practices which signal its supposed hegemony of knowledge and superiority over non-Western knowledges.

Regarding the role of the anthropologist in particular, the path forward for anthropologists working with Indigenous peoples requires unreserved vulnerability and transparency coupled with self-reflexivity. It requires acknowledging our role in the research process as biased participants. It requires not removing the people and story from theory, and respecting when you have shared enough of your interlocutors. It requires being accountable to your research relationship, respecting Indigenous knowledge, methodologies, and axiologies, and working within rigid academic requirements to fight for Indigenous partners, and achieve the aims and priorities of Indigenous communities. It requires being critical of our role and place in contributing to the dismantling of systems in support of Indigenous alternatives and futurisms. Most importantly, it requires giving control of research to your Indigenous partners, in the various forms that may take, so that they can decide what is researched and how, and what is important and why. Though it may be difficult to let go of what you as the researcher may consider to be 'yours', I believe this is the only ethical path forward for the anthropologist working with Indigenous communities, and I implore anthropologists to take it up. In the remainder of this thesis, as I analyze KFN's and Southern Tutchone Lhù'ààn Mân Kéyi peoples' actions, and engage anthropological and political

theory, my intention is to showcase what this sort of engagement and commitment can look like as an anthropologist. In the next chapter, these commitments emerge in researching and analyzing KFN's chosen topic of Traditional Leases.

Chapter 2: Self-Governance Amidst Uncertainty

Before I began fieldwork, in the spring of 2021, I had several phone calls with my primary contact at KFN to discuss potential research topics. One topic of interest to KFN came about as a result of the COVID-19 pandemic. In March of 2020, Parks Canada had closed all national parks to vehicle visitors including campers, hikers, and researchers (Parks Canada Agency 2020). This included Kluane National Park and Reserve, which was closed without KFN consent, consultation, or pre-disclosure. The Park is supposed to be co-managed under KFN's Self-Government Agreement, through the Kluane National Park Management Board. KFN employees were frustrated at their lack of control and voice in this instance of park management, particularly as the closure meant less tourist traffic and accompanied income, as well as guiding opportunities. With Canada's borders closed to traffic from Alaska, and Yukon's borders still requiring a 14-day isolation period for all Canadian traffic outside of BC and the territories (Government of Yukon 2021),⁴² this measure seemed too broadly applied, as the Park's closure included Yukon residents. KFN wanted to know how Canada could bypass consultation and operate with such a lack of transparency, and if there were other jurisdictional areas where something similar could occur. This seemingly small consultation and co-management bypass was much more than that to KFN: it represented a concerning look into whose sovereignty, control, and certainty was superior in the signing of the Agreement, at least in the eyes of Canada — not only in the Park, but across all of KFN's Traditional Territory.⁴³

⁴² This measure changed at the end of May 2021, instead requiring proof of double vaccination (Government of Yukon 2021).

⁴³ This is of particular concern because, in extenuating circumstances, Canada can obtain emergency powers and easily work around treaty obligations. This is done through the *Emergencies Act* (R.S.C., 1985, c. 22 (4th Supp.)), which gives Canada the ability to make emergency orders and regulations following the declaration of an emergency, and which Canada used in 2020 to create the *COVID-19 Emergency Response Act* (S.C. 2020, c. 5). These measures were not necessary for Parks Canada to close the park — they have the authority to do that under the *Canadian National Parks Act* (S.C. 2000, c. 32). However, the Canada-US border closure (within KFN's TT, see Map 1) was done through the *Emergencies Act*, meaning that its implications remain pertinent.

Researching the Park's co-management and this specific closure was not the topic which KFN selected for this project. KFN decided that gaining clarity on how to move forward with Traditional Leases was their main priority at that moment, particularly because having cabins throughout the land is of critical importance to KFN Citizens. However, I wanted to introduce the other topic here, as it showcases plainly something which is similarly embedded but less readily apparent in Traditional Leases. As that situation indicates, KFN experiences uncertainty in relation to their co-management authority in the Park. This is in part due to Canada's complex legislation and regulations, and their order of authority. The lack of certainty and challenges with overlapping jurisdictional authorities explicit in the Park's closure is also implicit in KFN's introduction and implementation of traditional lease holding. This chapter discusses and analyzes KFN's enactment of Traditional Leases as one example to showcase this.

In this chapter, I contend that despite Canada's claims that modern land claims will provide certainty for all parties, in the case of Kluane First Nation's Final and Self-Government Agreements, it seems that some certainties — in this work, legal certainty — have been provided only for Canada, while KFN continues to experience ample uncertainty. This uncertainty and its accompanied legal precarity for a First Nation are the result of Canada's attempts to render its sovereignty operational by enacting its jurisdiction. Efforts to maintain the fiction of the Crown's sovereignty are evident not only in uncertain legal obligations, but also through abilities which KFN cannot fully realize, and relentless processes and responsibilities which KFN Citizens have to take on. What KFN received through signing their Agreements in actuality is bureaucratic certainty, the kind of certainty where, if you complete enough arduous and cumbersome processes, you may be able to attain what was supposed to be certain to you in the first place, granted all other factors (other First Nations, Yukon legislation, etc.) are in the perfect and required place as well.

Yet, I showcase how KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples enact their jurisdiction and authority by working within and outside of their land claim to attain what is valuable to them. I do this primarily by tracing KFN's development and implementation of Traditional Leases, the type of lease holding they introduced to enable KFN Citizens to continue building cabins and campsites on the land in areas important to them.

Studying With to Study Up

Before I delve into the Canadian state's desire for certainty, its technique of jurisdiction, and ultimate aim of affirming sovereignty, it is crucial to re-address my intentions in doing so. As identified in the previous chapter, my aim is not to paint KFN as damaged by an all-consuming oppressive state. This aligns with Eve Tuck's acknowledgment that research with Indigenous communities tends to seek change by focusing on how they are damaged by the colonial project, thereby reducing and simplifying Indigenous existences (2009: 414). She calls instead for research that focuses on Indigenous desires, lived experiences, and complexities (416-417). Moving away from a focus on harm, my intention is to illuminate the way power is wielded in Lhù'ààn Mân Kéyi by the Canadian state at the detriment of KFN, and to showcase KFN navigation of and flourishing within those structures — what I referred to in the introduction as “studying with to study up”. The concept is based on anthropologist Laura Nader's (1972 [1969]) well-renowned argument that the discipline needed to “study up”. Recognizing the harm that “conventional” anthropological research studies on distant “others” had caused, Nader called for anthropologists to study elites and colonizers, in order to produce well-rounded theory which showcases the functioning of power and domination (288). As Gusterson (2015: 387) adeptly notes, Nader's argument is often mistaken as a call to exclusively study elites, when in reality she suggests studying “down” and “sideways” as well as “up” (Nader 291; Gusterson 387).

Crucially, Nader's research paradigm neglects to ask whether and how Indigenous groups, marginalized peoples, and those perceived to be "powerless" want to be studied (or not studied). As anthropologists' findings have often been used to "help manipulate" our interlocutors (Nader 1972[1969]: 11), Nader's proposal to aid harmed groups by exposing elite and government power must begin by asking those groups how (or if) they would like to be aided in the first place. While I see the value of studying up to render visible structures of power which impact Indigenous peoples, the concept is not equipped to contribute to partnership-based research — studying "up" or "down" implies studying on. For instance, my collaborative work entailed studying with KFN to study up those who wield power,⁴⁴ as well as the impacts of power that can be felt in their daily lives. Contending with the concept's limitations, I propose a different iteration of Nader's "studying up": the concept of "studying with to study up".⁴⁵ This entails a politically engaged relationship with interlocutors that builds on Nader's work, in particular her calls for reciprocity and anthropologists' political attentiveness. However, it seeks to study with marginalized groups to critique those with power and the structures which enable them. Importantly, studying with necessitates that studying up can only happen if it meets the desires and aims of interlocutors.

Much like other academic-driven aims to conduct research for the benefit of marginalized groups, the goal of studying up to illuminate structures of power is often inadequate to meet the

⁴⁴ This is not to deny that my work with KFN is in some ways still conducting research on them — I certainly recognize that as a white academic, this research will always be at a power imbalance, and that the presentation of this work is nuanced. When I was in the field, this question was posed to me very directly by another academic: will your research not always in some way be taking knowledge for your own use? Of course, my position as a white academic working in collaboration and partnership with an Indigenous community is complex, and will always in some ways benefit me as the researcher. But, heeding Shawn Wilson's advice, this work does all it can to be accountable to KFN, their aims and desires, and our research relationship.

⁴⁵ I am not the first to propose other iterations of Nader's "studying up". Brenda Fitzpatrick suggests "studying across" to aptly study various actors in conflict with one another (and transform that conflict and actors' perceptions), as seen in her work with the Site C dam in British Columbia (2021: 13-14).

needs and desires expressed by these groups.⁴⁶ Recognizing a need to do more than “illuminate”, studying with to study up entails meeting relational and ethical commitments to interlocutors. I do not prescribe what those commitments looks like, as each community and project is distinct and historically particular — the relationship building of *studying with* necessarily determines if and how one studies up. Engaging something like a Participatory Action Research method, as I have in this work, the aim of studying with to study up becomes actionable results. As well, beyond the scope of studying up, results are not solely about the power structures being studied. More than just a damage-focused critique of governments or corporations harming marginalized peoples, studying with to study up focuses on the desires and lived experiences of interlocutors. This type of politically engaged relationship requires results that are true to the research, as necessitated by relational commitments made. For this project, this means that results are based around KFN’s experience of, resistance to, and ability to work within structures of power to achieve their desires. Contrary to dictating how one should “study up”, my iteration and use of the concept is intended to inspire research which works with marginalized groups to study structures of power up, down or sideways, in ways they desire and in service of results they find valuable.

Refusal: Explicit and Implicit

A large part of studying up is identifying how power is wielded and how domination unfolds — in other terms, how those without power have been and continue to be harmed. In alignment with Indigenous methodologies, my “study with to study up” methodology actively engages in refusals (Simpson 2014), with one such refusal being to paint KFN as solely a “damaged” community (Tuck 2009; Tuck and Yang 2012: 22, “at risk”). Instead, following the

⁴⁶ Vine Deloria Jr.’s critique of anthropologists is relevant here: “The implications of the anthropologist, if not for all America, should be clear for the Indian. Compilation of Useless knowledge ‘for knowledge’s sake’ should be utterly rejected by the Indian people. We should not be objects of observation for those who do nothing to help us” (1969: 94).

lead of those I spoke with in the community, I focus on the ways KFN government and Citizens enact their self-governance and use the land to support their values. This research is centered on KFN's desires and lived experiences (Tuck 2009). Contrary to neglecting the harm that KFN has experienced from various actors, and the challenges that the self-government agreement has presented for KFN, the intention is to not depict those experiences as all-consuming or the sole identity markers of the community. Instead, I present the challenges and unexpected requirements that KFN faces alongside the steps they have taken to maintain and enact what they find meaningful. Part of this requires the discussion of ongoing harmful or non-inclusive research practices, the identification of Canada's efforts to maintain sovereignty, and gain certainty through the signing and implementation of Final Agreements and Self-Government Agreements — techniques of territoriality. These efforts are perhaps clearest through KFN's experiences of difficult and uncertain legal requirements, ineffective or inoperable authority without taking on more government services, and arduous processes and responsibilities needed from Citizens. While Canada's efforts have real, material impacts on KFN and their ability to implement their Self-Government Agreement, KFN has also been able to manage and use the land in ways that they find valuable and meaningful, as will be the focus of Chapter 3.

Kanien'kehá:ka scholar Audra Simpson proposes the concept of ethnographic refusal in opposition to the politics of recognition, a method which balances the information readers need to know with what the researcher — or Indigenous community — refuses to write (2014: 105). Her ethnographic refusal is premised on Indigenous interlocutors having “sovereign authority over the presentation of ethnographic data, and so [she] does not present ‘everything’” (ibid). Following her lead, there are refusals I have made in the writing of this work to respect when I have revealed enough of Lhù'ààn Mân Kéyi peoples' lives and KFN's inner workings, as well as KFN's authority

over what is presented and how. This story is told to provide just enough plot and humanity to showcase theory, but not any more than is necessary for reader comprehension, and not any which may compromise KFN or Lhù'ààn Mân Kéyi peoples. Some refusals are specific: I use aliases in place of names to minimize any harm that could come to the First Nation and individuals. As an academic thesis given to Canada, this work is already giving more information about KFN, its laws, and policies to Canada than I would like to. As such, I seek to minimize what can be weaponized against First Nations communities and individuals by state authorities. Other refusals are much broader: I refuse to depict Lhù'ààn Mân Kéyi existence as easily definable or categorizable — I will not pretend there are “easy answers” to research questions (Simpson 2016: 326-27). Finally, as the sovereign authority over this work, KFN and Lhù'ààn Mân Kéyi peoples have also made refusals of their own, which I will not discuss here.

Within the concept of refusal, there remains a difference between that which cannot be said, and that which should not be said. Kluane First Nation has made clear what cannot be said — be it intimate details of texts I have read in their archives and systems, which areas of land may be of interest or concern to them, or personal details of KFN Citizens and their lives. Then, there is that which should not be said. This one is much more of a challenge, for it is not explicit but implicit. Nowhere has anyone said “hey, by the way, exclude this detail or information.” And yet, as researchers in partnership, it is part of our relational responsibilities to know, whether it is made explicit or not, what should not be said. Whether it is certain details pertaining to KFN's governance or land management; STLTK peoples' legal orders, spiritual insights, or practices with the land; or even inter- or intra-community conflict, there is a whole host of depth beneath the surface of the text here which comprises that which should not be said.

This, the *should not*, is what I see as Audra Simpson's refusal (2014). In some cases, this might be a refusal to share more information than absolutely necessary — a political refusal to give intimate details to the state or the academy. In others, it is a refusal to touch on the subject at all in any explicit way — an ethical and relational refusal. In this work, there is a combination of both. Sometimes, the refusal is in response to the knowledge I have of how KFN would want or would not want to be depicted, and what STLTK peoples would want or not want to be written. In others, the refusal is in recognition of an expressed harm in academia; expressed by Indigenous scholars, by anthropologists, or by community members themselves.

