

**2010 Building on Success  
Conference**  
**Assembly of First Nations Yukon Region**  
*A National Conversation on First Nation Self-Government*  
 High Country Inn Convention Centre  
 Whitehorse, Yukon  
 September 14 to 16, 2010  
**Conference Notes**

---

**Contents:**

	Page Number
Speaker List .....	1 & 2
<u>Agenda Items:</u>	
1. Day 1 – Welcome and Opening Comments .....	2
2. What Were They Thinking .....	4
3. Nation Building and Governance .....	7
4. Effective Dates.....	9
5. Day 2 - Address by Former Minister Tom Siddon .....	12
6. Building Institutions of Government .....	13
7. Building Fiscal Capacity.....	15
8. Day 3 – International Perspectives .....	18
9. Premier’s Address.....	18
10.Improving Intergovernmental Relationships .....	19
11.Maintaining Focus After Effective Day .....	21
12.Closing Remarks.....	23

---

Speaker list:

Harold Tarbell, Master of Ceremonies  
 Hazel Bunbury, Elder Ta’an Kwäch’än Council  
 Eric Morris, Regional Chief Assembly of First Nations, Yukon Region  
 Jessie Dawson, Councillor Kwanlin Dün First Nation  
 Brenda Sam, Chief Ta’an Kwäch’än Council  
 Dave Joe, Legal Counsel and Negotiator  
 Doug McArthur, Simon Fraser University  
 Tim Koepke, Chief Federal Negotiator for Canada  
 Richard Sidney, Teslin Tlingit Council  
 Albert Peter, First Nation of Nacho Nyäk Dun  
 Bruce Warnsby  
 Dan Smith  
 Jody Wilson Raybould, Regional Chief AFN British Columbia Region  
 Angus Toulouse, Regional Chief AFN Ontario Region  
 Robin Bradasch, Kluane First Nation  
 Bertha Rabesca Zoe, Tlicho Government  
 Larry Derrickson, Westbank First Nation  
 Tom Siddon, Former Minister of Indian Affairs  
 Isaiah Gilson

Kim Baird, Chief Tsawwassen First Nation  
Mark Wedge, Chief Carcross Tagish First Nation  
Satsan Herb George, National Centre for First Nation Governance  
Norma Kassi, Vuntut Gwitchin First Nation  
Ed Schultz, Former Grand Chief of the Council of Yukon First Nations  
Stephen Gagnon, Indian and Northern Affairs  
Perry Billingsley, Indian and Northern Affairs  
Michael Hale, Yukon Government  
Dr. Xavier Albo, Bolivian Ministry of Autonomy  
Dennis Fentie, Premier of the Yukon  
Ruth Massie, Grand Chief of the Council of Yukon First Nations  
Tony Penikett, Former Premier of the Yukon  
James Eetoolook, Nunavut Tunngavik Incorporated  
Dan Smith  
Catherine Constable, Past Director Land Claims and Implementation Secretariat, Yukon Government  
Karyn Armour, Yukon Executive Council Office, Yukon Government  
Brian McGuigan, Negotiator  
Theresa Redmond, Indian and Northern Affairs Canada  
James Harper, Legal Counsel and Negotiator

---

*The Assembly of First Nations Yukon Region 2010 Conference: Building on Success, A National Conversation on First Nation Self-Government was held from September 14 to 16, 2010 at the High Country Inn Conference Centre in Whitehorse. These conference notes are a summary of what transpired during the three day event. An onsite breakfast and lunch was enjoyed by delegates each day, and binders/kits which included the agenda and other relevant documents were available to everyone.*

## **Day 1 – Tuesday, September 14, 2010.**

The conference came to order at 9:10 am. Opening prayer said by Elder Hazel Bunbury.

### **1. Welcome and Opening Comments**

HAROLD TARBELL as the Master of Ceremonies welcomed everyone, introduced himself, and reviewed the agenda as included in the kits. He introduced Councillor Jessie Dawson.

JESSIE DAWSON thanked the Elder for her prayer and welcomed everyone to the conference. Kwanlin Dün was especially pleased to welcome National Chief of the Assembly of First Nations, Shawn A-in-chut Atleo to the conference and her traditional territory. She was standing-in for Kwanlin Dün First Nation Chief Mike Smith who was unable to attend. She relayed some historical and present initiatives undertaken by the Kwanlin Dün First Nation, one being the Cultural Centre due to open in 2012, and she spoke about the changes since self government. Opportunities had arisen due to the self government agreements she said.

CHIEF BRENDA SAM thanked the Elder for the opening prayer. She offered condolences to Chief Mike Smith and Kwanlin Dün First Nation in the loss of dearly loved Elder Irene Smith. On behalf of Ta'an Kwäch'an Council she welcomed delegates

to their traditional territory, shared with Kwanlin Dün. Chief Jim Boss was the one who took the first step in beginning what would become our land claim process when he wrote a letter to the king. In 1995 four out of fourteen Yukon First Nations signed final and self government agreements, and Ta'an Kwäch'än Council was the eighth one to sign. She invited all delegates to share with each other and make positive commitments.

