

visions north

TALKING ABOUT YUKON LAND CLAIMS



Carcross/Tagish First Nation and the Dakka Kwaan Dancers

Carcross/Tagish First Nation's Return to Value-Based Governance

In the past, values were the most coveted and esteemed part of Carcross/Tagish First Nation (CTFN) governance and deeply embedded in its culture, society and traditional Clan System.

The traditional way of governance known as the Clan System provides a "voice" to each individual person while ensuring that the concept of group and community prevails.

Today, Khà Shàde Héni, or Chief, Mark Wedge of CTFN envisions a re-emerging value-based governance structure with a foundation of Dakká Tlingit and Tagish Kwáan traditional values.

For example, the CTFN Family Act highlights eight main values, which are derived from 150 traditional stories and legends.

These eight values – selflessness, honour, respect, courage, integrity, knowledge, compassion and honesty – provide the structure and guidelines as to how people conduct themselves in life and in governance.

"When we look at the codes of conduct, it is about those virtues and values and how we want to reflect them," says Wedge. "By doing that, we are carrying on the traditions of our ancestors. I think it is about the virtues and values and being able to express them and to bring them into how we conduct ourselves and how we conduct our affairs."

Traditional leaders were once raised and taught to live a life with these values personified in their every word, action, thought and intention. If a person was to

behave outside these values and expected standards, consequences extended beyond the individual and became the responsibility of his or her entire clan.

As the CTFN government transitions from the Indian Act to one with the powers to create legislation and define its own destiny, CTFN recognizes the challenges of instilling a traditional system within a modern context.

The goal is a transition that reaches beyond changes to the CTFN political structure and extends to individual community members in a vision of self-determination that is relevant, meaningful and sustainable – a vision for CTFN grounded by the teachings of its ancestors.

For more information contact:
Marilyn Jensen at 867.821.8222.

Lights! Camera! Action on Self-Government!

Very few Canadians realize that 11 of the Yukon's 14 First Nations are on the cutting edge of Self-government in Canada and even fewer are aware of the profound changes, challenges and opportunities Self-government lends First Nations communities and the entire territory.

To this end, Indian and Northern Affairs Canada Yukon Region is creating a video illuminating how Self-government is transforming the lives of First Nations in the Yukon.

The 10-minute piece will focus on Yukon First Nations successes and raise awareness of their models of governance for other governments and all Canadians from coast to coast to coast.

While built on a framework of fact and information, the video will convey its message through interviews and personal portraits and evocative scenes that celebrate First Nations history, heritage, traditional music and dance.

For more information contact:
Line Gagnon at 867.667.3315 or line.gagnon@inac-ainc.gc.ca

WHAT IS VISIONS NORTH?

Visions North: talking about Yukon land claims is a bi-annual newsletter that raises awareness about land claims and self-government and related issues in Yukon communities.

Visions North is produced and distributed by Indian and Northern Affairs Canada (INAC) with the participation of the Government of Yukon and the Council of Yukon First Nations (CYFN).

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Premier Dennis Fentie, CAFN Chief Diane Strand and Yukon College President Terry Weninger

“The Knowledge is in the Room”

Champagne and Aishihik First Nations (CAFN) have big responsibilities and plenty of plans, but it can be challenging to implement them within such a small government.

In 2005, CAFN began investigating ways to become a more effective organization. After exploring the vision and goals for such capacity development, the First Nation established partnerships to work on a program to develop leadership and management skills.

As a result, CAFN, with the Yukon government and Yukon College, is piloting an Executive Development Program. The program is an accredited one-year Yukon College certificate in northern governance with a specific focus on self-governance under the Yukon First Nations Final and Self-government Agreements.

“Our goal is to increase executive leadership capacity within our First Nation,” said Suzanne Green, CAFN Director of Education and program steering committee member.

According to the students and organizers, highlights of the program are top-quality instruction and the opportunity to develop curricula relevant to CAFN.