In any case, I want to underscore the way this work dances around context very intentionally. With KFN selecting a research topic with details that both could not and should not be divulged, there are liberties this work has taken with what the reader will be able to understand from the high-level or lack of detail shared. There is also a delicate balance navigated here with the research topic and focus selected by KFN, and the one which comprises the focus of this thesis: a very particular land management strategy — Traditional Leases, in contrast to an exploration of KFN's enactment of what they find valuable, with the land management strategy serving as one example. As such, the information that KFN was seeking with respect to Traditional Leases, the subject of the questions that KFN wanted me to ask Citizens, and the answers that Citizens gave will not be disclosed in any detail. I have sought to complete “an ethnographic calculus of what you need to know and what I refuse to write” (Simpson 2014: 105).

Traditional Leases: Emerging Uncertainties

Studying with to study up emerged through the collaborative research process with KFN, though “studying up” is not an explicit aim in their expressed research goals regarding Traditional Leases. The purpose in discussing Traditional Leases in this thesis is not to ruminate on why they

were of interest to KFN, what kinds of information KFN was seeking about them, or what Citizens said about them — that is KFN’s chosen research topic and for them to know. The reason for their inclusion here is two-fold and distinct from what KFN sought: a) on a politico-legal level, to discuss what it means for Kluane First Nation’s governance and self-determination that they needed to introduce them in the first place; and b) on a political importance level, what it means for KFN to find a way to ensure Citizens could continue building cabins on Settlement Land amidst complicated and uncertain legal requirements and jurisdictions. The ways in which this became apparent during research will be the topics of the second and third chapters. The distinction between what is included here and what is not reflects, in part, a refusal. I refuse to give more insight into KFN’s land management strategies than necessary, as this is not knowledge that the Canadian state already has access to or needs to know. I give as much detail on the leases themselves and why KFN wanted to enact them as the reader would need to understand what they display with respect to KFN’s governance — no more and no less. In the next few sections, I detail some of the reasons that KFN government employees expressed for why Traditional Leases were introduced — as a technical question, not an intention-based one. Though it may be initially unclear as to why this is important, recall that I am seeking to tease out what it means for KFN to feel a perceived obligation to introduce them.

Traditional Leases are a type of lease-holding available to KFN Citizens, in which KFN government grants Citizens a lease for a portion of Settlement Land (Category A or B⁴⁷), on which they can construct a cabin, campsite, tent frame, fish cache, or other structure to pursue traditional activities. With nearly a decade passing since the introduction of Traditional Leases in 2012, KFN government sought feedback from Citizens related to the application and approval processes **for**

⁴⁷ Category A is Settlement Land where KFN has surface and subsurface rights, and Category B is Settlement Land where they have surface rights.

granting Traditional Leases, the specific regulations pertaining to them, and the locations in which they had been granted. What KFN asked from me in this research project was to understand the breadth of KFN Citizens' desires and aims in the future implementation of Traditional Leases. Doing so required understanding what had occurred and was occurring at numerous levels: the processes, legislation, and approvals which had brought that type of lease-holding into place; how cabins and campsites were constructed prior to Traditional Leases; the process for KFN Citizens to apply and be approved to have a Traditional Lease; how Citizens felt about them, the process to acquire them, and their locations on Settlement Land. It required understanding why KFN would feel the need to introduce a tool to allow Citizens to build cabins on Settlement Land — why not simply allow Citizens to continue building cabins freely as they had always done? As an instrument KFN is using to implement their land claim, Traditional Leases and the clarity KFN sought may not appear to involve an analysis of structures of power or critique of the Canadian state. But what emerged as I pursued clarity to the questions that KFN had posed was that Traditional Leases are one of multiple sites of uncertainty for KFN as a self-governing First Nation. This uncertainty results from an Agreement and negotiations process that was intended to achieve certainty, but where, as other scholars have noted, Indigenous peoples are at a power imbalance with the Canadian state (Nadasdy 2003; 2017; Pasternak 2017).

The history of Traditional Leases is complex, and required piecing together details of how and why they were introduced through conversations, interviews, and KFN documents. Many of the KFN employees I worked with were not present when that type of lease-holding was first introduced, and several identified that Traditional Leases existed in part to fulfill KFN's legal obligations stemming from their Agreements. While there were multiple legal obligations noted by KFN employees, one was identified often as the main reason KFN needed to introduce

Traditional Leases: that KFN’s legislation needs to be “equal or superior” to Yukon’s. As KFN employees explained, Yukon’s legislation does not include lease-holding for cabins and campsites, so KFN introduced Traditional Leases to fulfill the legal obligation of being superior to Yukon’s laws. This legal obligation is confusing, not only in the actual legal requirements stemming from KFN’s Final and Self-Government Agreements, but also when viewed in the context of self-government. If an Agreement gives Indigenous nations authority over how they govern, why would it allow them to introduce their own legislation yet also require that legislation to be equal and or superior to Yukon’s? What governance authority is it actually granting them?

In order to understand these requirements and provide a comprehensive document outlining them to KFN, I read a breadth of legal documents: KFN’s Agreements, policies, legislation, land use plans, and regulations, as well as Yukon’s legislation that applies to KFN.⁴⁸ While it allowed me to come to my own conclusions regarding KFN’s actual legal obligations and those understood by KFN employees, it also illuminated the immense legal challenge these agreements and legislation present. As KFN employees must work with these complex documents regularly without necessarily having formal legal training, it can result in a lack of clarity surrounding KFN’s legal obligations, which can be made clear in many cases only by seeking legal counsel. This uncertainty of legal obligations places KFN into a space of legal precarity, in which they may make legal decisions without full comprehension of the nature of those obligations — or without easily transferrable comprehension of those obligations to new employees.

It took me a long time to understand what was occurring here. There was nothing in KFN’s Agreements which would legally require them to introduce lease-holding in order for Citizens to

⁴⁸ This included the Umbrella Final Agreement (1993), *Yukon First Nations Self-Government Act* (S.C. 1994), Kluane First Nation Final Agreement (2003), Kluane First Nation Self-Government Agreement (2003), and KFN’s *Lands and Natural Resources Act* (2012).

build cabins on Settlement Land. There was nothing I could find which clearly expressed a need for KFN's legislation to be "equal or superior" to Yukon's, either. However, the understandings that KFN employees expressed of Traditional Leases meeting an obligation to produce legislation that is "equal or superior" to Yukon's laws, seems to be because of a clause in both the *Yukon First Nations Self-Government Act (1994)*, and in KFN's Final and Self-Government Agreements (at 2.6.0). The Act indicates that Yukon's laws apply to First Nations, their Citizens, and their land (s.16), replaced only by legislation enacted by a First Nation which has a provision for the same matter (s.19 (1)).⁴⁹ In other words, a Yukon First Nation's legislation can only supersede Yukon's laws if that Yukon First Nation's laws include provisions for the same matters. The Act does not specify whether that legislation must be the exact same as Yukon's, or if it only needs to address the matters in some form. From my conversations with KFN employees, their understanding is that it must be the same (equal) or greater. My interpretation of that legal requirement is slightly different: that KFN's law must only address the contents of Yukon's laws in some form (meaning that KFN's legislation could say that a Yukon law does not apply), however that is not to say my interpretation is correct — the legislative requirements are not entirely clear.⁵⁰

If a Yukon First Nation does not have legislation with provisions for the same matters as Yukon Government, Yukon Government's law prevails (s.19 (3)). As well, if a Yukon First Nation's laws only partially address (and partially render inoperable or inapplicable) a matter in

⁴⁹ KFN employees interpret this requirement to include provisions for the same matters as being equal to — the exact same in their wording and what they entail, unless a First Nation wishes to expand upon them — as Yukon's laws. This is clear below in KFN's attempts to introduce a Wildlife Act. I do not see KFN's laws as needing to be "equal" per se, because though they must address the same matters in some form, the way those matters are addressed does not need to be the same as how Yukon Government addresses them.

⁵⁰ I spoke with a lawyer who currently works with modern land claims agreements throughout Canada, who did not provide full clarity on this answer, however provided context. They indicated that this need to "meet or beat" legislation is the situation in the Territories, as the Indigenous groups have a "delegated model of self-government" from the Territory. This contrasts with a province like British Columbia, in which a self-governing First Nation's laws would be concurrent with that of the province. This is because of the devolution (or lack thereof) of legal powers from the state.

Yukon Government's laws, the part of the Yukon law that is not addressed by the First Nation law remains in effect, unless Yukon Government orders that the Yukon law ceases to apply, which they are under no obligation to do. For First Nations enacting legislation, this means that if their laws do not fully address the same matters as Yukon's legislation, they could end up in messy, difficult, and uncertain situations regarding whose laws apply and how. This helps explain why KFN would want to (and may feel they have to) enact laws that are "equal or superior" to Yukon's. Without doing so, they become vulnerable to experiencing a number of uncertainties regarding whether their legislation has taken the jurisdictional precedence over from Yukon's.

Legislation-wise, KFN's *Lands and Natural Resources Act* (2012) takes over from Yukon's *Territorial Lands (Yukon) Act* (2003). With regards to Traditional Leases in particular, the Act provides legislation for authorizations to be made (i.e. leases) for the use of KFN Settlement Land — specifically sections including "Authorizing sale, lease, etc.", "Limitation on sale and lease", amongst others. Traditional Leases themselves are introduced through KFN's *Tenure Regulation* (2012), which specifies the types of "authorizations" for use of Settlement Land that KFN's *Lands and Natural Resources Act* (2012) enacts. As such, they do not actually form part of any legislation, meaning that they would not be necessary to be "equal or superior" to Yukon's laws. This implies that there are other reasons that KFN included Traditional Leases in the Regulation. These other reasons, how they enable KFN Citizens to use the land in traditional ways, will be the focus of Chapter 3. For now, it is important to note that the inclusion of "Authorizations" in the Act fulfills the legislative requirements KFN has with regards to meeting Yukon's legislation.

I include this analysis here not because it is necessarily important whether KFN employees' perception of their legal obligations to enact Traditional Leases is correct, but because of what the

journey to understand their legal obligations reveals. The legal obligations themselves are complicated and challenging to disentangle, creating a burden on KFN as a small First Nation frequently required to engage legislation. More than that, it results in situations of uncertainty, where KFN employees must make decisions without adequate legal knowledge. To capture the breadth of KFN's thinking on their legal obligations, it was also necessary to consider the implications of *not* having legislation which is equal or superior to Yukon's. In other words, it required considering the uncertainties which may arise, as well as the source of those uncertainties. As I worked to understand these uncertainties, I needed to study up to inquire into the source of uncertainty.

Certainty and Uncertainty

Certainty is important to this work, in part because of the visibility of uncertainty in my conversations during fieldwork. It was visible in every frustration I heard from KFN employees as they explained the challenges they faced in the implementation of their self-governance, and every incidence of Southern Tutchone Lhù'ààn Mân Kéyi peoples incensed by their challenges in pursuing activities they desire. More than providing clarity on who has rights and ownership to the land, uncertainty is a lingering companion for KFN employees and Citizens, with certainty continuing to be sought every day. Secondly, certainty is important to pay attention to because of what it provides in actuality for Canada and Indigenous nations, as well as the means by which Canada will endeavor to attain it. Much like the discussion of Traditional Leases above, this chapter highlights some of the persisting obstacles that a self-governing First Nation experiences post-settlement, and the unique ways in which Southern Tutchone Lhù'ààn Mân Kéyi peoples maneuver those obstacles. From these post-settlement snags, it becomes apparent that the certainty arena that Indigenous nations like KFN enter has not been set up to gain certainty for the

Indigenous nation — only for the Canadian state. But first, I must clarify what it means to gain and seek certainty for both parties.

What is Certainty and How is it Achieved?

In their discussion of the land which constitutes British Columbia, Pasternak and Dafnos claim that “BC is ‘ground zero’ for ‘uncertainty’ regarding Indigenous land interests in Canada because most of the province was never settled through historic treaty or surrender . . . These lands, including in BC, are subject to a federal land claims process, which prioritizes ‘certainty’ as its main policy objective” (2018: 742). Following the 1973 *Calder* decision, in which the Supreme Court of Canada first acknowledged, though did not define, the existence of Aboriginal title to land, the unceded lands in Canada were drawn into question (Dickson 2004: 423). While Aboriginal title was not granted in *Calder*, the doubt cast upon land that Canada thought was settled through proclaimed Crown title, caused uncertainties regarding title. To Canada, uncertain and undefined Aboriginal rights and title threatened both its own sovereignty, and its economic development through property and resources (Blackburn 2005: 587). Canada therefore sought to make Crown and Aboriginal title certain through a new “modern” treaty process (ibid). In 1974, Canada introduced a Comprehensive Claims Policy, which sought to “provide clear, certain, and long-lasting definitions of rights to lands and resources” through the negotiation of modern land claims (Indian and Northern Affairs Canada, as cited in Dickson 2004: 423).

Since *Calder*, certainty has consistently been a driver of federal policy, with resolution of Indigenous rights aimed at providing “greater certainty over rights to land and resources, therefore contributing to a positive investment climate and creating greater potential for economic development and growth” (Aboriginal Affairs and Northern Development 2010, as quoted in Mackey 2014: 236). Canada proudly identifies that the 25 signed land claims to date have provided

“certainty with respect to land rights in around 40% of Canada's land mass” (Crown-Indigenous Relations and Northern Affairs 2020). A statistic which can really be read as: Canada has affirmed Crown title and sovereignty to over 40% of previously uncertain and unceded land. Canada’s mandate to attain certainty of Indigenous rights and title through land claims is perhaps clearest in its constant appearance in land claims provisions themselves. Often referred to as the “certainty” provisions, all comprehensive land claims include either explicit clauses to “cede, release, and surrender” rights, title, and interests — for Yukon First Nations, this language is in section 2.5.0 “Certainty” of the Umbrella Final Agreement (1993), as well as each individual Final Agreement — or clauses which limit and restrict all present and future Indigenous authority to what is identified in their land claims agreement (Thom 2010: 43). Canada’s relentless desire to gain “certainty” has been considered assimilatory, aiming to disconnect Indigenous peoples from their lands by commodifying them (Union of British Columbia Indian Chiefs 1998); and restrictive, as it removes any future possibility for claiming rights and title to land (Thom 2010).

Much like BC, the Yukon was fully unceded to Canada, with Aboriginal rights and title to land recognized following the *Calder* decision. With the uncertainty this posed for Canada, Yukon First Nations including Kluane First Nation also engaged in this certainty-focused federal land claims process — the only process Canada would consider participating in with respect to Indigenous claims to rights and title. Their participation in the process led to the negotiation of the Umbrella Final Agreement (1993), as well as their individual Final and Self-Government Agreements. According to Pasternak and Dafnos (2018), as well as Canada themselves (INAC 2015, as cited in Morgan, Castleden, and Huu-ay-aht First Nations 2019: 1361), this process was intended to gain certainty for all parties.