REGIONAL CHIEF ERIC MORRIS asked for a moment of silence to remember Elder Irene Smith and the Smith family. He welcomed everyone saying he was pleased to see the conference become a reality, since the subject was of importance to all Yukon First Nations. He acknowledged the many people involved including the late Elijah Smith and the recently elected Grand Chief of the Council of Yukon First Nations, Ruth Massie. He spoke about Together Today For Our Children Tomorrow, and the road to self government for Yukon First Nations. We must continue to invest in our children and teach them self government, they will become our leaders. They will take on responsibility from our past leaders. On the forefront is our participation in the Yukon economy, how we contribute to making this a prosperous territory. Consolidate our efforts, make investments together, become successful in what we choose to do. Northern Chiefs have come together to form an economic partnership. Some businesses in Whitehorse are First Nation operations. We face challenges, but together we can help our people who struggle. Our people are resilient and we've gone through a lot over the years, residential school was only one impact that we've been able to withstand. The Alaska Highway and Klondike Gold Rush impacted us. Our resilience has allowed us to meet here today, to have conversations among each other and to share. In talking together we can overcome the obstacles. This is a perfect opportunity and is one of many yet to come. I hope you will have a good productive three days. I'm so glad you are all here he said.

NATIONAL CHIEF SHAWN ATLEO joined the podium. He expressed his condolences to those grieving the loss of Elder Irene Smith, family is so important to us he said. He congratulated Grand Chief Ruth Massie on her recent election. He thanked the many Chiefs who were in the assembly for their participation saying he appreciated his fellow colleagues. Challenges placed on our communities, people and families have been a dark chapter from which we are coming out from underneath. Yukon First Nations constantly remind First Nations across the country to be aware of the goings-on in the Yukon regarding self government. As National Chief he had travelled many places and was amazed at the deep resilience of First Nations people. I am full of hope and feelings of optimism, notwithstanding the enormous challenges in front of us. Nationally we strive to serve First Nations Governments, recognize the authority of First Nations, consider interdependency of First Nations, and strive for self determination. The agreements represent the beginning of a relationship. We recognize the work gone on before us, those champions doing the work for so long. In 1973 there was turmoil in our village. When we are born into a nation we must ensure we learn its history. We must see each other as assets to each other, lift one another up. There's wisdom in forging these agreements, there's a need to honour the spirit and intent of those treaties. We want you to succeed. These agreements don't just belong to Yukon First Nations, they belong to all Yukoners and Canadians. The original vision of these conversations were economic

in nature and part of the effort must be to overcome the gaps of misunderstanding between our people, as well as among us and Canadians in general. The forces impacting your home territories come from all over, varied economic centres, Asia, and so they are global in nature. Strategies from our teachings must be implemented. Humanity is diverse. It's time that every single learner in every Canadian school understand who First Nations people are. A national action week will begin next week to ensure Parliament hears our opinions regarding education. If we close the education and employment gap in this country, it would infuse a lot of money into the economy. The National Chief spoke about justice issues saying we need a system of justice that works for our people. We've had a national call to action on education, and we ask for your support in our call. Canada is known for it's support of human rights and we need sixty schools in our First Nations communities, along with clean water and housing. It comes back to relationships. Indigenous peoples are involved in a global movement, and Canada has said they will endorse the United Nations declaration of indigenous rights of indigenous people. Self government agreements give life to the Elders in this territory and at the national level. First Nations continue to come forward in hope of forging a new and better relationship with Canada, and we ask the Prime Minister to host a First Nations and Crown gathering so we can talk. Sometimes we want to open doors, and sometimes we want to kick them down. We need an arrangement that is based on our real needs. It's about matching new responsibilities with the real costs. We want a model of interdependence, moving from unilateral delegation to bilateral or tripartite efforts for mutual and shared accountability, and I believe we can accomplish this. I look forward to working beside your First Nations in the Yukon, to make sure we lead with our hearts and demonstrate the affection we have for one another.

REGIONAL CHIEF ERIC MORRIS presented a beautiful panel crafted by Jared Kane from the Ta'an Kwäch'än Council to the National Chief as a gift from Yukon First Nations.

HAROLD TARBELL thanked all those who had provided their opening comments.

*Break.*

## **2. What Were They Thinking**

DAVE JOE, DOUG MCARTHUR, TIM KOEPKE, RICHARD SIDNEY and ALBERT PETER came forward to the podium.

DAVE JOE said initially, the Elders and Chiefs said all we need is a little bit of land, some power, some resources - including ensuring our young people have the ability to take over, and some capital. That's all we need. We want equity, fairness and understanding. They said we have to protect our land, our children, our heritage, our culture and our way of life. At that time we had several processes, and we opposed the pipeline because we needed to protect our land before we saw another onslaught. The Together Today For Our Children Tomorrow document outlined the protection of our land until we resolve the land issues with the Crown. In 1973 we agreed we needed a central Indian authority and that was conveyed in the Together Today For Our Children

Tomorrow document. In 1979 we had a document titled Proposal for Settlement, it proposed that Yukon First Nations collectively would be responsible for law making dealing with renewable resources in the Yukon - that was not accepted by Canada. In 1982 Pierre Trudeau talked about repatriation and we joined in the process to work out final agreements, and subsequent to that we were successful in entrenching section 35.1 which would allow for and evolve into inherent right. To this very day there has been no definition of that right by Canada.