“We have an amazing set of instructors and guest lecturers we’ve been able to draw on,” continued Green. “Many of them were instrumental in the ground-level formation of Yukon First Nations governance and can combine classroom theory with practical, relevant examples of our recent history.”

The upcoming course, Land Claims and Governance, is being taught by the University of Alberta’s Gina Cosco. Joining her as guest lecturer will be Dave Joe, a CAFN citizen who was the Yukon’s first Aboriginal lawyer and recently named an Officer of the Order of Canada.

Former Yukon Premier, Tony Penikett, will be a guest lecturer for the Power and Influence in Canada course. Penikett is now a Vancouver-

based mediator and teaches courses in negotiations at Simon Fraser University.

“Thanks to the hard work of CAFN staff and Yukon College instructors and staff and the support of the Yukon government, we are accomplishing the development of a program that reflects CAFN realities and meets academic standards, allowing for transferability to other colleges,” said Shelagh Rowles, Dean of the Yukon College Division of Applied Science and Management.

“We will be exploring opportunities to make the program available to other Yukon First Nations and Yukon government employees,” said John Burdek, Assistant Deputy Minister with the Government of Yukon’s Governance Liaison and Capacity Development Branch.

“We are also working toward being able to transfer participants’ certificates to diploma and public administration degree programs,” said Burdek.

Shadelle Chambers, a CAFN staff member, citizen and student, says the program is definitely working.

“Our first course, a public administration course, taught us principles and theories we could see being used in our day-to-day work,” said Chambers. “The course solidified the fact that we are a full government and the same public administration theories that work for large governments such as Canada also work for CAFN.”



Executive Development Program students listening to a presentation on governance.

For each course, students begin with two days of intensive coursework in Haines Junction or Whitehorse followed by four to six weeks of tutorial sessions in which students work on assignments and activities with the aid of a community-based tutor and conclude with another two days of intensive coursework.

Students who complete the 10-course program will receive a one-year certificate. The courses are being delivered over three years to allow students to study while they continue to work for the First Nation.

“CAFN and Yukon College have provided flexibility to make this program work for everyone,” said Chambers. “I don’t have to pack up and move to get this education, I can keep my job.”

“The education is relevant and practical as well as being widely applicable,” continued Chambers. “Plus, it’s great for people who have all levels of education, from high school graduates to PhDs.”

“We have an amazing set of instructors and guest lecturers we’ve been able to draw on. Many of them were instrumental in the ground-level formation of Yukon First Nations governance and can combine classroom theory with practical, relevant examples of our recent history.”

Suzanne Green, CAFN Director of Education and program steering committee member

“A lot has happened in 14 years (since CAFN signed their Final Agreement) and it’s neat to get people who have lots of experience combined with those who are brand new to our government,” said Green. “We work hard to incorporate the learning philosophy that ‘the knowledge is in the room’ and these courses are a way to ensure that the knowledge gets transferred.”

Although the Executive Development Program is still a work in progress, offering such a custom-made course provides numerous opportunities.

According to Rowles, “It’s been an educational process for everyone involved.”

For more information contact:

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867.456.6842
Suzanne Green, CAFN: 867.667.6098 or,
Jacqueline Bedard, Yukon College:
867.456.8619.

Looking Forward: The Tr’ondëk Hwëch’in Elders’ Council

The Tr’ondëk Hwëch’in Elders’ Council now has its own Terms of Reference.

Passed by consensus in August, the Terms of Reference will guide how the council conducts its affairs and meetings and the process it will use to give advice and guidance to other Tr’ondëk Hwëch’in governing bodies.

Left to right: Chris Evans, Ronald Johnson



Yukon First Nations Land Claim and Self-Government MILESTONES



1902
Hereditary Chief Jim Boss of the Ta'an Kwäch'än appeals for help from King Edward VII after the Klondike Gold Rush led to the loss of land and game.