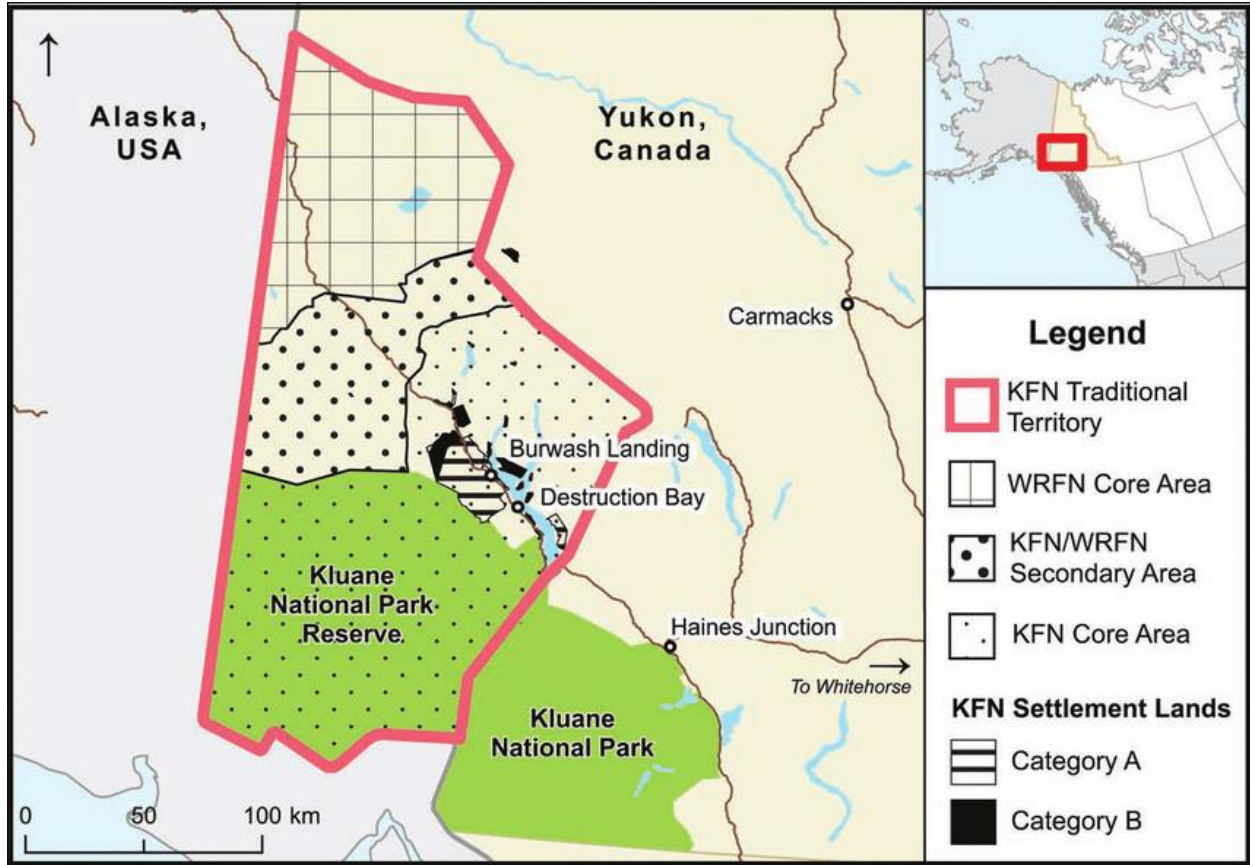
Canada's relentless desire to gain certainty through the negotiation and signing of land claims on unceded Indigenous lands is clear, and frequently addressed in academic literature (see, for instance, Dickson 2004; Mackey 2014; Alcantara and Davidson 2015; Pasternak and Dafnos 2018; and Morgan, Castleden, and Huu-ay-aht First Nations 2019). As identified by Pasternak and Dafnos (2018: 743), Canada must achieve certainty to reaffirm itself as the underlying and absolute sovereign. What is often neglected, however, is that Indigenous nations are also seeking certainty through the land claims process — albeit often for different purposes than Canada. *Together Today for Our Children Tomorrow* reads: “As times changed for the Indian people, our leaders began to realize that if we were to survive as a unique people, we must have our rights to the land — rights which had never been ceded to the Crown — formalized in law...” (1973: 6). Yukon First Nations' engagement in the land claims process was not because it was the only option, but because they recognized the certainty it would provide. Importantly, Indigenous nations do not sign land claims for the exact same reasons, nor is the certainty they seek necessarily the same. For the Nisga'a Nation, for instance, their Final Agreement is intended to provide them with certainty as to their “rights to self-government, law making authority and relations with federal and provincial regulations” (Szpak 2020: 82). While the intention of certainty is apparent, I ask, was certainty provided in actuality? At this point in the implementation of their Agreements, has KFN experienced certainty with respect to their rights, particularly those regarding law making and authority? The legislative uncertainty surrounding the enactment of Traditional Leases through the *Lands and Natural Resources Act* (2012) — whether or not it was an obligation and from where the obligation derived — would imply not. If not, what happens when rights and authorities become unclear? What happens when there is uncertainty?

Jurisdiction: How Does (Un)Certainty Manifest?

The development of legislation for lease-holding was not the only legislative challenge in which uncertainty made an appearance. Another area where uncertainty was viscerally felt by KFN was in their attempt to draft legislation for a Wildlife Act. As one KFN Citizen and former employee told me, “we [KFN] had so much trouble when we tried to do our Wildlife Act. It—because we don’t agree with a lot of stuff that’s in the [Yukon] Wildlife Act, and we didn’t agree that anybody should have the right to come and go through your freezer and take what they want and do all these different things... people were not happy with that, so we couldn’t enact the Wildlife Act the way we wanted.” This is a very clear instance of uncertainty regarding legislative requirements which restricts KFN’s ability to govern the way they want to. With KFN employees’ understandings that KFN’s legislation must be “equal or superior” to Yukon’s, KFN could not easily work around the Yukon *Wildlife Act* provisions they disagree with when drafting their own legislation. The uncertainty as to whether and how they can enact legislation that achieves their aims and desires positions them in the same place they were prior to signing, with no certainty that their authority will be recognized. The obligation for KFN’s legislation to include provisions for the same matters in existing Yukon legislation confines KFN’s legislative governance to the shape of Canada’s law. With the need to address the matters in Yukon’s legislation in some form for it to no longer apply, even if it is simply to indicate that those matters do not apply, that requirement inhibits KFN’s ability to make their dreams a reality. It degrades their autonomy to govern the way they want to, as “the way they want to” is caveated by a need to be compliant with Yukon’s existing laws and their structures.

KFN thus sought to enact a Trespassing Act when they could not enact a Wildlife Act, largely due to non-Indigenous peoples hunting on KFN Settlement Land without permission. When KFN passed the Act and sent it to Yukon Government, the same Citizen and former employee said, "...they wouldn't take it because they don't have one. And then that's when it came out that they had said to us that, 'you know, you guys can pass all the laws and acts and everything you want, but unless you have your own judge in your own courts and your own code of conduct and book and everything else of charges, you're not going anywhere...' And I— it's so hard to get the people here to understand why we can't enact these laws. It's— we'd have to draw down justice, and all of that and the cost that goes with it. It's just astronomical". It is not only that legislative requirements are unclear, or that KFN's laws must include provisions for the same matters as Yukon's, but that regardless of a Yukon First Nation's legislation, Yukon Government and Canada may decide not to enforce KFN's legislation on KFN's Settlement Land. It comes down to jurisdiction, the assumed "supremacy" of Canada's jurisdiction and authority, and the mobilization of jurisdictional overlaps to maintain settler control. It is not merely that the Agreements are complex rights-granting mechanisms, but that Canada's legal landscape is composed of overlapping and interwoven jurisdictional boundaries which, coupled with sovereignty, position the state as the underlying authority, and require each layer of jurisdiction to align in structure and content with each other overlapping jurisdiction — municipal, territorial, federal, or with other Indigenous nations.⁵¹

⁵¹ Kluane First Nation has 100% territorial overlap with White River First Nation (WRFN), as well as partial overlaps with Champagne and Aishihik First Nations, and Selkirk First Nation. It is not the intention or place of this thesis to comment on the frictions between KFN and WRFN, however I will identify that Canada's structure of the Final Agreements requires each First Nation with overlap to finalize an Agreement with Canada in order to obtain their full rights and abilities. For instance, as seen on Map 4, Kluane National Park and Kluane National Park Reserve are two separate areas, with the Kluane National Park portion becoming a National Park through CAFN's Final Agreement (Part 11 of Schedule 1 of the *Canada National Parks Act*, S.C. 2000 c. 32.), and the remaining "Reserve" within the KFN-WRFN overlap, being "an area proposed for a park [which] is subject to a claim in respect of aboriginal rights that has been accepted by the Government of Canada" (*Canada National Parks Act*, S.C.



Map 4: Cruickshank et al. (2019: 364) FIG. 1. Kluane First Nation traditional territory, showing Category A and B lands and the overlap with Kluane National Park and Reserve. KFN has exclusive jurisdiction in the KFN core area and shares jurisdiction with White River First Nation in the KFN/WRFN secondary area.

Jurisdiction

When I refer to jurisdiction, I utilize the framework laid out by Shiri Pasternak (2014; 2017), as well as Lisa Ford (2010), from whom Pasternak draws much of her inspiration. In her work with the Algonquins of Barriere Lake, Pasternak showcases how the Canadian state mobilizes its jurisdictional authority to render Algonquin legalities invisible and inferior to the Canadian state's. Conceptually, jurisdiction identifies the ongoing techniques of settler-colonialism pervasive through Canadian law, which works to erase Indigenous legal orders and

2000, c. 3, s. 4.). As identified in KFN's Final Agreement, the Tächal Region, synonymous with the Park Reserve, will be included within the boundaries of the National Park when (read: if) WRFN's Final Agreement comes into effect (2003, Schedule C, 3.1).

governing authority (2014; 2017). Pasternak's work focuses on an unceded Indigenous nation's enactment of legal authority on their land. Naturally, my work contends with similar issues of jurisdiction and the application of authority within a so-called sovereign state, albeit in a different way. Kluane First Nation has certain jurisdictional authorities over their Settlement Land granted via their land claims agreement, and they have ceded the remainder of their land, title, and many rights to Canada. This contrasts with the legal-political circumstances of the Algonquin, who maintain an unceded position with undefined rights. Still, jurisdiction remains imperative for analyzing the operationalization of authority (or inability to do so) within KFN's post-settlement realities. As such, I ask how the subordination of Indigenous jurisdiction to the state's affects the exercise of post-settlement jurisdictions. What was intended to be gained for KFN jurisdictionally in signing their Agreements, and what has been the actual result? What, if anything, happens to traditional Southern Tutchone Lhù'ààn Mân Kéyi jurisdictional authority?

For Pasternak, the objective of Canadian jurisdictional practices is to "perfect sovereignty". Despite the settler state's initial assertions, Canadian sovereignty and nation-building has never been perfected. This means that the places where Indigenous peoples maintain control over their jurisdictions are a direct threat to Canadian sovereignty, since Canadian sole authority cannot be imposed (Pasternak 2014: 149-50; 2017: 7, 12-14). For Canada to control Indigenous peoples and their territories, and reinforce the sovereignty they falsely assert, Canadian rule has to be presented as the sole authority (Pasternak 2017: 7). This hegemonic authority "presumes the forms that law will take" (ibid), and their enactment of jurisdictional authority in turn legitimizes their sovereignty and laws (15). Jurisdiction is considered the authority to "bring law into existence" (Dorsett and McVeigh 2012); it "is both a spatial and a legal concept: it is a claim to governance that refers to the legal relationship between a politically organized community and the space it inhabits"

(Pasternak 2014: 152). More than only the “where”, “who”, and “what” of governance, jurisdiction structures *how* people will be governed (Valverde 2009:144). The picture Canada paints of jurisdiction is not complete. Jurisdiction refers to multiple and overlapping legal systems that converge, but in certain circumstances are conflicting and imbalanced (Paternak 2017: 18). In the circumstances I discuss here, Indigenous legal systems and jurisdictional authorities can (and do) exist alongside Canada’s, even if they contradict Canada’s supposed sovereignty and legislation. Still, the issue remains that Canadian jurisdictional authority often takes precedence, and presumes the form that law will take — such as the “Authorizations” for use of land in KFN’s *Lands and Natural Resources Act*, enabling Traditional Leases, as well as KFN’s attempted Wildlife and Trespassing Acts.

In the instance above with the attempted Trespassing Act, Yukon Government’s message to KFN spoke to what Pasternak calls, the “authority to have authority”. KFN’s authority comes from their Agreement, and while they have the authority to enact legislation pertaining to their Settlement Land, unless they draw down the authority to enforce that legislation, *they have no authority to have authority*. More than that, they would need an entire justice system in place (not only policing) for Canada to recognize their authority to enforce their legislation — they could make arrests or lay charges, but the Yukon courts would still have jurisdiction to convict offenders. Even then, any legally recognized authority granted to KFN comes from the Canadian state as the “authorizing authority” (Thobani 2007: 64; 2012; Pasternak 2017: 12).⁵² For Yukon First Nations, the Settlement Legislation is what legitimizes their Settlement Agreements⁵³ — and requires recognition of Canada’s sovereign authority (Nadasdy 2017). The jurisdictional overlap is much more than a question of who has authority where, but who decides who is authorized to have

⁵² Pasternak also describes this as authority “within the framework of the state’s authority” (Pasternak: 2014: 146).

⁵³ As identified in 2.2.11 of Kluane First Nation’s Final Agreement (2003).

authority, what are the limits of that authority, what structure must that authority follow? These questions cannot be answered fully within this thesis, let alone this chapter, but I hope to illuminate some of the contradictions and overlaps occurring that hinder KFN's ability to govern. So as not to become too wrapped up in Canada's derision of sovereignty or ability to claim and exercise jurisdiction, in the next section I shift back to the consideration of certainty with respect to KFN's jurisdictional actions.