RICHARD SIDNEY thanked the conference for inviting him to speak. He spoke about nationhood, saying we were nations within a nation. We stated we were the owners of our territories, that we had title and rights that we wanted secured for our future generations. The Together Today For Our Children Tomorrow document stated our position at the negotiation table and stressed our heritage that predates Canada. We had laws that were supreme, based on respect of who we are, and we shouldn't be afraid to bring this forward. We stood to the challenge of capturing this vision. Elders and leaders stated we should be brave enough to look across the table and embrace all the good things government was offering us, and take the best from that, and bring our views together and develop this modern treaty. Elders told us our system, based on clan governance. The challenge was to capture our position, bring it to the table and convince the governments that we were not all crazy and what we offered was a hope. We offered a way for us to survive and thrive and grow. Those were only some of our challenges. We wanted to take back pride in our identity which had been taken from us through residential school. Elders tell us that to ensure our survival we must bring back pride in who we are. Our culture, heritage and songs become crucial. Our participation was based on the premise of fairness and full cooperation, we came to the table in trust. Have we been successful - there are a lot of areas we could improve on for sure, but we've only just started on this journey. We want to be self sufficient and determine our destiny. We wanted full fiscal responsibility as nations, but we didn't achieve it. The process is controlled by dollars and policy and so the odds were stacked against us from the start, but we did develop our own governments and so the future is ours and it's up to us to build on that. I wish our future generations the best, and I think we've given them the power and authority and responsibility to be successful he said.

ALBERT PETER thanked everyone for the opportunity to speak. We need to protect our land, our heritage and culture. Our Elders said this land is not for sale. We agreed to share responsibility for the land in our role as stewards. We wanted to speak for those others not at the table, the animals, fish and birds, the land itself. We were involved in the land use planning process and wanted to share our knowledge and responsibility to look after and care for this land. Elders wanted to bring our people back. We were separated by status and non status. Through this process, we came back together as one. We knew we had to respect ourselves as Indian people, and we wanted recognition of our governments, our systems and management processes. We made agreements with each other as First Nations on how to share the land. We entered into understandings and treaties with the Crown. We agreed to the process of treaty making without any extinguishments of our rights. We wanted a choice for our people to continue with the traditional lifestyle along with the modern economy. We want to take back our place in

this country, to be independent and self sustaining. We are rebuilding our government from the ground up after the many years of the Indian Act. We wanted to emphasize unity, as Yukon First Nations, to build a foundation for our future generations. We want to survive and prosper in this land called Yukon. The spirit and intent of our agreements must be honoured. We want a true government that represents our people. We want to participate as equal governments, not a twenty-five percent participant. One of our strengths is the ability to adapt to our land, and that's why protection of it is so vital. I am honoured by the wisdom and knowledge given and shared with us by our Elders. We need a model of government to hold up to the world on how to begin a better system for us and our people.

DOUG MCARTHUR thanked everyone for the invitation to the conference. At that time I was working for the Yukon Government, and this was very new thinking regarding treaty negotiations. The whole notion of self government had its roots in the Yukon with Yukon First Nations. The Federal Government did not intend this shape at all. It was in place due to the First Nation leaders and Elders. This model is now used in the modern treaty processes. The underlying thoughts on self government had particular features. They were designed with a framework for asserting and empowering First Nations, where they had a choice and flexibility in how they did it. There would be ongoing complex relationships and that had to be accommodated within the structure of the arrangements. Self government agreements provide opportunity to allow for differences in timing. Some criticism came from academics in Canada that this was about separation, and division. I never heard that from the table. We wanted to allow for First Nations to develop self sufficiency, and arrangements would include economic development. Our thinking was, that sometimes fiscal arrangements were not really fair. If you look at the agreements you will see that they encourage partnerships. First Nations are in a position where they have impact on programs and services. Implementation of government policies were to ensure equality, and treaties were seen as an instrument for achieving that, and policy would have to adapt and follow up so that agreements would be successful. Success to the effort was sought. We thought this was a first step for further political development such as devolution, and the control and management of land to come over to the Yukon Government. An effort to maturing and developing Yukon as a modern economy. There was a concern that past practices had not been respectful of traditional rights of First Nations people, and this was seen as a way to change that. We hoped that the clauses included in the negotiations would transform the political and economic landscape of the Yukon with a new and respectful accommodation with First Nations people through these agreements. We believed the treaties would lead to that result. I come here and am impressed with what is happening and I congratulate you on what has been accomplished by Yukon First Nations.