1973
The Yukon Native Brotherhood, representing status and non-status Indians, presents "Together Today for Our Children Tomorrow" to the federal government. It provides the basis for land claim negotiations in the Yukon Territory.

The federal government announces a Comprehensive Land Claims Policy to guide the negotiation of Aboriginal claims in Canada following the Supreme Court of Canada's decision in the Calder Case.

The Council for Yukon Indians is formed by the Yukon Native Brotherhood and the Yukon Association for Non-status Indians to represent all Yukon First Nations and negotiate land claims on their behalf.

1979
The Government of Yukon joins the land claim and self-government negotiation process.

1982
The *Constitution Act, 1982* (Section 35) recognises and affirms existing Aboriginal and treaty rights and those acquired by way of land claim agreements.

1984
The federal and territorial governments ratify an Agreement-in-Principle but it is rejected by the General Assembly of the Council for Yukon Indians. Land claim negotiations are suspended.

1986
Canada announces changes to its Comprehensive Claims Policy. This new policy addresses some of Yukon First Nations' key concerns.

1987
Negotiations with the Council for Yukon Indians resume.

1989
All parties ratify an Agreement-in-Principle, which forms the basis for the subsequent Umbrella Final Agreement.

1993
The Council for Yukon Indians, the Government of Yukon and the Government of Canada sign the Yukon Umbrella Final Agreement, which forms the basis and framework for subsequent negotiations of individual Yukon First Nation Final Agreements. These agreements are modern-day treaties.

1994
Enacting legislation, *Yukon First Nation Land Claim Settlement Act* and the *Yukon First Nation Self-Government Act*, is introduced in Parliament on May 31. It receives Royal Assent on July 7. Surface rights legislation receives Royal Assent on December 15.

1995
On February 14, the Yukon First Nation Final and Self-government Agreements for the Champagne and Aishihik First Nations, the First Nation of Nacho Nyak Dun, the Teslin Tlingit Council and the Vuntut Gwitchin First Nation come into effect. On the same day, federal and territorial enacting legislation comes into effect.

Council for Yukon Indians becomes the Council of Yukon First Nations.

2006
A total of eleven Yukon First Nation Final and Self-government Agreements are in effect.

Through to 2008
Yukon Self-governing First Nations assume responsibility for federal programs and services in major areas including, governance, housing, health and social services, post-secondary education and northern affairs.

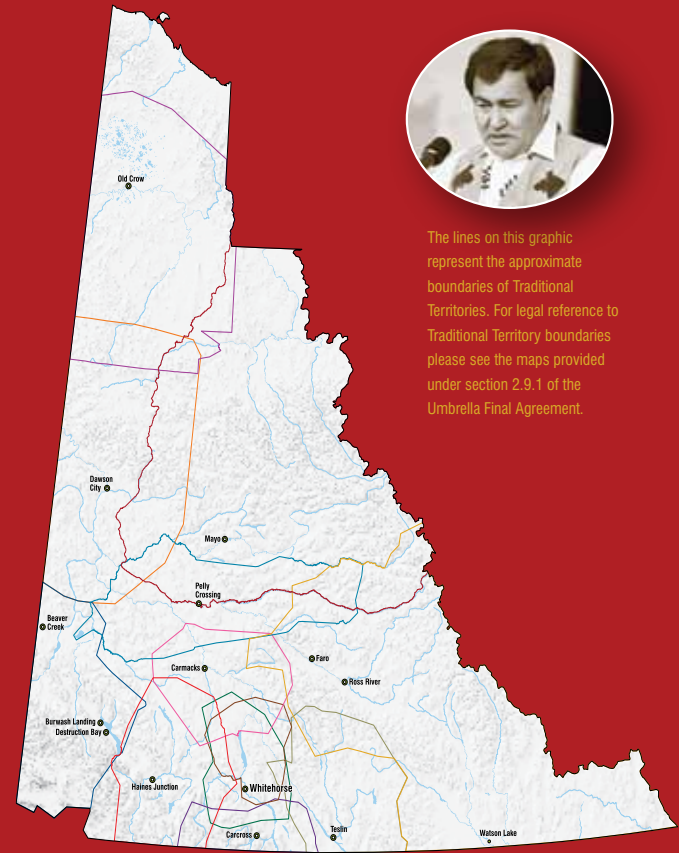
Negotiations are on-going for the transfer of additional federal and territorial programs and services.