Tan Kwa Gà (Trails): It All Leads Here

One of the opening clauses in KFN's Self-Government Agreement (2003) states: "the Parties wish to achieve *certainty with respect to jurisdiction* over land and other resources within the Traditional Territory of Kluane First Nation" (emphasis added). While that clause clearly states that the Agreement seeks to achieve certainty of jurisdiction on KFN's land, it seems to have resulted in ample uncertainty. KFN's freedom to enact their own legislation is not certain, as it is undercut by the obligation to follow the structure of Canada's law. They have not been able to enact legislation like a Wildlife Act or Trespassing Act in the way they wanted despite having jurisdictional authority to do so. The complex legislative obligations that KFN must contend with place them in a zone of legal precarity and uncertainty, in which they do not know if their legislation will be accepted or enforced by Yukon Government. These uncertainties are the work of jurisdiction: the Canadian state's jurisdictional subsuming of KFN's authority within the folds of their own through their Agreements allows Canada to maintain control. Even if the Agreements supposedly signal the state's recognition of KFN's jurisdiction and authority over Settlement Land, they do not result in recognition or enforcement of it by state officers, or respect of that authority by non-KFN Citizens.

The interplay between certainty and jurisdiction culminates in KFN's Traditional Territory in numerous places. The inability for KFN to introduce a Wildlife Act or Trespassing Act, for instance, signals uncertainty in KFN's governance and jurisdictional abilities, as the Canadian state can decline proposed legislation if they do not agree with it, and they can simply not enforce legislation even if KFN does enact it. Both the reality of uncertainty, or a bureaucratic certainty, and the technique of jurisdiction which renders KFN's authority ineffective or inoperable, are evident in the introduction and implementation of Traditional Leases as well. While their use and management of the land was intended to be certain under the land claim, the legal requirements to enable Citizens to construct cabins on Settlement Land was uncertain and unclear. This resulted in KFN utilizing all of the legal tools at their disposal — the *Act* and *Regulation* — to ensure they were not at legal risk. And still, the Canadian state's hegemonic jurisdiction required that KFN's *Lands and Natural Resources Act* matched or surpassed Yukon Government's law. Though Traditional Leases are in many ways a successful example of KFN's ability to enact legislation, they reveal spaces where KFN is utilizing Canada's legislative framework as their only available tool to maintain what is important to them: using the land in traditional ways, to build cabins and continue to travel seasonally. Spaces in which KFN is increasing their certainty, if only marginally.

KFN's *Lands and Natural Resources Act* came into force in 2012, outlining legal authorizations — such as land leases — to use KFN Settlement Land. Prior to this point, KFN Citizens had continued to build cabins in their Traditional Territory at will following the signing of their Final and Self-Government Agreements in 2003. While developing their legislation, KFN Government asked its Citizens not to build any cabins until the land legislation and subsequent regulations and management system were in place. This was, in part, to clear up remaining legal uncertainties KFN had with regards to its legislative obligations, as well as to ensure that all

Citizens had equitable access to use their communal land in traditional ways. From what I gathered, Citizens were frustrated with this temporary restriction. A decade in to the coming into force of the Act, some Citizens still remain frustrated with the structure of Traditional Leases. As one KFN Citizen said, “[t]hey [Citizens] didn’t think that we were gonna sign land claims to have all these laws and rules and regulations, but you have to, otherwise...” They trailed off here, leaving the “otherwise” up for interpretation. A former KFN employee, when discussing the importance of enacting the Act, told me that part of the urgency for introducing their own legislation was that Yukon’s laws were not strong enough to protect KFN’s lands in the way they wanted — particularly with shifting government parties and their differing priorities, sometimes pro-development and pro-resource extraction. Though it was never verbalized, this forms part of the “otherwise” that I take the KFN Citizen’s silence to have meant. If KFN does not enact their own legislation, Kluane First Nation, their Citizens, and their land remains subject to Yukon’s law, and all of the Euro-Western implications it entails. KFN did not introduce this type of lease holding to micromanage their Citizens and their use of the land, but to protect a Southern Tutchone Lhù’àn Mân Kéyi traditional practice by enshrining it in Euro-Western law.

Even so, the legislative protection of this use of the land does not negate the weight KFN Citizens feel of what I referred to in the introduction of this chapter as a “bureaucratic certainty”. A certainty which can only be achieved following a number of arduous bureaucratic processes, “drawing down” of authority, and meeting countless other requirements. Much of this bureaucracy is felt heavily by Citizens, who must fulfill bureaucratic requirements to achieve what they thought was certain to them. For instance, until they were forced to settle in Burwash, Southern Tutchone Lhù’àn Mân Kéyi peoples’ livelihoods had always been based around building campsites and cabins throughout their Traditional Territory without needing authorization from any government

best path forward, but this bureaucratic burden is new and cumbersome. For one Citizen, as it may be for many others, the process to gain authorization it is not worth the hassle.

This bureaucratic certainty is also felt by KFN, for whom it appears the state has intentionally drowned them with bureaucratic work necessary to attain what should have been certain to them. When they do enact legislation, KFN remains in a place of legal precarity, with the obligation to ensure their legislation covers all of the matters in Yukon's legislation presenting an immense challenge. Without KFN's legislation on authorizations to use the land (the *Lands and Natural Resources Act*), and subsequent regulations outlining Traditional Leases, any cabins, campsites, or other structures would be under the jurisdiction of Yukon's law. Even if these sites would not need a lease from Yukon Government, as KFN Citizens have the right to use Category A and B Settlement Land in traditional ways, it would mean that cabins are subject to the *Territorial Lands (Yukon) Act* (2003) and all it entails. As was explained in an interview, this would mean that Citizens would have to pay property taxes to Yukon Government. If KFN government employees drafting legislation are uncertain regarding Canada's complex legislative requirements, they are at risk of not fully covering the same matters in existing Yukon legislation, in which case Yukon's laws prevail. Bureaucratic certainty, in which certainty is only gained following the completion of numerous bureaucratic activities, is a technique of jurisdiction. Similar to the numerous entities in Barriere Lake working to erode Algonquin legal authority in favour of state jurisdiction (Pasternak 2017), KFN's Agreements necessitating their bureaucratic actions to gain certainty over governance abilities is a strategy used by the Canadian state to enforce its jurisdictional authority.

Traditional Leases are both a fulfillment of legal obligations to cover the matters in Yukon's legislation, and a protection of KFN Citizens' traditional use of the land within the state's

legal framework. Yet they are also at risk of not rendering Yukon's laws inoperable, and the authority to enforce them rests with Yukon. They are required by and beholden to the state's jurisdiction: KFN needed to enact land legislation to have authority, and they are still reliant on Yukon to ensure that authority is recognized, through enforcement. These sites where we can see the uncertainty of certainty and the bureaucratic nature of certainty are important. Not only do they showcase Canada's goal to achieve certainty working to its advantage and KFN's disadvantage, they belie the continued techniques the state uses to gain and maintain control of space (state territoriality), as will be discussed in Chapter 3.

Crucially, however, KFN is not merely damaged by this jurisdictional subordination and lack of certainty. Though they have settled their land rights and title, and their state-recognized jurisdiction lies within the framework of the Canadian state's, their previously undefined jurisdiction on ceded land has not been "terminated" (Pasternak 2017: 16). Any "termination" of those jurisdictions is only considered as such by the Canadian state. Much like unceded Indigenous nations, settled Indigenous nations maintain their undefined jurisdiction of even legally ceded lands by enacting authority over them which is not recognized by the state. As a reminder, prior to its ties with sovereignty, jurisdiction referred to having authority over people in specific places (Pasternak 2014: 149-50). Lhù'ààn Mân Kéyi peoples' continued clan structures and legal systems (CYFN 2011: 5) remain the governing authority over their use of land, regardless of the Canadian state's recognition or approval of that authority — they have always had jurisdiction, and continue to exercise that jurisdiction. I will not disclose intimate details of Southern Tutchone Lhù'ààn Mân Kéyi laws and authority (which is different than the state-recognized KFN government authority), as it is not my place to do so. However, one instance of that authority can be seen in the enduring respect that STLTK peoples expressed they have for clan structures and families' historical land

use. The structure of respect and permissions remains even informally, if not through any authority granted to KFN by the Canadian state.

In Kluane First Nation Elder Alyce Johnson's PhD dissertation, she includes a description that Elder Joe Johnson provided of how to locate a cabin in Lhù'ààn Mân Kéyi, to illustrate that the Southern Tutchone language spatially narrates place. He said, "Adlazhän de ya je. *You explain the land, the trail is just [a faint] impression. It's so long ago. If you don't know what you're looking for, you're lost*" (Johnson year: 198, emphasis added). Though Joe Johnson is speaking of a trail on the physical landscape, I see Southern Tutchone Lhù'ààn Mân Kéyi peoples' ongoing jurisdictional legal authority as very similar: if the Canadian state does not know what it is looking for, it is lost. Canada does not perceive STLTK authority as legitimate jurisdiction, as it often falls outside the scope of Euro-Western property-based jurisdiction. The Canadian state would not even begin to know what STLTK authority on the land looks like — the state does not see, nor try to see the physical or legal trails that STLTK peoples are still mapping on their land.

I interpret KFN's legislative efforts to protect Southern Tutchone Lhù'ààn Mân Kéyi peoples and land in the language of the state's authority as a participation in the state's jurisdiction to protect ongoing Indigenous jurisdictions. It is the manifestation of their intense dreaming and theorizing to work around the settler-state's "neat little boxes" (Million 2011: 315) that Indigenous jurisdictions do not fit within. The achievement of certainty of KFN's jurisdictional authority through the signing of their Agreements, and the ongoing struggle to attain that certainty and operationalize authority, serve to mask the flourishing of STLTK authority and jurisdiction which has never been extinguished or terminated. KFN seeks to legally protect their Citizens and the political-legal actions they continue to make, so that the Canadian state may not ever be able to find the trail.

Creating and Dreaming Desired Futures

As stated from the outset, the intentions of this chapter are not to be over-determining in any way regarding KFN's future and their abilities to create that future. Nor is the intention to provide a legal opinion of KFN's jurisdictional, legislative, and authoritative abilities — I do not have a legal background, and my interpretation of legal obligations is incomplete and imperfect. This chapter studied with KFN to present the many ways that Canada's guarantees to Indigenous nations like KFN are not as clear-cut as they seem. Within those uncertain spaces, I see KFN's actions similarly to how anthropologist Joseph Weiss describes Haida peoples of Old Masset in British Columbia, as negotiating "the complexities and ambiguities of the present through producing . . . possible futures" (2018: 7). Possible futures which arise through dreaming with past and present relations without the "boundaries of linear time" (Million 2011: 315). KFN persists through the many uncertainties which remain after signing their Agreements by creating and enacting desired futures which the settler-state's jurisdiction seeks to restrict. They continue to resist Canada's techniques of control like jurisdiction which become visible when analyzing those uncertainties. Importantly, they do so through ongoing traditional legal jurisdictions and authorities which, like Haida actions, have "not always been legible (or legitimate) in the eyes of the colonial administration" (Weiss 13). Much like the Haida Nation, KFN is not "disappearing" into the folds of Canadian settler society, as appears to be Canada's intention in jurisdictionally subsuming KFN's authority within their own. They are "actively engaged in the process of imagining, negotiating, and constituting these possible futures" for themselves (14), within and outside of their Agreements.

In order to do so, there are approaches they have taken throughout the life of their land claim to increase their certainty, as well as to find creative solutions to the uncertainty that they

experience nonetheless. One pertinent example of this is the action that seven Yukon First Nations, including KFN, took in 2012 to petition Yukon Government to add a new land designation to their land registry. After experiencing challenges with mortgage lenders not trusting their authority and financial stability, these Nations decided to register their land with Yukon Government's Land Titles Office to provide necessary financial guarantee to lenders. With the land registry's limited land designations, however, this meant that Nations' registered lands would revert to fee simple, and they would lose their surface and subsurface rights. In response, Yukon Government amended the *Land Titles Act* in 2015, to allow self-governing First Nations to register Settlement Land without losing rights and title (Section 67). There are numerous instances like this, in which KFN is working through the state's legal tools — individually or alongside other Yukon First Nations — to create their desired futures. As one KFN Citizen, government employee, and youth, said, “I like to, like, be a dreamer and say: ‘okay, well, what can we do to—to find these [implementation] successes, and how do we put these measures in place to support success?’” As seen with their introduction of Traditional Leases, KFN is committed to achieving what is important and meaningful to the people they represent, and protecting their land and its inhabitants. This, the enactment of what KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples value, is the object of the final chapter.

Chapter 3: The Value of Lhù'ààn Mân Kéyi

“But the government divided the land into little plots, each with a small house and perhaps a cow, some seed and a plow. It was wrong from the very beginning. In the first place, the Indian did not believe the land could be ‘owned.’ The white man had it all backwards. The people belonged to the Mother Earth, not the other way around. In the second place, whereas the accumulation of land and the increase of a herd of cattle were a matter of pride to the white man—the signs of his success, the Indian viewed the whole procedure as contemptible. Neither race understood the values of the other.”

Janette K. Murray (1974: 69)

Throughout fieldwork, I continuously sought an understanding of why KFN introduced Traditional Leases — legal obligations aside, what motivated their creation? The reason was found in the vision statement of KFN’s Land Use Plan, the guiding principles of their *Lands and Natural Resources Act* (2012), and most importantly, in nearly every interview I had with KFN Citizens and government employees: using the land in traditional ways is important to KFN government and Citizens, and Traditional Leases ensure every Citizen has the same, equitable access and ability to do so. Building cabins and using the land traditionally is how KFN is enacting their desire to use the land meaningfully; it is what they value.⁵⁴ In the above quote, Janette Murray indicates that settler governments sought to impose their ideas of private property value on Indigenous peoples, with neither group understanding one another’s values (1974).⁵⁵ Recognizing these differences, I

⁵⁴ As identified in the previous chapter, there are other legal implications which form part of the reason KFN created Traditional Leases. It ensures that their legislation is “equal *and* superior” to Yukon Government’s, and protects their Citizens’ cabins jurisdictionally. My point here is that the ultimate motive behind them is value.

⁵⁵ The occurrence described is one repeated many times throughout the colonization of the Americas (i.e. the prairies in Canada). Interestingly, the quote comes from Murray’s dissertation on the life and works of Dakota anthropologist Ella Deloria, aunt of the well-renowned scholar and activist, Vine Deloria Jr., both of whom published several works voicing and fighting for the values of the Dakota and Indigenous peoples more broadly.

ask, what occurs when KFN's values conflict with the values of the settler state? What impact does the lingering history of replacing Indigenous stewardship and property norms with colonial private property regimes have on land claims negotiations, and the subsequent implementation of agreements? How does KFN enact their conceptions of what is meaningful, while beholden to a state who does not share those conceptions, and considers themselves the sovereign of all the land comprising so-called Canada?