TIM KOEPKE said my remarks address the situation we found in federal policy at the time. I thank the Assembly of First Nations conference organizers for my invitation. There was always the objective of certainty for all parties. Now, twenty-five years later the question of whether we achieved certainty is questioned. We see new certainty models that avoid the offensive extinguishments concept. During Yukon First Nation land selection we tried to strike a balance for Yukon First Nations needs, as well as those

of other Yukoners. We were fortunate to have sufficient cohesion among Yukon First Nations to achieve an Umbrella Final Agreement. Allocations of financial compensation were agreed upon and I hoped the umbrella approach could be utilized in British Columbia, but consensus was not reached. In the Yukon it did produce eleven treaties. Government does not support the idea that we keep discussions going forever, but we hope to assist those First Nations still working towards their self government.

BRUCE WARNSBY asked how do you compare the terms of the treaties.

TIM KOEPKE said the self government arrangements as were created in Yukon were not constitutionally protected, but today they are, although the financial aspects are not. Self government in the Yukon is evolving, and I see ample evidence of progress. Results will be measured in generations with steady progress along the way.

DOUG MCARTHUR said what we've achieved in Canada is a recognition that First Nations have a sovereign space. That's a significant achievement. We have not yet achieved, but we see growing, a relationship with this new order of government. Some people call this treaty federalism, but I don't think we can call it that until we have the mechanisms for a partnership.

DAN SMITH said I commend Yukon First Nations for being inclusive and recognizing all citizens that can trace back their relationship to the land. What is the fear of the Federal Government in providing self government to all First Nations. It needs to be asked of the federal negotiator. You mentioned a common table. We've been negotiating for fourteen years.

TIM KOEPKE said Canada's policies have to be governed on a table by table basis.

*Lunch break. The Takhini Dancers performed for the delegates.*

### **3. Nation Building and Governance**

REGIONAL CHIEF JODY WILSON RAYBOULD and REGIONAL CHIEF ANGUS TOULOUSE came forward to the podium.

REGIONAL CHIEF JODY WILSON RAYBOULD acknowledged all the Elders, Chiefs, leaders, and citizens in attendance. She provided some personal history saying she was on Council in her own community. The conference was timely in building on the success of First Nations governance. It's important while moving forward that we learn from those who have gone through the self government process. Change is never easy and we're interested in listening to conversations around the Yukon agreements and the sixteen years of experience you have gained. What institutions are we creating in self governance. What systems are in place. How is property registered and transferred and how is government financed. What has worked and not worked. Is culture being practiced and celebrated, those are questions that matter. At some point communities will be addressing those kinds of questions. At the Assembly of First Nations Annual General Assembly we discussed getting rid of the Indian Act within five years. We

should develop a framework for change in five years. We are not starting from scratch. A lot has been written about self government. She reviewed some initiatives which had not worked, saying today there are some two hundred tables where self government is being discussed. Many communities have led their own self government initiatives, and it's resulted in federal legislation to remove parts of the Indian Act. Some institutions are working on their own entirely, without government involvement. They will argue in court their inherent right to self government. Despite the hours spent on these issues the majority of First Nations continue in the same way they did forty years ago under the Indian Act. Today, the only recognized self government communities are those where modern self government is recognized, for example in the Yukon. The need for strong governance must be grounded in what is required practically to create the foundation for an improved quality of life and thriving cultures. What we need are practical solutions that work and to build on our success, making the lives of our people better. We have some practical experience now, some successes to learn from. We also have lessons to learn from our neighbours to the south. We have clear legal parameters for implementing our inherent right to self government. The United Nations rights on indigenous self determination have been adopted. Canada has indicated they may sign the declaration, we must hold them to this commitment. We have a substantial body of research which shows that self government is a must in the success of First Nations. Younger leaders in our communities are inspired and know that the status quo is no longer acceptable. How do we harness the growing energy. How do we empower and facilitate wide spread change in our communities. Our people should benefit and enjoy their rights and titles. I suggest where communities do well there is a level of understanding within the citizenship that there's life beyond the Indian Act. I have come to appreciate that before there can be significant change on the ground our people have to support it, not only politically, but they must exercise their right to vote for change. We have to vote the colonizer out. Canada has a fiduciary obligation to our people. Legal and administrative challenges continue for us and we need our communities on side in supporting change. We also need the Federal Government on side. The role of the Federal Government is to assist us in establishment of our own governance, developing our own rules. The proposed First Nations Governance Act was not broad enough and had less powers than self government arrangements. The process for change must come from us and our communities and allow us to move away from the paternalistic relationship with the Crown. At the British Columbia Assembly of First Nations we have four pillars, the need for strong and appropriate governance, fair access to land and resources, a focus on healthy, educated individuals, and healthy communities. Social change is not only about money, it will require dedication for change. Resources available to our people are limited and we must be strategic in our goals and set the direction. This must be led by our people. We continue in our struggles away from the Indian Act. The flame for change has been lit in British Columbia, and we hope to move forward on the options available to us. Legal options to move beyond the Indian Act still require costly engagement with the Crown. This needs to change. Self government negotiations broke down in Alberta years ago and they proposed an act, where when a First Nation was ready to negotiate they could do so without significant negotiation from the Crown. It had limitations but could be considered again. The Federal Government continues to work on the Indian Act, but we must be the designers of the new systems. We must make

the rules ourselves, under our own jurisdiction. We need access to the necessary financial resources. We need an initiative that will move beyond the Indian Act and provide certainty in our governance. Building on the work already done at the constitutional and federal level we must ensure that where a community is ready to move it can do so at its own pace, negotiations only make lawyers and consultants rich, but don't help much to rebuild nations. We need a new relationship based on partnership, trust and respect. We learn from each other and it will play into the broader debate to move beyond the Indian Act. Let us recognize the ground we have made and seek to empower the communities and people, let's build on our success.

