

AN OVERVIEW OF YUKON LAND CLAIMS

There has been a long history of land claims negotiations in the Yukon. Leaders from all Yukon First Nations worked together over many years to develop a foundation for their First Nation land claim agreements. Carcross/Tagish First Nation's agreements share key elements with all other Yukon First Nations. This fact sheet describes this history of negotiations and the key elements found in each First Nation's Final and Self-Government Agreements.



Representatives of Yukon First Nations in Ottawa to present "Together Today for Our Children Tomorrow," 1973 (Yukon government photo)

THE UMBRELLA FINAL AGREEMENT

In 1993, the Council for Yukon Indians, the Government of Yukon and the Government of Canada signed the historic Umbrella Final Agreement (UFA). Individual Final Agreements and Self-Government Agreements were also signed with four of the 14 Yukon First Nations at that time.

In 1995, these agreements were made legal by both the federal and Yukon governments. When a Final Agreement is made legal, the rights outlined in each First Nation's Final Agreement become protected under Canada's *Constitution Act*.

The Umbrella Final Agreement states that Yukon First Nations will receive a combined total of Settlement Lands of approximately 41,595 square kilometres (or 8.5% of the total land area of the Yukon). Approximately 25,900 square kilometres of this includes ownership of minerals and oil and gas. Together, Yukon First Nations will also receive compensation of \$242.6 million (based on 1989 dollars, which means the amount gets higher over time because of inflation).

DEFINITION OF TERMS USED IN THIS INFORMATION SHEET

LAND CLAIMS is the general term used for the process of negotiating land claims and self-government agreements. The land claims package for each Yukon First Nation has two core agreements: the *First Nation Final Agreement* and the *Self-Government Agreement*.

A FIRST NATION FINAL AGREEMENT is based on the Umbrella Final Agreement that was signed by Yukon First Nations in 1993. A Final Agreement deals with land rights, fish and wildlife management, resource management, economic development opportunities, financial compensation and much more. Each Yukon First Nation has its own Final Agreement.

A SELF-GOVERNMENT AGREEMENT is negotiated as part of the land claim process. *Self-government* means the right to look after your own affairs. A Self-Government Agreement gives a First Nation the powers and tools to make laws and decisions about its land, citizens and governance.

Each First Nation Final Agreement includes everything that is in the Umbrella Final Agreement. The Final Agreement also includes items specific to the First Nation that negotiated it.

For example, each First Nation's Final Agreement identifies which lands the First Nation has selected within communities and rural areas. It also outlines

where the Special Management Areas are located in that First Nation's traditional territory. The Final Agreement defines the amount of financial compensation the First Nation gets and outlines economic development arrangements specific to that First Nation. These are just a few examples of the content that is different in each Yukon First Nation's Final Agreement.

A history of modern Yukon land claim negotiations



photos courtesy of CYFN, DIAND, Yukon government

1973 Yukon First Nations submitted a formal proposal for a land claims settlement to the Government of Canada. The submission was called *Together Today for Our Children Tomorrow*. This report set the basis for negotiating land claims for all Yukon First Nations.

Later in 1973, the Yukon Native Brotherhood became the Council for Yukon Indians (CYI, now the Council of Yukon First Nations or CYFN). CYI negotiated land claims on behalf of Yukon First Nations. The Yukon Association of Non-Status Indians joined CYI in 1974.

1974-1979 The Government of Canada began negotiations with CYI in 1974. Negotiations continued off and on until 1979, when the Government of Yukon joined in.

1979-1984 Negotiations continued, resulting in a draft Agreement-In-Principle (AIP) in 1984. The Agreement-In-Principle was considered at a CYI General Assembly but was rejected for a number of reasons.

1986 A new federal policy on land claims was introduced. It addressed many of the key Yukon First Nations concerns that had contributed to the failure of the 1984 Agreement-In-Principle. Negotiations started again.

1993 The Government of Yukon, the Government of Canada, and CYI signed the historic Umbrella Final Agreement. Judy Gingell, Chairperson for CYI, signed with the approval of all Yukon First Nations. Final land claim agreements and self-government agreements were also signed with four Yukon First Nations.

1995 The Final Agreements and Self-Government Agreements for four First Nations were made into law by both the Government of Canada and the Government of Yukon. The First Nations were:

- Champagne and Aishihik First Nations,
- First Nation of Nacho Nyak Dun,
- Teslin Tlingit Council, and
- Vuntut Gwitch'in First Nation.

1995-2005 Six Yukon First Nations continued to negotiate and ratify their land claim agreements, which were also made into law. The six First Nations are:

- Little Salmon/Carmacks First Nation,
- Selkirk First Nation,
- Trondëk Hwëch'in First Nation,
- Ta'an Kwach'an Council,
- Kluane First Nation, and
- Kwanlin Dün First Nation.



photos courtesy of CYFN, DIAND, Yukon government

KEY ELEMENTS OF A FINAL AGREEMENT

Yukon First Nation Final Agreements cover a range of topics such as land ownership and management; hunting, fishing and trapping; taxation; financial compensation; and social and economic benefits.