As I will show throughout this chapter, KFN's value of the land is not always aligned with Canada's — this is evident in negotiations discussions, land management situations, and ongoing implementation activities. This chapter applies an anthropological theory of value to KFN's and Southern Tutchone Lhù'ààn Mân Kéyi peoples' actions and conversations with me regarding the enactment of their value, and Canada and KFN's interactions regarding land's value. I will review value's conceptual history in anthropological literature, outline Canada's historical interpretation and legal doctrines dictating their perspective on land's value, discuss KFN and STLTK peoples' conceptions and enactment of land's value, and outline state-KFN entanglements in situations involving land's value. I argue that KFN's actions to implement their Agreements serve to enable what is meaningful and important to STLTK peoples, specifically the land and its values, even when those values are not understood or respected by the Canadian state. This is done within, through, and outside of Euro-Western conceptions of land's value, in which land is perceived only to have value which is economic-, resource-, or conservation-based.

Decoloniality

Showcasing KFN's enactment of their value requires engaging decoloniality, as I seek to render visible “radically different perspectives and positionalities that displace Euro-Western rationality as the only framework and possibility of existence, analysis and thought” (Mignolo and

Walsh 2018: 17). To ensure that my utilization of decoloniality is not misunderstood, I first distinguish it from the often-used “decolonization” concept. The latter cannot adequately contend with the existences and political alternatives discussed here. Decolonization emerged from struggles during the Cold War to gain independence from colonizing states in the form of nation-states, particularly in Africa and Asia (Mignolo and Walsh 2018: 120) — struggles articulated in the language of capitalist and modernist thought (112). Recognizing the need to de-link from the logic of coloniality that Aníbal Quijano outlines, the term “decolonization” remains too embedded in modernity, coloniality, and Euro-Western thought to accomplish this (ibid). This is evident in the academy as well, as the concept of decolonization emerged from a Euro-Western and critical studies paradigm (Kovach 2010: 127). As Tuck and Yang argue, “decolonization” and its discourse have become a metaphor; a supposed attempt to achieve “reconciliation” in the academy, only serving to relieve settler feelings of complicity in coloniality, and maintain settler futurity (2012: 3-4). Moreover, decolonization discourse allows only partial and “permissible” forms of Indigenous inclusion in order to maintain settler power (Almeida and Kumalo 2018: 14). As Betasamosake Simpson claims, academic areas of decolonization “remain a colonizing force upholding the values of heteropatriarchy, settler colonialism and capitalism” (2014: 13 n. 29).

With its roots in coloniality,⁵⁶ a concept which emerged in the Global South in response to local needs, intended to “reveal a hidden [darker] side of history in which the social sciences themselves were and are still implicated” (Mignolo and Walsh 2018: 112), decoloniality is better equipped to study up while displacing Euro-Western thought’s claims of universality.

⁵⁶ Notably, ‘coloniality’ is “not reducible to a concept that could be applied or an entity that could be studied in the existing social sciences or humanities to investigate certain historical facts or issues. Coloniality it is not ‘applicable,’ but rather, always *already calls for* decolonial thinking and forgoes the disciplinary regulations of social sciences or humanities thinking... It means to change the terms (assumptions, principles, rules) of the conversation and to dispense with the disciplines, rather than updating the disciplines by ‘including’ coloniality” (Mignolo and Walsh 2018: 113, emphasis in original).

Decoloniality is the praxis of untethering from the logic underlying the techniques of colonial and imperial expansion (118), seeking epistemic reconstitution (112). Decoloniality illuminates and disrupts the “modern/colonial matrix of power”, suggesting a political otherwise outside of the ongoing colonial condition (56, n. 63). It aligns with Tuck and Yang’s call to unsettle “decolonization” and repatriate Indigenous land, while also opening up possibilities for a political otherwise — for Indigenous sovereignties and lives to disrupt coloniality and Euro-Western thought, and epistemically reconstitute what forms of political existence are considered valid.

As such, I would not propose that KFN’s actions or this thesis are aimed merely at “decolonization”, nor is the decolonization sought during the Cold War even a possibility for settler-states for whom the colonizer has no intention to leave. Much more than seeking liberation to form their own nation-state in the likeness of the settler-state of Canada, KFN and Southern Tutchone Lhù’àn Mân Kéyi peoples enact their own political desires within and outside of Western-prescribed statehood. Though scholars have identified that KFN’s current governance structure was shaped in the likeness of the Canadian state (Nadasdy 2017), their actions and governance decisions disrupt that image of likeness. As such, in alignment with KFN’s actions, and to use adequate, non-colonial theory, I opt for the term “decoloniality”, a term based on lived experiences in South America which pushed the concept to liberation “beyond state designs, and corporate and financial desires” (Mignolo and Walsh 2018: 125). At the core of that liberation, and KFN’s political actions, is the enactment of what STLMK peoples find important and meaningful; their value of Lhù’àn Mân Kéyi.

The Concept of Value: Anthropological Theory

I find an anthropological theory of value important for several reasons. First, it allows me to avoid damage-focused research (Tuck 2009: 416-417) and examine instead what Southern

Tutchone Lhù'ààn Mân Kéyi peoples find meaningful, interesting, and important about their land and its management. Second, it provides room to showcase how KFN fights for what they value within a “sovereign-state” which does not recognize that value. This focus on value and meaning allows for both the emphasis on complex Indigenous lived experiences and the critique of Canada and Euro-Western legal and property systems, without framing KFN as solely a community damaged by ongoing settler-colonialism and governmentality — which, of course, they are not. Finally, it recognises that in some ways, “both economic and political struggles are, always, ultimately, struggles over the nature of value” (Graeber 2014: 1). The uncertainties that KFN experiences with regards to legislation, jurisdiction, and enforcement, and the ways they work to gain certainty are, “struggles over the nature of ‘value’” (ibid).

Conceptually, value has had an intermittent and largely underdefined history in anthropological theory, with long periods of being forgotten and resurfacing. As the late David Graeber explains, “value” is often considered to have three different meanings: political economic value, sociological values, and linguistic value (2001: 1-2). Value has been taken up in all three ways by anthropologists. Those who position it as economic value (i.e. Boas 1897; Malinowski 1922; Mauss 1965) often measure value as how much an object is desired by those they study, based on what they will give up to obtain it (Graeber 2001: 1). By socio-cultural anthropologists, it is often conceived as sociological values that people seek to achieve, like honour, purity, and prestige (i.e. Kluckhohn 1951; Dumont 1986). Finally, it is positioned as linguistic value, with words only having value when contrasted with one another (de Saussure 1966; Evans-Pritchard 1940). The theoretical challenge has been combining these three seemingly distinct meanings into one cohesive and applicable theory.⁵⁷

⁵⁷ Some anthropological attempts include Clyde Kluckhohn’s “value project” in the 1950s, which conceptualized values as “conceptions of the desirable” (Kluckhohn 1951: 395; Graeber 2005: 453), and Dumont’s conception of

In his 2001 book, Graeber himself proposes value as the importance of actions, largely based on anthropologist Terence Turner's (1978; 1979) interpretations of Marx's works. Graeber identifies that many academics misconstrue Marx's labour theory of value as a theory of prices — of the worth of a commodity reflected by its monetary cost (2001: 55). What Marx intended, Graeber claims, was a theory of importance, with the actions people take or the way they use their time and “creative energies”⁵⁸ indicating the importance or value of that thing to them (ibid). Value, then, is “the way people represent the importance of their own actions to themselves: normally, as reflected in one or another socially recognized form” (47). It can still be true that in the capitalist system money has value, however Graeber notes that money not only *has* value, but *is* a value that some seek (2001: 66). It is not only the means to an end, but an end in itself. This is important for KFN in land management situations with the Canadian state, as their actions indicate that land is merely the means to an end for Canada, while it is the value in itself for KFN. Importantly, Graeber's analysis of Marx through Turner is symbolic, looking “at ‘value’ as a way people's own actions become meaningful to them, how they take on importance by becoming incorporated into some larger system of meaning” (2005: 453). I apply Graeber and Turner's works to my understandings of how KFN's actions represent or become embedded in their value, especially in situations of political struggle.

Turner focuses on the politics of value, arguing that political struggles are always centred on defining value, and how different values dominate or relate to one another (1978; 1979). As Graeber claims, “the freedom to decide (collectively or individually) what it is that makes life worth living” is the ultimate political freedom (2001: 88), meaning that “[i]n the end, political

values as binary oppositions (i.e. love/hate, pure/impure) hierarchized based on intrinsic superiority which are embedded in cultural structures in “holistic”/“non-modern” societies (2013 [1980]: 294; 1986: 240).

⁵⁸ Graeber uses “creative energies” or “creative actions” or “creative activity” to mean those actions people take shape the world around them — in other words, their labour (2013: 223).

struggle is and must always be about the meaning of life” (2013: 228). Seneca scholar Mishuana Goeman recognizes that land, Indigenous relationships to land, and meaning-making on the land are at the forefront of Indigenous political struggles (2015: 71).⁵⁹ Land, then, is the meaning of life at the heart of Indigenous political struggles. Indigenous efforts are made to gain the freedom to decide and define what is meaningful about their land and relationships to it.

Importantly, I do not delve into Marx’s arguments here — I identify his theoretical work to indicate how Graeber arrives at value as the importance of actions, but I do not draw from his work directly. As well, I do not position this as a discussion of value versus values: of economic value versus values as conceptions of what is desirable, such as beauty or honour (Dumont 1986). I do not see value and values as being incommensurable, and much like Graeber and Turner, I intend to speak of value as one comprehensive theory in which each conception of value can be considered on the same plane. While I point to the distinct actions which illuminate KFN’s or the Canadian state’s respective values of the land, and note specifically how their actions showcase different values, I do not do this because I inherently believe that different groups always have wholly distinct values, as cultural relativists would. This is not, nor ever has been, a project of assessing, documenting, classifying, or hierarchizing KFN’s culture as represented by their values — they are certainly not a bounded or unchanging society lost to the distant past. Nor is it my intention to say that KFN’s value is more or less meaningful than the settler-state’s.

On the contrary, I use value as a concept to illustrate how the enshrinement of the Canadian-state’s value of the land as property or preservation in Canadian law results in the denial

⁵⁹ Goeman argues for a conceptualization of land that is ‘anticolonial’ and true to Indigenous storied relations with a dynamic land that shape their lives, political organization, and movements (2015: 74). Instead of conceptualizing land here, I find the interplay of how land takes on meaning based on KFN’s and Canada’s actions to be much more fruitful for the recognition of how that comes into play in the enactment of KFN’s land claim which does not recognize land’s value as KFN does. More than only the recognition of the importance of Indigenous meaning-making practices with the land, it provides space for the political actions KFN takes to allow that value to be protected and thrive.

of KFN's value, even when KFN uses the state's legal tools to enact their own legislation reflective of their values. I use value to highlight how KFN and the settler-state's different ways of meaning-making, and different relationships to the land, impact KFN's ability to govern how they want to. I use it, as well, to display the ways in which KFN enacts that which they value anyway: a flourishing and growth very much in the present and future. While I assign values of economic or conservationist to the Canadian state, and values of spending time on and using the land in ways they find important with KFN and its Citizens, neither entity is that bounded or simple. Both are complex, undoubtedly with various land-values held by individuals within either entity. On a politico-legal level, these assignments represent what each entity is doing, via their actions legally, politically, and in practice.

I propose value as the way that an individual's or group's actions become important to themselves to showcase: a) how KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples expressed what they found meaningful, and how their actions taken in respect of the land in Lhù'ààn Mân Kéyi reflect that value; b) how the Canadian state's actions from initial settlement to the present day similarly indicate their economic and property-centered values of land; and c) how these values conflict in areas of jurisdictional overlap, showcasing the ongoing political struggles that KFN is engaged in, for their conception of the meaning of life to be enacted and respected on their land. It is not my intention to make judgments regarding the values that KFN and the Canadian state fight for, but to illuminate what remains unsettled and uncertain, and the ongoing state and STLMK efforts to control land.

Value and Indigenous Peoples

When land's value to Indigenous peoples is discussed in academia, it is often glossed as “cultural value” (see, for instance, Miller, Tait and Saunders 2015).⁶⁰ This framing distances Indigenous material and immaterial relations, histories, and lived experiences from conceptions of value, by placing them in a category historically used in academia (and anthropology in particular) to diminish and depict Indigenous nations as inferior, “primitive”, and lacking “civilization”. In these framings, Indigenous valuations of land are reduced to “cultural ties” and “cultural obligations” which should be given consideration in situations of resource extraction (Legg et al. 2020: 1). This aligns with Dumont's problematic work, which views “non-modern” social groups — the traditional focus of anthropology — as having *values* embedded in cultural structures, and “modern” capitalist societies in which the individual is the highest value (Dumont 2013 [1980]: 289, 294; Graeber 2001: 18). For instance, in his lecture, “On Value, Modern and Nonmodern,” Dumont argues for a “theory of exchange” (1986: 257) able to contend with “traditional moneys” such as shells used in tribal societies. In doing so, he reduces Melanesian currencies like shells to *values* (i.e. wealth, power, etc.), in contrast to “modern” money which is a singular *value* (258).

While some of this work may be well-intended (i.e. proposing equal consideration of Indigenous “cultural values” to “economic value”), the terminology problematically reinscribes the culture concept.⁶¹ Indigenous decision-making and valuation become associated with only culture, while government and corporation decisions are associated with an array of valuations, including economic, cultural, and conservationist. These framings become ubiquitous in

⁶⁰ This framing of “cultural values” is particularly prevalent in geography, hydrology, and ecological economics literature, in Australia and New Zealand, most often with a specific focus on water (Jackson 2006; Legg et al. 2020; Maxwell et al. 2018; Mooney and Tan 2012). The term is frequently used uncritically, in reference to “trade-offs” and the “opportunity cost of resource extraction” (Legg et al. 2020: 1).