REGIONAL CHIEF ANGUS TOULOUSE thanked the conference for inviting him to attend. He appreciated the willingness of everyone to share their thoughts. There are 133 First Nations within the boundaries of Ontario and we are a diverse people he said. First Nations aspire to be free of limitations and paternalism of the Indian Act and are pursuing several areas. No self government agreement has been achieved in Ontario to date. He relayed the self government initiatives undertaken by First Nations in Ontario saying agreements in principle had been drafted and negotiations continued. There have been many government negotiations in Ontario with no agreements concluded so far. There are several reasons, one being the unsatisfactory nature of the First Nations inherent rights policy. Communities are often isolated without roads. Many communities outside Toronto and other urban centres are expected to negotiate self government. The one size fits all federal policy does not work. When getting out from under the Indian Act we can look to the Yukon First Nations. I am interested in hearing more about your experiences, we can learn from one another. I hope this conversation can continue in the future, and I know that First Nations in Ontario would be interested in hearing from Yukon First Nations. There's a lot of opportunity for these kinds of discussions. We've been restricted by the inherent rights policy, but we continue to work on these issues. My sincere appreciation to you all for holding this conference.

HAROLD TARBELL reviewed the points made. Principles include knowing why you're negotiating, having a settlement position, shift government to recognition, and ensure grass roots support for what you are pursuing and advocating he said.

*Break.*

#### **4. Effective Dates**

ROBIN BRADASCH, LARRY DERRICKSON, and BERTHA RABESCA ZOE came forward to the podium.

ROBIN BRADASH spoke about the events that led up to the effective date for the citizens of Kluane First Nation. Her late father, well respected Elder Joe Johnson had given her good advice when he told her, speak from the heart. She had served as a negotiator for the Kluane First Nation, a twenty year process, and she had learned you're never really finished. In the final year before the agreements came into effect there was a flurry of activity, it exhausted the entire community. The commitment from our citizens to continue, helped us to continue our work at the table. When our agreement came into

effect the Indian Act ceased, and Kluane First Nation had to replace it. We are developing legislation, a lengthy process involving our citizens. We have created several new entities within our First Nation, one being a Management Committee. We developed a ten year organizational plan to maintain a realistic view of our evolution. We wanted to recognize the hard work of our employees and wrote several new job descriptions, and we did the best we could to recognize the value of services provided. We developed new policies, sometimes temporary ones. We became responsible to deliver programs to non status citizens as well. One crucial policy was the Kluane First Nation Investment Policy, it ensured money was protected and successfully invested. That was a long process, but it was important because it was for our future. Pre-implementation initiatives had to be done prior to the effective date and we developed a call-out to citizens to sit on boards and committees as per the agreements. Being small created challenges, but it also allowed us to contact all of our two hundred citizens. We decided to do a few things, and do them well. Help from the other Yukon First Nations who had succeeded in self government was crucial for Kluane First Nation. Experience shows you can't anticipate everything you will face, but that's okay because you're deciding your own self determination.

BERTHA RABESCA ZOE thanked the conference for the invitation to attend. We all share common issues as related to self government. I've been involved with pre-implementation since 2003. We started lobbying to get the agreement to Parliament. She introduced several members of the Tlicho Government. Our agreement states the four bands would cease to exist and be succeeded by the Tlicho Government. To make it happen we used the succession of law concept. Our effective date was August 4<sup>th</sup>, and we needed an opening balance for the Tlicho Government, we needed to know all the financial information and we needed to ensure staff were comfortable in knowing they had a job. We looked at a structure for our Government using our constitution. The people make decisions and policies, and under that is the Chief and Council, and under that is the administration system of the Tlicho Government. Another challenge was the transition of leaders. Prior to the effective date there was territorial legislation which required a Chief and Council. We worked with the existing Chief of that time up to the effective date, and we had to train the new Chief and Council on what would happen on effective date. We stress the importance of consulting with your communities and citizens. We have annual gatherings every year and we planned a countdown to effective date which included a celebration and fireworks display. We called effective date recognition. Treaty 11 ceased to exist, and we had a swearing in of all members into office. Secondly, we passed eight laws, which set up the structure of the government. It allowed us to be fully functioning on effective date. Land was frozen until a system was developed where we could utilize an acceptable land use plan. Now we have about thirty laws and some directives in place. One final thing we had to do on effective date was the nomination for the Grand Chief. We had new leaders come on after the effective date, and so they were not familiar with the agreement or constitution and we had to educate our leaders on what the agreements say. We also had some internal political challenges. We continue to work toward caribou management with the territorial government, and we deal with concurrent jurisdictions. You come up against different interpretations of the agreement because negotiators are not involved in implementation. Staff are crucial in

making governments a success, and they must understand the agreements. Educating industry was also crucial. Next month we will undertake priority planning for the Tlicho Government. I recommend you develop a transition plan, something for those who were there before, and will be there after effective date. Negotiators should continue to be involved because they have the understanding of the agreements, Elders and resource staff are also key. We celebrate Recognition Day, formalizing the laws, it wasn't something new happening but recognition of something we had before. There is a lot of work involved, and you need the support of key people, the Elders and community. Effective day for us was the celebration by the people of that day, people were happy and full of hope for the future. We unveiled our new flag on that day and surprised our people with our new symbol for the Tlicho Government. It gave all of us optimism for the future.