Photo: Government of Yukon

Yukon First Nations Land Claim and Self-Government MILESTONES

Eleven Yukon First Nations have signed and are implementing their Final and Self-Government Agreements. The first four agreements were signed in 1993 and became effective in 1995.



The lines on this graphic represent the approximate boundaries of Traditional Territories. For legal reference to Traditional Territory boundaries please see the maps provided under section 2.9.1 of the Umbrella Final Agreement.

- Champagne and Aishihik First Nations, 1995 (Haines Junction)
- First Nation of Nacho Nyak Dun, 1995 (Mayo)
- Vuntut Gwitchin First Nation, 1995 (Old Crow)
- Teslin Tlingit Council, 1995 (Teslin)
- Little Salmon/Carmacks First Nation, 1997 (Carmacks)
- Selkirk First Nation, 1997 (Pelly Crossing)
- Tr'ondëk Hwëch'in, 1998 (Dawson)
- Ta'an Kwäch'än Council, 2002 (Whitehorse)
- Kluane First Nation, 2004 (Burwash Landing)
- Kwanlin Dün First Nation, 2005 (Whitehorse)
- Carcross/Tagish First Nation, 2006 (Carcross)



"Now we can look forward and not look back," said Ronald Johnson, Chair of the Tr'ondëk Hwëch'in Elders' Council.

"We have Elders who want to know what is happening with Tr'ondëk Hwëch'in affairs and the Terms of Reference will open up the lines of communication," continued Johnson.

"The Terms of Reference are an important part of governance," said Chris Evans, Manager of Tr'ondëk Hwëch'in Elders and Youth Enhancement Programming.

"Essentially, the Elders' Council has been operating without a guiding document since the signing of the self-government agreement," continued Evans. "A lot of people have worked

hard to ensure that what we have now is in line with the constitution and satisfies the Elders' wishes."

"I feel good about it," said Johnson. "Working with the Chief and Council, that's unity."

"Ensuring the Terms of Reference do what the Elders want them to do means more hard work ahead," added Evans, "but we now have a guiding document that provides for effective and consistent communication as we move forward and focus on the document's implementation."

For more information contact:
Margaret Titus at 867.993.7160 or margaret.titus@trondek.com

Ronald Johnson, Chair, Tr'ondëk Hwëch'in Elders' Council



Management Boards and Committees Established Under the Umbrella Final Agreement

Over 20 boards, including the Yukon Environmental and Socio-economic Assessment Board, have been established in the territory under the Umbrella Final Agreement (UFA) and Yukon First Nations Final Agreements to carry out certain responsibilities under those agreements.

The following describes three such boards or committees:

Yukon Surface Rights Board

Created under Chapter 8 of the UFA, the Yukon Surface Rights Board is a quasi-judicial board to resolve disputes between surface and sub-surface interests.

Failing a negotiated agreement between parties, the Board may establish the terms and conditions of a right to access (if any) to Settlement Land and compensation allowed for that access and for land that may be expropriated.

The Minister of Indian and Northern Affairs Canada (INAC) appoints all members, half of which are nominated by the Council of Yukon First Nations (CYFN).

Members are appointed to three-year terms and upon recommendation of the Board, the Minister will appoint an additional member to serve as Board Chair.

For more information contact:
867.667.7695 or info@yukonsurfacerights.com

Training Policy Committee

The Training Policy Committee, created under Chapter 28 of the UFA, seeks opportunities to provide Yukon First Nations people with the training required to benefit from the implementation of the Land Claim Agreements.