⁶¹ For an in-depth analysis of the culture concept in anthropology, see Ortner 1984; 2016, and Clifford and Marcus 1986.

expressing Indigenous struggles for land, particularly by Indigenous groups themselves, who know that framing their value as cultural or spiritual value is a strategy for it to be heard by the state.⁶² This, of course, neglects the reality that when Indigenous peoples fight for land — whether it be for restitution, protection, conservation, authority, autonomy, governance, or decision-making capabilities — they are also considering a variety of values, including economic values. Representing Indigenous values as being limited to “cultural values” is a fundamental misrepresentation of the plurality of Indigenous actions and decisions. It reduces the complexity of Indigenous lives and experiences to be synonymous only with “cultural values”.⁶³ This runs the risk of associating anything Indigenous peoples find valuable, meaningful, and important with “culture”. Contrary to these framings, it is possible to analyze differences in Indigenous values and Euro-Western state and corporate values, without reducing them to culture, something I intend to do below.

Negotiating Rights and Title: The Value of Land

Prior to negotiations, in the now-historic document, *Together Today for Our Children Tomorrow*, the Council for Yukon Indians speaks plainly to the conflicting Indigenous and settler conceptions of land’s value: “Some Whitemen complain that we don’t want to stay in one place — on one small piece of land. This is because it is against our whole way of life. We are trying to

⁶² For instance, the Ktunaxa Nation in British Columbia has been fighting against a ski resort’s development in the Jumbo Valley since the 1990s. Most recently, Ktunaxa appealed a case with the Supreme Court to protect the mountain, as it is home to the Grizzly Bear Spirit (Hickling 2020: 195-196). The case, which would have interpreted section 2(a) of the *Canadian Charter of Rights and Freedoms* to grant Indigenous land-based spiritual beliefs the same protections as other religious beliefs, was dismissed in 2017 (ibid). It nonetheless showcases how Indigenous peoples must translate their struggles for land into a Euro-Western language of “cultural value” or “religious value” to attain what is important to them.

⁶³ Troublingly, the display and possession of “cultural values” are also markers used by colonizers and anthropologists to determine the authenticity of Indigenous peoples (Tuhiwai Smith 2021: 140). While I do not delve into authenticity and its problematic nature in this work, I think it is worth highlighting that the same tools used to categorize and denote inferiority cannot also be those used to argue for the visibility and importance of Indigenous peoples’ values — “cultural values” are entwined with hegemonic and colonial knowledge.

learn your way but being squeezed in by neighbours, White or Indian — separates us from open land. We have a home for each season and cannot spend twelve months in one place. We have never considered that we ‘own’ a piece of land, but all lands were ‘tribal’ lands. We only ‘use’ it” (CYI 1973: 13). Upon entering negotiations with Canada, Yukon First Nations (YFNs) recognized that their use of the land was not aligned with how settlers conceived it should be. And yet it is similarly apparent that First Nations were prepared to fight for their historical land use patterns, including mobility, to be respected and allowed through land claims agreements. Though it is framed as land use versus ownership, this is a struggle over the nature of land’s value, with the hegemonic settler-colonial way of life disallowing and disrupting that value. The path to achieve respect and allowance of their values has not been smooth, with challenges persisting throughout negotiations, land selections (discussed below), and beyond, with YFNs presently required to find avenues to realize their values within the confines of their Agreements. With the consistent messaging to Indigenous peoples that the enclosure of land, creation of property, and extraction of resources reflect land’s value, it becomes imperative to question where these notions originated.

Since England’s initial colonial settlement, occupation, and ownership of land in North America, Indigenous uses and value of the land were considered inferior to those of the English. Turner et al. (2020:14) claim that current legal precedents regarding Indigenous property ownership and rights in part trace back to John Winthrop, who in 1629 established the doctrine of *vacuum domicilium*,⁶⁴ based on the (fictional) belief that “Indigenous peoples had failed to subdue

⁶⁴ For clarity, I use the concepts of *vacuum domicilium* and *terra nullius* with the recognition that they do not fully describe the events and policies involved in England’s colonization of North America. These terms are widely and often uncritically used in academia and law itself (for instance, the “cornerstone” case *Johnson v M’Intosh* (1823)) to claim that European colonizers have always and consistently used the ideas of empty or undeveloped land to justify both a lack of Indigenous property ownership and rights, and the colonial settlement and claims to sovereignty that ensued (Banner 2005: 10-12). This is not fully incorrect, of course, but it does gloss over much of the more complicated and nuanced history of colonization, which initially recognized Indigenous ownership of land and that it must be purchased by Europeans (12). While this may be true, the European colonizer was the only one who had the right or ability to purchase land from Indigenous inhabitants (also known as pre-emption), as the

the land *meaningfully* through such mechanisms as intensive agriculture” (emphasis added).

Winthrop’s exact wording, courtesy of Alden Vaughan (1965: 110), was as follows:

As for the Natives in New England, they inclose noe Land, neither have any settled habytation, nor any tame Cattle to improve the Land by, and soe have noe other but a Naturall Right to those Countries, soe as if we leave them sufficient for their use, we may lawfully take the rest, there being more than enough for them and us.

While Winthrop does not assign the word “meaningful” to his assertions as Turner et al. do, his intention is nonetheless apparent: Indigenous peoples in North America had not used the land in any way that reflected its value to Britain — they had not enclosed it with borders and individual property, made permanent individual settlements and dwellings, or engaged in animal husbandry.⁶⁵

What is most crucial from Winthrop’s statement, which is not the only or first of its kind, is that it not only solidified historical memory of settler righteousness in displacing Indigenous peoples, but also solidified Euro-Western legal traditions which would later form Canada’s Constitution and laws, which comprise its understanding of land’s value.

A pertinent case in point, is the *Johnson v M’Intosh* (1823) case, in which US Supreme Court Chief Justice Marshall (discriminatorily) found that “[b]ecause the English had not treated the Indians as property owners,” neither must the US (Banner 2005: 11).⁶⁶ According to John

internationally accepted Doctrine of Discovery stipulated that the European colonizer who “discovered” the land immediately gained full property and sovereign rights, while Indigenous inhabitants only maintained use and occupancy rights (Miller et al. 2010: 6-8). What are presently referred to as *terra nullius* and *vacuum domicilium* were also specific to England’s use and interpretation of the Discovery Doctrine (21). See also Drake 2013, 2018; and Watson 2006.

⁶⁵ Crucially, Turner et al. (2020) indicate that this is not true. Often dubbed the “myth of emptiness” or “pristine myth” (15), both *terra nullius* and the doctrine of *vacuum domicilium* were a “colonizer’s fiction” (14). Contrary to these colonial myths, “the civilizations of North America did have traditions of clearing the land, planting large agricultural fields, and constructing villages of impressive scale, even by the standards of preindustrial Europe” (14). See William Denevan’s 1992 article, “The Pristine Myth: The Landscape of the Americas in 1492” for a more thorough historical account.

⁶⁶ Notably, in Judge Marshall’s series of three cases, often referred to as the Marshall Trilogy, Marshall went back on some of his articulations regarding tribal sovereignty in the third case, *Samuel S. Worcester v. State of Georgia* (1832). In that case, Marshall indicated that the Cherokee Nation is a sovereign nation in which the laws of the state of Georgia had no force. Still, the federal government was recognized to have authority over tribal lands. This was never acknowledged in Canadian law.

Borrows (2015: 702), *Johnson v M'Intosh* and its assertions of Indigenous peoples' political and legal status was then accepted into Canadian law first in *Guerin v R* (1984 at 378), followed by *R v Sparrow* (1990 at 1103), and *Delgamuukw v British Columbia* (1997 at 145). However, it is important to note that the Canadian state adopted the view that its Indigenous inhabitants did not have rights or title to property long before that, when the *St Catherines Milling* decision was made in 1888⁶⁷ (Drake 2018: 625-8). The decision articulated that Britain's *Royal Proclamation* (1763) for settling Indigenous-inhabited lands also meant that Indigenous peoples had no inherent title to land, only an Aboriginal title contingent on Canada's recognition of it (629).⁶⁸

This history of colonial policy is of particular importance for KFN. At the first point of contact with the Canadian government in the early 20th century, Southern Tutchone Lhù'ààn Mân Kéyi peoples were not considered the owners of their land, as the dominant legal view was that Canada had underlying title and property ownership, despite Indigenous use or occupancy of the land. Winthrop's view of meaningful inhabitation had become equivalent with legal understandings of property ownership in Canada: Indigenous and nomadic peoples like Kluane First Nation did not use the land for what Canada saw its value to be — private property, animal agriculture, and resource extraction.

Canadian courts have made great strides to denounce the Doctrine of Discovery and *terra nullius*, stating in *Tsilhqot'in Nation v British Columbia* that *terra nullius* “...never applied in

⁶⁷In the decision regarding a dispute following Ontario's selling of land to a corporation for milling, Lord Watson, writing on behalf of the British Judicial Committee of the Privy Council, sided with Ontario and the trial judge, Chancellor Boyd, discriminatorily saying that the Indigenous peoples in question – Salteaux – were primitive, uncivilized, and inferior heathens who had no rights or title to the land, other than a “mere burden” on the province's title” (Drake 2018: 627-8); a simple “moral claim to occupy the land, which was extinguished by Treaty Three” (625). The decision was in contrast to the Dominion of Canada's (self-interested) position that Indigenous peoples had absolute title to the land, which was transferred (surrendered) to the Dominion at the time that Treaty Three was signed (625). See also Borrows 2019 and McNeil 2019.

⁶⁸ This has since been rejected/refuted in cases including *Calder v British Columbia (Attorney General)*, [1973] SCR 313 at 328 and 375, *Guerin v Canada* [year and stuff] at 379, and *Delgamuukw British Columbia*, [1997] 3 SCR 1010 at paras 114 and 189.

Canada, as confirmed by the *Royal Proclamation* (1763)’” (as quoted in Drake 2018: 621). With the Crown’s sovereignty coming instead from treaties with Indigenous peoples (ibid), uncaded lands needed to be settled for Canada to gain certainty (as discussed in Chapter 2). Despite this recognition of uncaded Indigenous rights and title to land, Canadian legal conceptions of property and land’s value were not similarly amended. Coupled with Canada’s need for certainty and control of territory, where value for Canada meant settling land claims as quickly as possible to maintain sovereignty and reduce legal uncertainties, this meant that Kluane First Nation’s historical land use and the value they ascribe to land was still not considered meaningful or valuable in Canada’s eyes. This weighed heavily on negotiations, and continues to impact the implementation of KFN’s land claim, as it remains the dominant view.

More “Mountain Top and Muskeg”, Less “High Value” Waterfront

In an interview with a KFN Citizen and former government employee, we discussed land selections in negotiations with Canada and Yukon Government. At the end of land selections, when there were small quantities of land left, the KFN Citizen said that the Governments decided to use the remaining land to expand the specific sites where Citizens had expressed interest in wanting to build cabins before negotiations — those same sites where many Citizens are now obtaining Traditional Leases. Instead of expanding them in ways KFN wanted, however, the Governments said, “we’ll give you the top of that mountain or the bottom of that slough.” When negotiating the boundaries of KFN’s land selections in Cultus Bay, “Canada wanted to keep everything in a par—like in a box shape, right,” the KFN Citizen said, gesturing the shape with their hands. “[W]hy did it have to be that way? Why are you giving us the top of this mountain and the bottom of this? We wanted...” they gesture again with their hands, forming shapes in the air which were not boxes or even straight lines. Why did it have to be that way? Why did Canada

insist on giving KFN the tops of mountains and the bottom of wetland bog areas as part of the 2% of their Traditional Territory that they retained? Why did they insist on each selection being a box shape with perfectly straight lines, when that was inconsistent with the shape of the land?

In an article discussing land cessions in KFN's negotiations process, anthropologist Paul Nadasdy highlights some similar land selections conversations. Stemming from a clause in the Final Agreement, KFN's land selections were required to be "balanced". KFN negotiators understood this to be a balanced selection of all of their equally important lands (with "balance" always reflecting the vast amounts of lands they were ceding to Canada—98%), and the government representatives understood this to mean "that First Nations should not select an 'excessive' amount of high value lands, such as those with lake or highway frontage, and that they should instead select equal proportions of mountain top and muskeg" (2008: 93). Nadasdy dissects this discussion to identify that Canada was working from a mindset of granting lands to KFN (despite the court-acknowledgement that KFN was ceding their lands to Canada), with balance pertaining solely to the lands they select (ibid). In contrast, KFN was working from a mindset of land cession to Canada, seeking to balance their small 2% retained in relation to the entire Traditional Territory: "'Yeah, I mean you gotta *understand*. We're giving up *everything* else, *everything else*. So when you're looking at our 350 square miles, we're balancing this with everything else, which is a huge amount of land" (ibid, emphasis in original).

I want to draw attention to the way in which balance is framed here by both parties in relation to value: Canada identifies that land selections should have equal proportions of "high value lands", with lake or highway frontage, and low value lands, with "mountain top and muskeg" (Nadasdy 2008: 93); KFN's view of balance encompasses all of their land, as one negotiator stated, "'for our whole traditional territory, the whole territory are like sacred *grounds* for our whole First

Nation. The *whole thing* is very important to us . . .” (94-95, emphasis in original). Canada’s framing of “high value lands” being those on the lake or highway is heavily based in an understanding of value as capital and economic value — value as property. In contrast, KFN’s land selections were made based on a balanced selection of land which all held important and sacred value to the community. This is aligned with Goeman’s argument that “land claims argue from a place of precedence and must prove or legitimate the length of our [Indigenous] occupation on the land rather than the importance of land to us” (2015: 75). For KFN, selecting lands to retain was a balancing act of their entire Traditional Territory, all of which is important to them.

Conceptions of value emerge here not merely as opposing perspectives, but as embedded histories and tools of colonial space-making which reinscribe supposed superiority of settler knowledge and use of land, and have the territorializing effect of exerting state control over Indigenous lives and land, even while claiming to cede control (see *Conservation and Territoriality* below). The result of this history of reducing Indigenous values is apparent in the land claim rooted in Canadian state legislation, which is fundamentally tied to settler narratives of property. The legal document granting KFN the ability to govern and manage their land in ways they find meaningful also does not recognize that use and management as valuable. To answer the question posed above by the KFN Citizen and government employee, it “ha[d] to be that way” because the land claim is a tool the state uses to achieve its own aims, which requires Indigenous peoples to make claims for land in the language of property, occupation, and ownership. It is a process that fundamentally denies Indigenous conceptions of land’s value, while serving Canada’s view of land as a means to an end: Canada wanted title to as much of the property- and resource-rich, “high value” lands as they could, because the value they perceive land to contain is monetary and control-based. While KFN’s land claim is now settled and signed, and negotiations of land

over, its political struggles have not ended — nor has the rejection of land’s importance to Indigenous peoples (Goeman 2015). As such, it is crucial to look at how conceptions of land’s value emerge in the implementation of the land claim.