LARRY DERRICKSON spoke about his involvement with the Council of the Westbank First Nation. He thanked conference organizers for their very excellent conference. He spoke about the continual need for funding even after implementation. We developed our own new laws. We took over the jurisdiction of our lands and you must ensure you have funding to continue in that way. Human rights was one area we had to include in our self governing law. Negotiations with the community as a whole was undertaken. Our government process is transparent and the effective date is only the beginning. We negotiated with Canada bilaterally, no other government was involved. We own our lands but they are still under the protection of the Federal Government. Taxation powers we have gives us abilities as a government to move forward. Sustainability remains very important, make sure it continues in any agreement you make. We want to be viewed as a municipality. Information sharing in that area would be vital to any First Nations moving toward self government. At first I was against self government, but I now realize that we must consider every avenue available to us with which to move forward. Our negotiation team survived and provided our community a lot of support through the community voting process. The Indian Act is a policy and you can take from it what you want to enhance your own policies. It's all pre-implementation so that your effective date actually works. Our effective date was April 1, 2005 and on that day we implemented our first law, a taxation law. Internally we continued in development of our constitution and that's where citizens were fully involved. Effective date is only the beginning, it sets the stage for the future.

HAROLD TARBELL thanked all participants and speakers for a successful day. Despite the length of the negotiation process the work continues. It seems that it requires a relentless commitment to restructure and build mechanisms and build capacity, and continuously work at the ongoing issues. He asked if there were any questions from the floor, none came forward. He reminded delegates of the special roundtable sessions beginning at 4:30 pm.

Meeting adjourned at 4:15 pm.

## **Day 2 – Wednesday, September 15, 2010.**

Meeting came to order at 9:00 am.

HAROLD TARBELL welcomed everyone back to the conference.

### **5. Address by Former Minister Tom Siddon**

TOM SIDDON as a past Minister of Indian Affairs came forward to the podium. Leadership shapes the future, and when Elijah Smith and the others took their message to Ottawa, Together Today For Our Children Tomorrow, that was forty years ago, and I say ladies and gentlemen the time is now. I acknowledge Kwanlin Dün First Nation and the Ta'an Kwäch'än Council for the privilege of addressing you here on their territory this morning. I also thank National Chief Shawn Atleo for his positive way of working with governments and the Canadian people as a whole. I also thank Regional Chief Eric Morris as well. He spoke about the opportunities in the 21<sup>st</sup> century, saying the past message given to Prime Minister Trudeau was profound. Chief Jim Boss is also of historic significance with his appeal to Ottawa. As I reflect back he said, the signing which took place May 29, 1993 was significant in preparation of my thoughts today. The Umbrella Final Agreement was complicated. Elijah Smith gave a powerful message to Prime Minister Chretien saying we the Indians of the Yukon object to being treated like squatters in this country. He wanted a fair settlement for the white man's use of Indian land. He unfortunately did not live to see the culmination and successful conclusion of his work. I think leadership is about relationships and moments of opportunity and grabbing those make the difference. Leadership starts with a vision about a new future that might be, and you must be focussed and optimistic and confident, and have the common sense to know what is and is not achievable. It requires teamwork and unity, and you know Elijah Smith was a master in utilizing teamwork and common goals. He used those tools with his Elders and advisors to draft the document Together Today For Our Children Tomorrow. When the Yukon Native Brotherhood took their message to Ottawa in 1973 there was nothing about land and First Nations, but due to that message the Prime Minister established a new policy on comprehensive claims. The new Canadian Constitution includes that message. All this progress was made possible by the persistence of your Yukon First Nations and their Together Today For Our Children Tomorrow. By 1984 an agreement in principle had been reached, but it didn't have support from the individual First Nations – it was a one size fits all approach. It failed to embrace the aspirations for self determination that is self government by each of the fourteen First Nations on their own territory. In February 1990 I took on the job as Minister of Indian Affairs, there were important comprehensive treaties to be wrapped up. I wanted a conclusion to the long standing injustices. At that time I resolved I would make every effort to finalize these agreements, even stepping beyond my mandate to get the job done. Mr. Penikett and everyone involved was concerned that being new, I might not be able to keep negotiations from collapse. I advised then Premier Penikett that I was fully informed, and I compliment Mr. Penikett to his resolution to the Yukon land claims, and I appreciate the help he gave me. I also pay tribute to a man I was privileged to know, Erik Nielsen. In March 1990 I met with the Council of Yukon Indians and Elders, and my visit was met with scepticism. I asked the Chiefs individually to tell me about