The Committee works with Yukon First Nations who may require assistance in the development of training plans to access the Yukon Indian People Training Trust (YIPTT).

The Minister of Indian and Northern Affairs Canada appoints all Committee members and the Committee Chair is selected from amongst the CYFN Board Members.

For more information contact:
867.668.7812 or tpc@northwestel.net

Yukon Fish and Wildlife Management Board

Chapter 16 of the UFA recognizes the Yukon Fish and Wildlife Management Board (YFWMB) as the "primary instrument of Fish and Wildlife management in the Yukon."

The YFWMB is an advisory body consisting of 12 members appointed by the Yukon Minister of Environment with six members nominated by CYFN and six by the Government of Yukon.

The Board's responsibility lies with issues that affect the entire Yukon.

YFWMB focuses its efforts on territorial policies, legislation and other measures to help guide the conservation and management of fish, wildlife, habitat and wildlife users on a territorial-wide basis.

For more information contact:
867.667.3754 or officemanager@yfwmb.ca

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Left: A team of YESAB assessors tour Yukon Energy's hydro station this past fall to learn about the Yukon's electrical infrastructure. Right: Nathan Aasman, an Assessment Officer with YESAB, conducts a site visit at a solid waste management facility in Silver City – one of over 25 solid waste facilities being assessed by YESAB this past winter.



Yukon Environmental and Socio-economic Assessment Act

The Act

Chapter 12 of the Umbrella Final Agreement represents the foundation of the Yukon Environmental and Socio-economic Assessment Act (YESAA) – the federal act that outlines the process of how environmental and socio-economic assessments are carried out on all Yukon lands.

The Council of Yukon First Nations (CYFN) – with Canada and the Government of Yukon – was one of the three Parties who crafted the legislation and their involvement helped define the unique roles that First Nations play under YESAA.

YESAA establishes a process to identify the environmental and socio-economic effects of proposed developments before they are carried out and allows assessors to deal with any potential adverse affects before they occur.

YESAA, in part, was created to protect, promote and where possible, enhance the well-being and traditional economies of Yukon First Nation persons and their special relationship with the land.

If a project affects a First Nation or First Nation territory, the Yukon Environmental and Socio-economic Assessment Board (YESAB) notifies and seeks the views of the First Nation before any recommendation is made.

In addition, there are specific procedures for the consideration and handling of confidential First Nations' traditional knowledge and opportunities for the incorporation of traditional knowledge into assessments.

The Board

YESAB is an independent board that administers the assessment process. The Board is made up of seven members, including nominees of CYFN and the Government of Yukon who are then appointed by the Minister of Indian and Northern Affairs Canada for three year terms.

The Process

Assessments are carried out as one of three levels depending on the type and size of activities associated with a proposed project.

There are six assessment districts under YESAA with a Designated Office for each district and approximately 98 per cent of assessments are carried out at this level.

Larger and more complex projects are carried out by the Executive Committee made up of the YESAB Chair and two Board Members.

A third Panel level assessment also exists although has not been required to date.

After considering all relevant information, a YESAB assessor will determine the potential environmental and socio-economic effects and make a recommendation to the Decision Body or Bodies.

A Decision Body will then accept, reject or vary the recommendation and issue the required permit or authorization if applicable.

All information associated with a project assessment can be viewed by the public via the YESAB Online Registry. In addition, anyone can contribute and participate in assessments by submitting information at specific stages in the process.

Whether an access road, power line, forestry cut blocks or an open pit mine, Yukon residents have helped YESAB conduct over 700 project assessments.

For more information contact:
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For information or to share your feedback:

INAC – Communications
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CYFN – Communications
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This newsletter was produced through the efforts of many. A special thanks to the First Nation people and public service employees who provided information for the articles in this newsletter.

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