Political Struggles Over Land’s Value

One morning in early October as I was driving into Burwash from the Kluane Lake Research Station, after the first big snow of the season, I noticed that the electronic signs on the side of the highway below Tächal Dhäl (Sheep Mountain) were not working properly, so neither sign was legible. I had driven that stretch of highway almost daily since before the signs had been put in place — in the fall, when the Dall sheep come over the front of the mountain. As such, I knew it was a warning sign, indicating that there were sheep in the area, and to drive with caution. In the office, I mentioned it to some of the KFN employees, who did not seem surprised. “Give it about six months and Yukon Government might fix it,” one of them said jokingly. Another, more seriously, told me that before Yukon Government put those signs up in 2019, they had been asking them to do something about that stretch of highway for years, as sheep were constantly being hit, and drivers not reporting it. The area itself consists of numerous kilometres of road that winds around the mountain and lake, with the mountain often jutting out so that you cannot see around a bend. The newsworthy incident which convinced Yukon Government to address the issue was when a group of a dozen sheep was hit by one van, killing eight of them — also a hit and run (Rudyk 2019). As one of two Yukon-Alaska border-crossing roads, the Alaska highway is a major trucking route, and at the time the sign went out, was gaining higher traffic with border crossings easing up on COVID-19 restrictions. The signs are imperative for the health of the modest sheep population, something KFN is well aware of.

I highlight this incident to return to the current land management instances in which KFN's value of Lhù'ààn Mân Kéyi is not acknowledged or validated (at all, or as quickly as animal populations may need) by the Canadian state and its bureaucratic arms. In tandem with jurisdictional limitations for KFN's land management (see Chapter 2), as well as the co-management status of land like the Park, this small ethnographic vignette highlights the reality of whose value prevails in certain implementation instances. Control, resource, and property value do not only apply to situations of land selection, but also to issues of fiscal spending decisions on behalf of the Canadian state. For Canada, the highway's economic, resource, and power values it provides outweighs the conservation value and potential hazard to sheep — not to mention the land, which is only the means to the end. The need for a newsworthy incident to have KFN's value recognized and respected showcases a jurisdictional challenge for KFN, for whom the safety and lives of the Dall sheep are a priority. To showcase the breadth of land management areas in which struggles over the nature of land's value remain pertinent, two examples are provided below, with one pertaining to jurisdictional legal value, and the second conservation value.

Land Management, Jurisdiction, and Value

I want to reproduce a conversation I had with a former KFN employee and a KFN Citizen during an interview, as I think it is illuminating regarding KFN's challenges with enacting legislation and regulations to maintain and safeguard their value within the jurisdictional confines of their Agreements. For ease of understanding, I use the alias Tina when referring to the KFN Citizen and former employee.

***Ally:** And so how do you feel about non-Indigenous hunters going in, and...*

***Tina:** I don't have a problem with that at all. My issue with that is that you pull out a book, a [hunting rules and regulations] book, and you read through it. I'm going to go hunting*

over there, and it's Category A land. I must have the permission of the First Nation, here's the name and the number of who you gotta call. That's as far as it goes. We—the Chief—took pictures of somebody hunting bison on Category A land without our permission. Nothing we can do about it. So why did you guys [Yukon Government] put this in the book? "Oh, we thought we were helping you." So how are you helping us? You're creating a lot of work, because my staff has to write out these letters to everybody that calls to get permission.

Ally: *Yet if they don't have permission, there's no repercussions.*

Tina: *None, zero.*

What Tina is referring to in our discussion, is the frustrating difference between the Yukon Umbrella Final Agreement (1993) and Yukon hunting rules and regulations, which both stipulate that any First Nations and non-First Nations hunter hunting on another First Nation's Settlement Land must receive a letter of permission from that First Nation; and Yukon's *Wildlife Act* (2002) and *Wildlife Regulation* (2012), which do not include any legislated requirement to receive a First Nation's permission to hunt on their Settlement Land. What results from this lack of regulatory requirement, is that there is no recourse for hunters who do not receive a First Nation's permission. The *Act* outlines fines associated with breaking a provision identified within the *Act*, however, First Nation land is not even mentioned in the *Act* or *Regulation*. Thus, hunters cannot be legally charged for hunting on First Nations Settlement Land without written First Nation permission, as it is not a provision in the *Act* or *Regulation*, even though it is explicitly identified in the Umbrella Final Agreement and Yukon's hunting rules and regulations. As such, it is unclear how to enforce the regulation, as the legislation supporting Yukon's hunting rules and regulations does not provide legal backing for the required First Nations' permission.

This is of critical importance to Kluane First Nation when a land management situation occurs, for instance when they have decided to restrict hunting a specific animal until their population numbers replenish, and they have no legal recourse to enforce non-Citizens to do the same. This occurred to KFN in the Tl'äw K'à Chù (Duke River) area, north of Lhù'ààn Mâna (Burwash Landing). Kluane First Nation collectively decided at a General Assembly to pause hunting of moose in the Duke until numbers replenish. Only Elders were authorized to continue hunting there as it provides them easier access. As Tina said to me, after KFN publicly announced the hunting ban, "[a]nd you go for a drive by, and there is five or six vehicles there, not one of them's KFN people. Not one of those is Indigenous and they're shooting these moose that we're trying to protect. Now how do I tell [anonymous Elder], you can't have that moose, a white person's got it now. And there's nothing Yukon Government will do about it." The issue of permission is clear: licensed hunters do not need to seek it or obtain it, as Yukon Government does not have the legislative backing to enforce it. More than that, it showcases where issues of value underpin jurisdictional conflicts.

This is one of several actions that KFN has taken on behalf of its Citizens to ensure that the land and animal populations are maintained for generations to come — their value of protecting the land from being overhunted is clear. Canada's value, however, is not so readily apparent. How does their negligence in updating legislation to reflect First Nations' authority over who has permission to hunt on their Settlement Land fit into some greater meaning of their value? As discussed in the previous chapter, Canada enacts its sovereign authority via its jurisdiction, which subordinates and makes uncertain KFN's jurisdiction. The maintenance of control is a reflection of the Canadian state's value of land, with propertied conceptions of land informing that value. However, as Goeman identifies (2015: 72): land is "a storied site of human interaction; there are

routed and rooted stories that provide meaning well beyond jurisdictional legal values.” With Canada’s historical legal conceptions of land’s value tied up with property, its jurisdictional domination has the same effect: maintaining authority and control while neglecting Indigenous value of the land. Canada’s actions amount to certainty regarding sovereignty, title, and resource availability of the land, while KFN’s actions seek to ensure citizens can use their land in traditional ways, and that non-Citizens do not use it to its detriment. Crucially, as Pasternak indicates, jurisdictional mapping (and associated legal values) is a technique of territoriality.

Conservation and Territoriality: Kluane National Park

With the imperfect nature of the Canadian state’s claims to sovereignty of the land which makes up so-called Canada (Pasternak 2017: 14-15), the state has needed to use techniques to assert and maintain that claim, often referred to as territoriality (Nadasdy 2003, 2017; Chaplier 2018). Political geographer Robert Sack delineates the concept as “human territoriality”, “the attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area” (1986: 19). Territoriality as an attempt to exert control over people is seen as “the primary spatial form [which] power takes” (Sack 1986: 26), with territory itself often considered the “spatial extent of the state” or “state space” (Blomely 2016: 594). State territoriality emerges then as a political tool mobilized by the state to gain control and extend its authority over people and relationships through the strategic control of space. In other words, it is a technique deployed to attain and maintain the settler state’s unquestioned sovereignty. In the exertion of authority over space, state territoriality is mobilized by Canada as an act of government; in the present discussion, by attempting to shape the conduct of Indigenous peoples, lands and animals through land claims agreements and their Euro-Western language, knowledge, and legalities. One technology of the land claim is jurisdiction (Pasternak

2017: 21). Though territoriality is usually associated with the exertion of power on behalf of state entities in order to gain or maintain sovereign rule, it manifests in this situation as the importance of actions in making space. As such, I will discuss it here in both forms: as a technique used by both parties to gain or maintain control of space, as well as a clear indication of what each party finds important — a physical manifestation of their values that become important when the sum of all of those actions are taken together.

For Kluane First Nation, the imposition of Kluane National Park and Reserve is perhaps the most pertinent example of the state's attempts to control space and peoples. Since its inception in 1943, Indigenous peoples were barred from hunting and trapping within the boundaries of the Sanctuary, enforced by game wardens, conservation officers, and RCMP officers. This hunting ban worsened for KFN Citizens following the Northern expansion of the Sanctuary's borders in 1947,⁶⁹ despite their protest and Father Morrisset's letters identifying the hardship the ban caused (Indian Claims Commission 2007: 15-17). Cabins, campsites, and traplines were forcefully removed from any land residing within the Sanctuary, including many belonging to KFN Citizens and their families (Nakoochee 2018: 61, 66). As an Elder recounted to me, their dad "did build one [a cabin] in the Park, and the Government of Canada, from the stories that he told he said that he was threatened to — that they would burn the house down if he didn't dismantle it and move it. So that house was moved."

As well as forceful removal, throughout its existence, many Indigenous peoples have been arrested, fined, and penalized in various forms for hunting and trapping in the former Sanctuary.

⁶⁹ The boundaries of the Sanctuary have varied since its introduction in 1943. See Neufeld's article, "Kluane National Park Reserve, 1923–1974: Modernity and Pluralism" (2011), the Indian Claims Commission's, "Kluane First Nation Kluane National Park and Kluane Game Sanctuary Inquiry" (2007: 7-20), McCandless, 1985, pp. 72-85, and Theberge's work, "Kluane National Park: A perspective from the National and Provincial Parks Association of Canada" (1973: 8-13) for detailed overviews of the Kluane Game Sanctuary and Kluane National Park and Reserve's changing borders and history.

The same Elder shared a well-known occurrence from May of 1980, when their father was arrested alongside another KFN Citizen by the game warden for trapping muskrats in the Game Sanctuary. That same day, the arrested Elder suffered a stroke which left him partially paralyzed, and which his doctor attributed to the stress and fear he felt from the arrest (Nadasdy 2003: 56-7; Nakoochee 2018: 68-9). At the same time as their arrest, KFN (then Kluane Tribal Brotherhood) had been informally granted permission to hunt and trap in the Sanctuary by then-Minister of Renewable Resources, Swede Hanson, who said he would “turn a blind eye” (Stockstill 1980a, 1980b). However, he neglected to relay that information to the game warden (Nadasdy 2003: 57). Hanson granted this informal permission to quell the Kluane Tribal Brotherhood’s ongoing protests and occupation of part of the Game Sanctuary. They had been protesting what they saw as the illegal ban on their rights to hunt and trap in the Park since 1979, by sending hunting parties into the Sanctuary to occupy the land at Chetthyel Chì (Pickhandle Lake) (Dobrowolsky 2021: 18). Other KFN Elders have expressed feelings of “terrorization” in the park from conservation officers, including while pursuing traditional activities like berry picking (Nakoochee 2018: 69). The creation of the park is a pertinent example of the state’s territorializing through the use of jurisdiction: by zoning the space a “game reserve” and introducing enforcement officers, the state exerted its authority over KFN’s land, controlling and monitoring space with game wardens.

In the case of conservationist decisions like the creation of parks and sanctuaries, land’s value is typically considered environmental and aesthetic. The same evaluations can be seen in the history of the Kluane Game Sanctuary, which immediately banned all hunting and trapping, however continued to allow mining activity within its borders until it became a National Park in 1972, at which point areas of mineral discovery were excluded from the Park’s boundary so they could continue (Zanasi et al. 2005: 14; Theberge 1973: 12-13). When the National Park’s

boundaries were being established in the early 1970s, supporters of the park, largely the National and Provincial Parks Association, touted its environmental and aesthetic value, claiming it would bring long-lasting economic benefit to the Yukon, while park opposers, largely the Yukon Chamber of Mines, endorsed its resource value, claiming that the mineral deposits in the area were of greater economic benefit than tourism (Zanasi et al. 14). The federal government claimed its final border was “a compromise between park values and mineral values” (Theberge 1973: 12). Long past the initial concerns of overhunting during the highway’s construction, the value of land in the Kluane Region was once again considered strictly in economic or conservationist terms, as tourist and mineral economic benefit, or pristine wilderness to protect. Theberge contrasts the values as monetary wildlife resource value, and wildlife conservation and viewing value. First Nations voices had little impact on the decision (14), and their value and use of the land was not considered.⁷⁰

More than efforts at territorializing and controlling space through jurisdiction, these situations surrounding the Park’s creation and enforcement showcase what each party considers meaningful about the land which constitutes it. Throughout these situations, it becomes apparent that the land itself is the end value that KFN and Southern Tutchone Lhù’àn Mân Kéyi peoples seek — using the land, being on the land, stewarding the land, etc. For Canada, land is only the means to an end, with resources and power being the ends in themselves. KFN’s political struggle in the Park is in service of having their value of the land recognized and accepted. Though this was prior to the negotiation of their Agreements, and they now have the ability to participate in

⁷⁰ Then-Minister of Indian Affairs and Northern Development, Jean Chrétien, assured the public that Indigenous use of the land would not be impacted by the Park. While the Game Ordinances which banned hunting and trapping no longer applied within the Park boundary (but would still apply in the remaining Game Sanctuary), “[t]he federal government interpreted wording in the Parks Act that allows for the continuation of traditional harvesting when a new park is formed to mean that — because First Nations had followed the law and not harvested in the area for thirty years — traditional harvesting would still be banned” (Zanasi et al. 2005: 15).

the co-management of the Park, the conservation and resource extraction remain Canada's understanding of the Park's value. As well, the damage has been done: KFN Citizens are still afraid of using the land in the Park in traditional ways, even though it is now legal.⁷¹ As the Park was not up for negotiations for KFN to retain title to, there are limited ways that KFN can fight for Citizens to be able to use it in ways they value — for instance, they cannot construct cabins without applying to the co-management board.