their people and tell me their aspirations regarding the land claims we had been working on for so many years. Many issues came forward, the big one being the lack of willingness to constitutionally protect the land claims. When Elijah spoke, he reminded me I was the 22<sup>nd</sup> Minister to come to him over the years and he chided the Federal Government for giving money to a country in the Caribbean yet we would not forgo the settlement negotiation costs. He said if you want to understand our lands and people I will take you on a horse around my land and then you will really understand how much has been taken away from us and why we need you to help us regain our land and self respect. That made a lifelong impression on me, and I did what I could to fulfill the dreams of Elijah Smith and his people. It was agreed that the actual structure of self government in each First Nation would be developed by the people. From 1990 to 1993 the Umbrella Final Agreement needed fine tuning. The agreements witnessed the final signing on May 29, 1993 in Whitehorse. In Haines Junction I met three very elderly women of Champagne and Aishihik First Nations heritage and one sang me a song. I later found out that she was singing a song of mourning for her son, she was the mother of Elijah Smith. She left many great gifts to the people of the Yukon. Annie Ned had received the Order of Canada. She was a connection to the stories of pre-contact times and the life of First Nations before the white man arrived. She wanted those stories written down because she knew they would remain for her grandchildren to hear. I thank you all, the Chiefs and Elders for the lessons you've taught me. He mentioned the many individuals who had been involved in those past historical events. I hope that the Canadian Government can embrace the constitutional protection that you have so long sought. As leaders of today and Elders of tomorrow make your mark count now, and recognize that a winter cache three-quarters full is a far greater legacy to leave your children than one that's empty. Remember your visionary and persistent leaders of the past, that you may follow their snow tracks for a much brighter future for your people. Thank you for inviting me here today he said.

REGIONAL CHIEF ERIC MORRIS presented Tom Siddon with a parting gift of appreciation.

## **6. Building Institutions of Government**

ISAIAH GILSON sang and drummed The Morning Song for the assembly.

CHIEF KIM BAIRD, CHIEF MARK WEDGE, and SATSAN HERB GEORGE came forward to the podium.

CHIEF KIM BAIRD spoke about the transition from an Indian Act to a self governing First Nation. She felt optimistic in the approach they were taking and thanked the many Yukon First Nations for their willingness to share their experience. Constitutions set out limitations and checks and balances for our citizens, and we began our discussion by identifying good successful governance guidelines. We knew in moving forward we would add the details. We looked at various systems and identified key details and asked what in the constitution makes a good governance system and found many valid points to follow. We held many community consultations and considered many systems and modified them as needed. We worked through many sensitive issues and none were easy,

but we found different ways to discuss them in a respectful way. We established an advisory council and a legislative body. We also established a judicial council to resolve disputes, at arm's length from Council. In developing laws and processes we followed a similar approach as we used in development of our constitution, utilizing good governance in our laws. We publish our laws and regulations online and members can access that information. We developed processes that the community can participate in. Our 13 person legislature was set in place. On effective date we enacted 23 laws, which incorporate culture wherever possible. We also integrated into the broader system, and I stress it's integration, not assimilation. These challenges provide us with many new opportunities going forward and could mean that what we develop today will evolve over time. We are democratically accountable to the people we serve.

SATSAN HERB GEORGE thanked Regional Chief Eric Morris for the invitation to attend. He provided some history on the subject saying it's about creating a new memory in the minds of our children, creating an opportunity for our young people where they can begin to tell new stories, stories about success, of strength, stories of caring for one another, stories about taking our place back on our lands, stories about taking responsibilities for ourselves, putting in place a vibrant future for ourselves and stories about love for one another. Governance is about decision making and implementing those decisions. It's about exercising jurisdiction. As First Nations we've come a long way in this country. We now take our rightful place to be who we are and who we want to be. We've achieved recognition and rights. When talking about governance we must be clear about the context. I acknowledge our National Chief for his courage in saying we have to get rid of the Indian Act and put in place our own governance. In our engagement with people they've told us we must put this in a framework we understand, in our language. We've come up with a framework to try and do that. We have five government components,

- it's about the people, they make up the nation and make the history and we must include their vision.
- it's about the land, our connection and responsibilities to the land, and our rightful place there. To build our economies.
- it's about the laws, we have legislative power too and need to put our own laws in place. Laws that reflect our vision, results based.
- it's about intergovernmental relationships, government to government relationships.
- it's about resources, how will we support our government. We need human resource capacity to rely on our own people. We need accountability and a reporting system.

We've also developed seven steps to nation rebuilding,

- to create a movement for change.
- to establish a strategic vision for our future.
- to map our journey carefully.
- to exercise our rights and live our culture.
- to get out from under the Indian Act.
- to be a real government and govern.

- to deliver the goods for our people, create that new memory for our children.

