Ruth Massie: Grand Chief, CYFN

- The Council for Yukon First Nations (CYFN) represents 9 of the 11 self governing First Nations in Yukon. There are 14 First Nations in Yukon.
- This will be an overview of the Yukon land claims agreements. It will provide context of how Yukon agreements were envisioned and formed in last 41 years. We just celebrated the 40th anniversary of the document "Together Today for our Children Tomorrow".

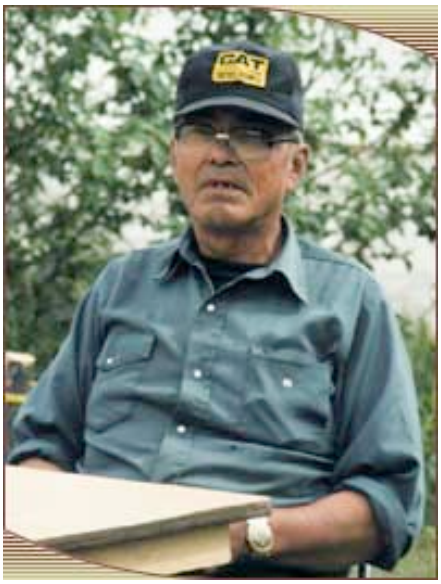
The Beginnings of Yukon Land Claims: Chief Jim Boss

- The first attempt to initiate land claims began when Hereditary Chief Jim Boss (pictured below) wrote a letter in 1902 to Ottawa stating: "Tell the King very hard, we want something for our Indians because they take our land." This was a response to the thousands of gold miners traveling to the Dawson City gold fields through the Yukon River corridor.
- Ottawa sent a reply to Chief Boss stating "the Northwest Mounted Police will not let your people starve." Yukon First Nations were not starving, in fact they were feeding the miners.

Above: Hereditary Chief Jim Boss

1973: Elijah Smith, President of the Yukon Native Brotherhood (pictured below) presented "Together Today for our Children Tomorrow" to Prime Minister Trudeau following the ***Calder*** decision.

- "The only way we feel we can have a future is to settle our land claim… that will return to us our lost pride, self-respect and economic independence. We are not here for a handout. We are here with a plan." Excerpt from Elijah Smith's speech to Prime Minister Pierre Elliott Trudeau.
- On Valentine's Day 1973, the Prime Minister agreed to negotiate a land claim with Yukon First Nations.



Above: Elijah Smith, President of the Yukon Native Brotherhood

Above: Yukon First Nations on Parliament Hill

1973 – 1993: Land Claims Negotiations

- Council of Yukon First Nations signed the Umbrella Final Agreement (UFA) with the Governments of Canada and Yukon in 1993 (Yukon First Nations invited Yukon Government to the table). The UFA became the

foundation for the SGYFN (Self-Governing Yukon First Nations) Final and Self Government Agreements. These agreements:

- Provide 8.5% of the land mass or 41,595 square kilometers of the Yukon for SGYFNs;
- Establish 25,899 square kilometers of Category A Settlement Lands in which SGYFNs have full surface and subsurface rights;
- "YFNs receive $242.6 million (1989 dollars, divided by 14 YFNs as per chapter 19, schedule A) over15 years as financial compensation (minus the negotiation costs which had been borrowed from the government, see schedule C)."
- Set up Yukon-wide management structures for heritage, wildlife, lands and resources;
- Commited to negotiate land claims agreements.

Note: Following ratification, all SGYFNs had to repay all costs of negotiating their agreements.

1993-2006: 11 SGYFNs Sign Land Claim Agreements

- In 1995, Champagne & Aishihik First Nations, Nacho Nyak Dun First Nations, Teslin Tlingit Council and Vuntut Gwitchin First Nations signed their Final and Self Government Agreements.
- Since 1995, Carcross Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Little Salmon Carmacks First Nation, Selkirk First Nation, Ta'an Kwach'an Council, Tr'ondek Hwechin have signed agreements.

Aspects of the Final Agreements

- All SGYFN final agreements contain 28 chapters which include all of the frameworks from the UFA plus specific provisions that cover matters in each traditional territory such as lands and resources, land use planning, special management areas, harvesting, health and social, economic development, and financial compensation.
- There was no exchange of undefined Aboriginal rights for defined treaty rights. SGYFNs retained their Aboriginal rights and titles throughout the Yukon Territory.
- SGYFNs are to be consulted and accommodated on all matters including development within their traditional territory.
- Provide for the co-management of Yukon resources.
- Constitutionally recognized and protected by section 35 of the Constitution Act, 1982.
- Accompanied by an implementation plan that defines activities, time frames, resources and responsibilities for implementation.

