

SELF-GOVERNMENT

If the Carcross/Tagish First Nation (C/TFN) Self-Government Agreement is approved, and if the C/TFN Final Agreement is also approved, the Carcross/Tagish Indian Band will no longer exist as a band under the Indian Act. Instead, C/TFN will become a self-governing Yukon First Nation.



photo courtesy of Janet Lee

WHAT IS SELF-GOVERNMENT?

Self-government can mean different things to different people. Usually, it means the right to look after your own affairs. The Self-Government Agreement negotiated by C/TFN as part of the land claim process establishes the decision and law-making powers that C/TFN will have once the agreement is approved. C/TFN will be able to govern its own affairs, including making laws on a wide variety of topics affecting its citizens and its Settlement Land.

As a self-governing First Nation, C/TFN will have its own constitution. A constitution is a legal framework that defines how a government is set up, how leaders are picked and how decisions and laws are made. The constitution also establishes a citizenship code.

LAW-MAKING POWERS

The C/TFN's Self-Government Agreement gives C/TFN the powers and tools it needs to become self-governing. C/TFN will be able to make laws dealing with a variety of areas.

First, C/TFN will be the only government that can make laws about the administration, operation and internal management of C/TFN.

Second, C/TFN will be able to make laws that affect its citizens no matter where they live in the Yukon. These laws include provision of programs and services in the areas of health care, Tagish and Tlingit languages, training programs, social welfare, education, cultural beliefs and practices, adoption of children, performance of marriages, inheritance, and dispute resolution outside the court system. C/TFN, not the federal government, will have the authority to decide how the money it receives for programs and services will be spent. It will be able to direct funding to the programs its citizens feel are a priority.

Third, C/TFN will be able to make laws for various activities on Settlement Land. For example, C/TFN will be able to make laws related to hunting, fishing, logging and other uses of its Settlement Land. It can also make laws to license businesses, control or prevent pollution, or protect public health and safety, among other things.

C/TFN laws, in the second and third areas, may replace Yukon laws that deal with the same topics. They cannot replace federal laws. In the future, the C/TFN and Canada will have to decide how their laws will work alongside one another.

Fourth, C/TFN will have the power to make various laws about taxation. Governments collect tax so they can provide services for their people. Since other governments can also make tax laws and charge taxes, there is a need for everyone to work together.

C/TFN and Canada must try to agree on how to coordinate their powers to make laws for direct taxation, including personal income tax for C/TFN citizens. They must also decide whether C/TFN's taxation laws will affect other people and organizations located on Settlement Land.

The Yukon and Canada have already entered into a tax collection and tax sharing agreement with nine self-governing Yukon First Nations. C/TFN will be able to make similar arrangements after its land claim and self-government agreements are approved. This would mean that the income tax paid by people living on C/TFN Settlement Land to the federal and Yukon governments would, instead go mostly to C/TFN.

PROGRAMS AND SERVICES

If C/TFN's agreements are approved, C/TFN will gain the ability to take over responsibility for managing and delivering many of the programs and services that are currently delivered by the federal and Yukon governments.

When C/TFN, as a self-governing First Nation, takes responsibility for a government program, it will receive funding on an ongoing basis to carry out its responsibilities. C/TFN will have the authority to decide

how the money it receives should be spent. C/TFN will also have significant flexibility to direct funding and design programs according to the priorities of the First Nation and its citizens. It will not be required to negotiate program changes with any level of government.

For example, as a self-governing First Nation, C/TFN could decide to take some of the program money it receives and redirect more health funding into Elder care. C/TFN could do this without getting permission from the government.

C/TFN has negotiated arrangements, including funding amounts, to manage, administer and deliver the Inuit and Inuit Affairs Program, First Nations and Inuit Health Benefits (Medical Services Branch), and Yukon Mines and Minerals Administration, and Forest and Land Management. C/TFN will receive \$3,321,304 in the first year to deliver these programs and services. Annual funding amounts will increase every year if population and prices rise. More agreements to transfer programs and services may be negotiated in the future.

LAND USE PLANNING

Laws and decisions affecting non-Settlement Land within the C/TFN Traditional Territory will continue to be made by other governments. However, C/TFN has negotiated a role in some land use planning processes.

Government will also have to consult with C/TFN about the use of non-Settlement Land when the use may have a significant impact on certain adjacent Settlement Land. Likewise, C/TFN will have to consult government when the use of Settlement Land might have a significant impact on adjacent non-Settlement Land. If they are unable to agree on the use, C/TFN or government can refer any disagreement to the Dispute Resolution Process set up under the Final Agreement.



Contact the Ratification Committee for more information.

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