Dan K'è (Our Way/Indian Way): Land as Value

In one interview with a Southern Tutchone Lhù'ààn Mân Kéyi Elder, I asked about the high volume of car hunting I had seen and heard about, particularly involving non-KFN Citizens, and how they felt about it. "It's like window shopping," the Elder said. "You walk downtown and you look at which dress you want on the mannequin in the store. It's the same thing, like driving looking out your window of the car. I don't—I don't believe in that." The Elder then proceeded to tell me about their son, travelling over 50 miles through waterways every October to moose hunt. Stories like this were repeated by many KFN Citizens, including one who described a rigorous 20-day hunting trip they had been on just a few weeks prior. They were out with their whole family every day from 6am until 8pm, walking over 20 kilometres each day. On the last day, they finally got a bull. They smiled telling me how great it is to be out on the land like that regularly with their entire family.

These stories I was told during fieldwork formed the base of my understanding of the land's importance to Southern Tutchone Lhù'ààn Mân Kéyi peoples. They also clearly showcase KFN Citizens enacting their understandings of the land's value, in stark contrast to the window-shopping metaphor the Elder gave — a clear identification that this Elder viewed car hunting as

⁷¹ This was the subject of Roberta Nakoochee's Master's thesis (2018), which explored KFN and Champagne Aishihik First Nations' reconnection to the Park.

commodification of the land and animals in much the same way window shopping for clothes was. This juxtaposition of capitalist values (quick and easy accessibility of a variety of goods) with STLTK peoples' values (spending time on the land with family to provide sustenance) places the land *as* what is valuable, in opposition to its value deriving from the resources it provides.

In her PhD dissertation, Elder Alyce Johnson (2011) writes of the storied meaning-making that accompanies walking trails like K'ama Dzêa (Ptarmigan Heart). Johnson identifies that “[o]ral traditions function as mnemonic maps and talking landscapes that the language trails from place to place,” (iii) with practices of walking trails embedded in Southern Tutchone language, stories, and songs (9). These “mnemonic maps” are similarly discussed by Goeman, who identifies the land as a site of stories and connection, and a “meaning-making process rather than a claimed object” or fixed space (2015: 73). The continuation of these meaning-making processes is crucial for sustaining and regenerating Southern Tutchone Lhù'ààn Mân Kéyi peoples' knowledge and language, particularly in areas like Kluane National Park, which temporarily prohibited them from using the land in traditional ways (Nakoochee 2018: 65). In order to reconnect with the land, KFN Citizens spoke of a desire to spend more time on the land in the Park with each other (ibid). In opposition to settler-legal property narratives and conceptions of land as an inactive geographic vessel upon which humans make history, the identification of dynamic and storied land in connection with people who make meaning with it imparts “anticolonial” or decolonial knowledge (Goeman 2015: 74). KFN and STLTK peoples' continued enactment of their traditional uses and meaning-making practices on the land are actions which indicate their value of Lhù'ààn Mân Kéyi, and emerge as radical political alternatives which must be recognized and contended with in the discussions of value and land management.

Traditional Leases: Politico-Legal Enactment of Land's Value

One of the guiding principles of KFN's *Lands and Natural Resources Act* (2012: 2) is that the "traditional use of our [KFN] Settlement Land and Resources by [KFN] Citizens will be encouraged and promoted." This was similarly expressed by KFN employees and Citizens as the reason KFN government introduced Traditional Leases. Two KFN employees who are not Citizens shared that the purpose of the leases is "to encourage people to get back out on the land", "where they can do what they like to do traditionally. Like a hunting cabin, fishing cabin, to get out along the—along the lake or—or in the bush." A KFN Citizen and government employee further emphasized that the leases provide Citizens the "opportunity to experience a traditional activity or space that they may consider especially tied to their family, or their like, *place of value*" (emphasis added). In the nearly two decades after signing their land claim and making a balanced selection of all of their important lands, KFN has not jumped all over the opportunity to build rental properties (i.e. cottages) for non-KFN citizens on all of their "high value" lake front, and they have not erected hotels, gas stations, wildlife viewing tours, or Kluane Lake boat cruises with their "high value" stretches of highway front. Instead, in line with their understanding of the meaning of balance and value identified in negotiations, KFN prioritized KFN Citizens' traditional use of their land through the introduction of Traditional Leases.⁷² Land itself and Southern Tutchone Lhù'ààn Mân Kéyi peoples' continued use of and relation to it are what is valuable to KFN, as evidenced by their actions in support of that use and those relations.

⁷² This is not to say that it would be wrong of KFN to utilize their lands for economic development or tourism if that is what they choose to do — communities and their needs are constantly changing, and economic development is an existing element of KFN's Land Use Plan (2015). This is only to identify that KFN's clear identification in negotiations of what they consider to be balance, and what is factored into the selection of their vast and important lands, has remained their top priority two decades into implementation.

This is similarly noticeable in the structure of Traditional Leases as leases granted to individuals, and the actual use of Traditional Leases as sites to build cabins used by entire families and community members. As one of the youth said in our workshop, “[j]ust because one person’s name is on the lease, that doesn’t mean that it only belongs to them or is used by one person, all of their friends and family would use it.” This was in discussion of communal use of cabins, which another KFN Citizen described well: “That family has that area, this time of year. But there was also the sharing of cabin that you know, if you weren’t there, and I showed up, the door’s open and just leave when you’re done. So it wasn’t like that was always your cabin.” While they identify that sharing in this way is not exactly the same as it was a couple generations ago, there is still the recognition that cabins are shared with family and friends, and that the individual with the Traditional Lease does not own the land. Simply because Euro-Western conceptions of property are required for KFN to fit the legal terms of their Agreement, does not mean that their own understanding and implementation of those conceptions fits strictly within Euro-Western confines. In contrast to the conception of KFN as being wholly subjected to Euro-Western notions embedded in their Agreement, like private property, Southern Tutchone Lhù’àn Mân Kéyi peoples discussed their legislation and regulations in ways that align with their value of the land. Traditional Leases allow them to construct and use cabins and campsites to continue that storied meaning-making on the land, remembering stories as they walk the trails and pursue other traditional activities.

Enacting Value

Kluane First Nation works to enact their meaningful use of the land within the confines of Canadian sovereignty, territoriality, and jurisdiction, and Euro-Western conceptions of which land is valuable, and what is meaningful and important about it and how it is used. Their self-government agreement itself is not what allows them to do this. It may give them partial legal

capabilities to do so within the confines of the settler state's legal frameworks, but it is how KFN and Southern Tutchone Lhù'ààn Mân Kéyi peoples interpret and enact its tenets within that law that allows them to maintain what is valuable to them. KFN still experiences ample uncertainty and challenges in enacting their value, as it is not recognized or acknowledged by the Canadian state. In co-management areas and within the 98% of their Traditional Territory rendered fee simple, jurisdictional structures make it challenging for KFN to enshrine their values into legal and regulatory tools. However, while KFN's jurisdictional authority may be prescribed by and beholden to the Canadian state's on Settlement Land, their conception of land's value is not. It is subject to their enactment of the colonizer's own law, which they wield to empower themselves and their values. In that way, KFN has gained some certainty and control — they have used Canada's values embedded in legislation to support their own, in the present case through enacting authorizations to use Settlement Land, and specifying a type of lease holding above and beyond what Yukon Government has. KFN uses the tools at their disposal to achieve what is meaningful to them, and Southern Tutchone Lhù'ààn Mân Kéyi peoples continue to pursue traditional activities and create meaning through using the land.

Conclusion: To Dream

“The way to kill a man or a nation is to cut off his dreams, the way the whites are taking care of the Indians: killing their dreams, their magic, their familiar spirits.”

William S. Burroughs (as quoted in Dimaline 2017, epigraph)

“We go to the schools and they leach the dreams from where our ancestors hid them, in the honeycombs of slushy marrow buried in our bones. And us? Well, we join our ancestors, hoping we left enough dreams behind for the next generation to stumble across.”

Cherie Dimaline (2017: 90)

In her 2017 fiction novel, Métis author Cherie Dimaline uses an apocalyptic setting to portray prevalent themes related to settler-colonialism, capitalism, and Indigenous resistance. Through the use of dreaming, Dimaline displays the ongoing settler-colonial attempt to eradicate Indigenous peoples and nations, as Burroughs famously writes, as well as the continued Indigenous political resistance to those attempts through dreaming. Dimaline adeptly narrates what Indigenous nations vehemently identify: their dreams have never been killed; they have always continued to exist whether settler-states recognized them or not. As Dian Million (2011: 331) claims, “[i]f we as Indigenous peoples have a gift to give the world, it may be our ardent belief and practice of dreaming, dreaming intensely and brilliantly against all odds.” KFN has been and continues to dream and leave dreams behind for future generations, even as the Canadian state continues to attempt to cut them off. They do this through their political actions, use of legal tools, continued use of the land, and mnemonic maps through story and song. The actions described throughout this thesis work not only to “‘dream alternative realities’ but to create them, on the ground in the physical world, in spite of being occupied” by the Canadian settler-state (Betasamosake Simpson 2014: 8). KFN and Southern Tutchone Lhù'ààn Mân Kéyi rebellion exists not only “within settler

colonial thought and reality” (ibid), but more importantly outside of it — in Lhù'ààn Mân Kéyi thought, reality, time, and place.

In the first chapter, I took a reflexive analytical lens to my engagement with Kluane First Nation in this partnered research process, alongside other research engagements occurring in Southern Tutchone Lhù'ààn Mân Kéyi. Identifying areas for growth and remaining institutional barriers to partnered research allows me to contribute to KFN’s aims to bring research home, and to argue that the role of the academic in research with Indigenous peoples must be entirely contingent on the desires of the community itself. In the second chapter, I analyzed KFN’s introduction of Traditional Leases as a legal tool to allow KFN Citizens to continue traditionally constructing cabins throughout their Traditional Territory. The legal uncertainties that KFN faces within and outside of Traditional Leases are a technique used by the settler-state to maintain jurisdiction, which indicate that certainty was gained only for the Canadian state. Through continued politico-legal efforts, I argue that KFN is working to enact legislation and regulations to increase their certainty, and ensure the continuation of STLMK jurisdictional authority and practices. Chapter 3 presents what is at the heart of the entire thesis: KFN’s actions as a self-governing First Nation serve to protect and maintain what STLMK peoples find important and meaningful about their land, lives, and relations. The Canadian state has not acknowledged KFN’s value of the land from the first point of contact to the present. While this presents an immense challenge for KFN, they work rigorously to take actions in the state’s language (particularly legally) to ensure that their value of the land will be protected long into the future.

KFN is living and governing on their own terms. They are taking control of research occurring in their Traditional Territory with the Bringing Research Home project and through partnerships like the one we have created. They are wading through the remaining and growing

uncertainties — particularly legal uncertainties — to ensure their priorities are met. Finally, they are implementing their land claim, particularly with regards to the management of their land, by living and enacting their values, whether they are shared, understood, or deemed worthy by Canada or not. They have a long way to go, undoubtedly. And they face more uncertainty, attempts at being taken advantage of by researchers, and incompatibility with Canada when it comes to land, in the decades to come. But, as every KFN government employee was adept at reminding me, they are a young government, with so much room to grow on their own terms.

Dreaming Future Research

I brought a physical copy of Leanne Betasamosake Simpson's 2017 book, *As We Have Always Done* with me into the field. Just as I was having my own ethical dilemmas with some Lhù'ààn Mân Kéyi peoples not finding my research valuable — or worse, finding it harmful — I read Betasamosake Simpson's unreserved implications that there is no role for the academic or anthropologist with Indigenous communities (2017: 13). At the time, this was the nail on the proverbial coffin of my hopes of my position being justified. At this present stage of research, however, I disagree. Not because I think Betasamosake Simpson is wrong; it certainly would be a much more ethical and positive research landscape for Indigenous communities if every researcher could fully divest themselves “of the false power the academy bestow[s] upon” them, and allow the community to conduct research they desire with the researcher's funding (ibid). Not either because I think a researcher's “good intentions” outweigh their very real impacts on the ground, or the presuppositions they carry with them to the field. Much like Matthews (2021), I agree that decoloniality means that white academics may no longer have a role in decolonial spaces in the future. Decoloniality means allowing for radical political alternatives and change, even if that no

longer includes white academics. I continue to dream of an academic and research landscape in which that becomes the reality — and I think it is progressing in that direction.

Still, I disagree with Betasamosake Simpson because assertions like that neglect the autonomy of Indigenous groups to make decisions to endorse research conducted on their land. If research by non-Indigenous academics is respectful, reciprocal, and helps to allow Indigenous communities' aims to become a reality, who is authorized to say it should or should not occur? As well, there remain very real barriers that the academy and institutions place on researchers and their projects, which may not enable recognition of Indigenous autonomy, and inhibit the total ability to shift the balance of power in research, academia, and knowledge production. In the interim, between the necessary changes in the academy and full Indigenous autonomy over research, researchers, and products, I propose another dream. One that I invite other anthropologists to take up and explore further. A dream that, as academics with relational and ethical commitments to our Indigenous research partners, we continue to fight to make their political realities and values known. That we mobilize and accredit Indigenous thinkers, theory and methodology, we respect situated relations, knowledge, stories, and language, and we do the very best we can to keep dreaming.

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Appendix A: Southern Tutchone Language Glossary

Term	English Term / Definition	English Translation	Variations
Ä'äy Chù	Slim's River		A'ay Chu
Äsi Kéyi	Territorial Park,	Grandpa's Country	Asi Keyi
Ä sí Kéyi	Kluane First Nation's Traditional Territory	My grandfather's country	
Chetthyel Chì	Pickhandle Lake	Stone axe handle	
Dan k'è	Indian way / our way / Southern Tutchone language		Dän k'è
Jèdälj Tl'äw Käy	Duke Meadow		
K'àma Dzêa	Ptarmigan Heart	Hill shaped like a ptarmigan heart	
Lhù'ààn Mân	Kluane Lake	Whitefish place	Lhu'an Man, Lu'an Mun
Lhù'ààn Mâna	Burwash Landing	Fishing place	
Lhù'ààn Mân Kéyi	Kluane Region	Big Fish Lake Country/White Fish Lake Country	
Lhù'ààn Mân Ku Dań	Kluane Lake people		Lu'an Mun Ku Dan
Lhù'ààn Mân Kwánje / Dan k'è Kwánje	Kluane Southern Tutchone dialect / Southern Tutchone language (Kluane dialect)		
Nìjìlì / Nìjìlì Chù	Nisling / Nisling River		
Shăw níthän	Thank you		Shăwníthän
Tan Kwa Gà	Trails		
Tayaâna	Cultus Bay		
Tächal Dhäl	Sheep Mountain	Stone Scraper Mountain	Thächal Dhäl, Thechäl Dhäl, Taa'chal'dhal
Tl'äw K'à Chù	Duke River		