Aspects of Self-Government Agreements:

- Give First Nations full government status
- Replace the Indian Act with First Nations governments with full jurisdiction on settlement lands, shared responsibilities within traditional territories.
- Require SGYFNs to develop constitutions that provide them with jurisdiction, powers and responsibilities to:
  - Enter into contracts;
  - Acquire, hold and sell properties;

    - Invest, borrow and spend monies;
    - Form corporations and other bodies;
    - Sue or be sued.
- Establish a framework or relationships with other orders of governments.
- Create orders of government with provincial type powers whose legislation and jurisdiction is paramount over territorial jurisdiction.
- Establish laws on Settlement Lands.
- Establish 5-year fiscal transfer agreements (FTA).
- Outline a process for the transfer of certain programs and services from other levels of governments.

Looking to the future, respecting the past
- Today, SGYFNs continue to honour past traditions while adapting to present challenges and opportunities
- In various ways, SGYFNs incorporate culture and languages into governments and political structures:
    - Carcross Tagish First Nation has child welfare legislation based on the Tlingit world views;
    - Teslin Tlingit Council uses their Tlingit Charter to frame their administration of justice agreement and laws. Are in the process of negotiating their own Peacemakers court process;
    - Selkirk First Nation created posters for fish camp and the handling of fish based on traditional law. The posters were used to help citizens to understand past traditions;
    - SGYFNs have preserved recordings of their stories, songs, dance and language for future use.
- Chief James Allen, Champagne & Aishihik First Nations says "how do we keep one hand on the computer and one foot on the land?" Practicing our culture on a daily basis, while also living in your world - which includes legislation.

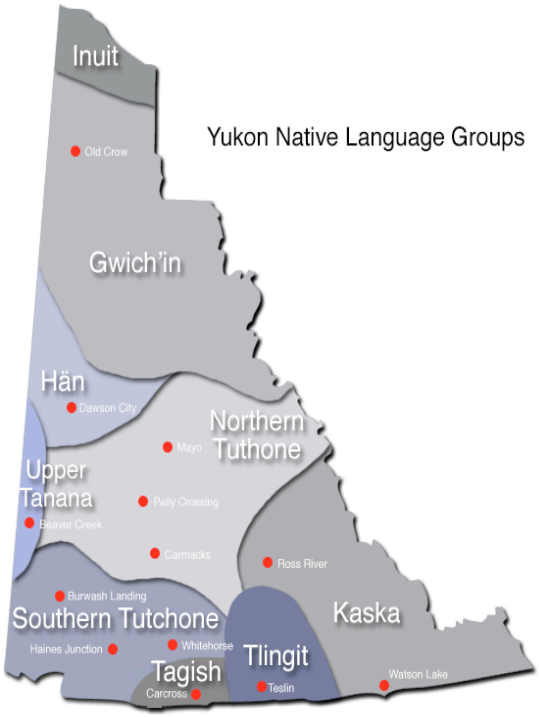
Implementation challenges
- Dave Joe (pictured below) is an early land claims negotiator who is able to articulate what he understood to be the vision of the early Chiefs and their hopes for a new kind of society when they presented "Together Today for Our Children Tomorrow." His role now, along with the other early negotiators, is "to facilitate and begin to put his own understanding of what he heard from the late Elijah Smith and others in terms of their dreams, their values." He is placed into their shoes, expressing what their dreams were.
- Dave Joe states: "It's not enough to pass a law to occupy the field and ensure your law is paramount to those of both Yukon and Canada. You need the resources, the cash, the people to run those programs based upon the laws you draft. Both Canada and … Yukon are used to the fact that they've always controlled the purse strings."
- The vision for our people is to become self-reliant and self-sufficient. Hopefully we can say this in my lifetime.

Above: Dave Joe, early land claims negotiator

Implementation Challenges
- Federal, territorial and First Nations staff turnovers lead to an ongoing lack of corporate knowledge.
- Chapter 28 of Final Agreement: the dispute resolution process is not used adequately.
- The recent attempt to replace negotiated fiscal transfer agreements (FTA) with the Fiscal Harmonization Initiative (FHI).
- Chapter 22 of Final Agreements: representative public service work force was to help YFNs build capacity for governance.
- A lack of consultation and accommodation has led to court cases. Have tried to use the dispute resolution process, but it doesn't work, so it ends up in court
- Land use planning is a huge issue. Recently a court case was launched re the Peel River Plan.

- Confusion over Status Indian lists and Beneficiary lists. Agreements speak to citizens. In communities all our people are citizens, not status or non status.

Yukon Native Language Groups



1. Màhsi' choo (Gwich'in)
2. Mähsi' cho (Hän)
3. Máhsin cho (Northern Tutchone)
4. Tsin'jj choh (Upper Tanana)
5. Sógá sénlá' (Kaska)
6. Shäẅ níthän (Southern Tutchone)
7. Gunałchîsh (Tłingit)
8. Gùnè łchi ¯sh (Tagish)
   - Thank You.