The agreements also establish systems for managing all of the Yukon's resources. The agreements guarantee a voice for Yukon First Nations on boards and committees that manage fish and wildlife, heritage resources, water, and special management areas. They also have a voice on boards that deal with development assessment, surface rights (access issues), dispute resolution and land use planning. First Nations nominate a portion of the members of these boards and committees.

Final and Self-Government Agreements also provide each Yukon First Nation with access to funding through financial transfer arrangements, tax sharing and collection arrangements, lump sum capital transfers, and shared revenues from royalties for oil and gas and other resources.

CATEGORIES OF SETTLEMENT LAND

Each First Nation Final Agreement defines the amount of land that a First Nation will own and manage and over which it can exercise its powers. There are different types of land identified in a Final Agreement:

Category A Settlement Land: On this type of Settlement Land, Carcross/Tagish First Nation (C/TFN) will have complete ownership of the land's surface, including forest resources, and any aboriginal rights or title continue to the extent they are consistent with the Final Agreement. C/TFN will also have full ownership of what is below the surface, such as minerals, and oil and gas, and will be able to control any related activities.

Category B Settlement Land: On this type of Settlement Land, C/TFN will also have complete ownership of the land's surface, and any aboriginal rights or title continue to the extent they are consistent with

the Final Agreement. C/TFN will not have ownership of mines and minerals but will have the right to use gravel, clay and some other materials on its Category B Settlement Land free of charge. Category B lands are found in large rural blocks, small parcels of site specific selections, and in community lands.

Fee Simple Settlement Land: On this type of land, a Yukon First Nation has rights similar to the rights of private property owners.

Site specific land: These are smaller-sized land parcels usually selected for use by individual families or because they are important cultural or heritage sites.

Retained Reserve: This is land that, in the past, was set apart for the use and benefit of Yukon First Nations people as defined by the *Indian Act*. If a Yukon First Nation selects a reserve as Settlement Land, then the *Indian Act* will cease to apply once the final agreement takes effect. However, a First Nation can keep a reserve as part of its land claim. The First Nation will then own the "retained reserve" as if it were Category A Settlement Land.

Non-Settlement Land: This is all land and water in the Yukon other than Settlement Land.

SELF-GOVERNMENT AGREEMENTS

Each Yukon First Nation negotiates a Self-Government Agreement as part of its package of land claim agreements. This agreement gives a First Nation the powers and tools to develop and run its own government for its citizens.

Self-Government Agreements provide individual First Nations with the power to pass certain laws on their Settlement Lands, including laws for land use, fish and wildlife harvesting, licensing and the regulation of businesses.

Yukon First Nations also gain the power to make laws for their citizens in the Yukon in the areas of language, culture and spiritual beliefs; health care and

services; social and welfare services; training programs; adoption, guardianship, custody, care and placement of children; education programs and services; estates; resolution of disputes outside the courts; and licences to raise revenue. First Nation laws can replace Yukon laws that deal with the same matters.

Self-Government Agreements allow a First Nation to assume responsibility for managing, administering and delivering a number of government programs or services. This is done through the negotiation of Programs and Services Transfer Agreements (PSTAs). These administrative agreements describe the government program or service the First Nation is going to take over and how much funding the First Nation will get to

deliver it to its citizens. Communities with self-governing First Nations have the ability to provide programs and services that meet local needs and priorities.

Additionally, Self-Government Agreements allow a First Nation to make laws and decisions about how it will manage its government. Each First Nation is required by the Self-Government Agreement to develop a constitution. This constitution describes who is a citizen of the First Nation and how someone can become one. It outlines the rights and freedoms of the citizens. The constitution also defines how decisions and laws will be made or changed in the First Nation, how leaders will be selected, and how the First Nation will be financially accountable to the citizens.

Future changes to Self-Government Agreements

Yukon First Nations which have completed Self-Government Agreements have the opportunity to improve their agreement if another Yukon First Nation negotiates a more favourable provision in their self-government agreements.

If another Yukon First Nation negotiates more favourable provisions, other Yukon First Nations with agreements in place can negotiate with the government to get the same or equivalent provisions in their Self-Government Agreements.

The Self-Government Agreements will not affect the ability of Yukon First Nations people to exercise or benefit from any existing or future constitutional rights for aboriginal people that may be applicable to them.

Land claim agreements can only be changed with the approval of all three parties (the individual First Nation, the Government of Yukon and the Government of Canada).



photo courtesy of K-L Services

Contact the Ratification Committee for more information.

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This fact sheet highlights elements of the Carcross/Tagish land claim agreements. It should not be relied on for legal interpretation of the Final and Self-Government agreements.