CHIEF MARK WEDGE welcomed and thanked everyone for their participation in the conference. He related stories as told by the Elders, saying those are institutions. We have responsibility to the land, our ancestors told us that. They also told us we will say who our people are. We have the capacity to work together in creating our own institutions. If we measure our change and data, then our governments can make decisions to evaluate the changes provided to our citizens. We built our constitution for our First Nation Government early on. How do we reinvigorate our institution with our traditions. Our constitution is more democratic and accountable than the Government of Canada, utilizing the clan system. It's only right that Aboriginal people should make their own laws. Prime Minister Harper said our agreements are model agreements and we should invest in them. The implementation of these agreements are the hardest part. The first law we looked at was the Family Act, it talks about the traditional relationship between families, bringing culture and tradition into play. Canada and Yukon are reluctant to look at the legislative model we've negotiated into our agreements. They are more comfortable with a delegated model. Our challenge is how to integrate our laws with their laws. You must pay attention and give teeth to how to implement the agreements. Personal income tax is outstanding for us, as is the Program Service Transfer Agreements for our Family Act. There is opportunity at risk here he said. The Chief related some prophecies regarding First Nations people and their future.

*At this time break out sessions were conducted. The group as a whole would reconvene in the main conference room at 12:30 pm for the lunch break.*

*Lunch break. During the lunch break a twenty minute documentary titled Our Changing Homelands Our Changing Lives, on how the people of Old Crow are trying to adapt to climate change was presented, introduced by Norma Kassi.*

## **7. Building Fiscal Capacity**

ED SCHULTZ, STEPHEN GAGNON, PERRY BILLINGSLEY and MICHAEL HALE came forward to the podium.

ED SCHULTZ said he had been involved in a variety of negotiations. It was evident to me early on that our people wanted to become self sufficient, generating as much own source revenue as possible. While at the City of Whitehorse I sat on the Finance Committee and we reviewed every dollar spent and we also reviewed every dollar generated, it was a very important learning experience for me. What individual First Nations have not done much, is creating their own source revenue. Community capital development plans should be tied to creation of own source revenue. In the early years First Nations needed some kind of injection of cash and resources, that's implementation dollars. We knew eventually they would stop. Today we know that things have taken a lot longer than anticipated at the onset. Do our First Nations systems support the entrepreneurial interests of our citizens. Small business is important to a community. We have powers equivalent to the Crown under our self government, and we need to make certain we have occupied the field. We wanted to be entirely self sufficient. I

suggest that an overall own source revenue plan be developed by each First Nation to research revenue streams. Building fiscal capacity includes the world of own source revenue that we haven't tackled. Today we have many well educated First Nations people, and we can get it done.

STEPHEN GAGNON said these aren't just First Nations agreements, they're Canada's agreements and Yukon's agreements as well. We've had some hard discussions over the years, and I'd like to tell you there's a magic solution, but I guess these funding issues will always be among the most difficult decisions we will have. We want to ensure we have fair agreements in place, that can be respected regardless of policies, and we try to be consistent in our policies. Canada wants these agreements to work. They have made significant investment in self government. I hope we can continue to have respectful and positive discussions. From our standpoint now in the Yukon we've come to a place where we need to think about looking at ways to work cooperatively regarding programs and services. I believe that's what the Yukon agreements call for. The Yukon Government is agreeable and going forward we'll probably want to focus on that. We need to meet with the Yukon Government and continue discussions in that area. These agreements have a number of reviews, and so there are cycles, and it's often hard to manage. Are there ways to streamline how we do these things.

PERRY BILLINGSLEY said Canada is running into serious challenges, hinged on the issue of manageability. We are starting a new approach in how we relate to First Nations, in a manner that's transparent, consistent, and fair. It must be satisfactory to all parties. We are working at an approach based on a transparent funding formula, where amounts are arrived through the application of a formula. We will also put in place a forum for discussions on technical issues on this approach. We want to test and validate the approach to ensure it's working. Right now we are in development of a proposal, and we will meet with First Nations to further discuss that. Under the new approach Canada will set out funding through a legislative base over a policy statement. These ideas reflect flexibility and transparency. Canada intends to honour the terms of the existing arrangements which provide for fiscal renewals, but we want to explore new ideas and possibly new approaches. We will look at lessons learned.

MICHAEL HALE said the direct bilateral funding relationship between Canada and First Nations is theirs, and we're not here to try to change that. A perception has been created and now we can look at those and challenge them a bit and correct them. The issue of funding for self government is Canada's job, but it leaves people the impression that we do nothing, but that's not the case. When we talk about this we talk about government to government partnership. We are not funding self government, but we do fund some streams and so our direct contribution to First Nations is measured in the millions of dollars and comes out of a source that's very different from the federal funds. Ours is a partnership arrangement with First Nations. The specific funding provisions don't tell the whole story. We share the same space in the same communities with First Nations Governments, and our partnering with First Nations is in cooperation with the agreements, and we see ourselves playing a role. We have opportunity to talk explicitly with First Nations, and we are getting better at finding partnerships that create a return for

the Yukon and First Nations as a whole. Are First Nations getting the return they need from the money they're investing. It isn't money alone, there's other implementation work that needs to be done that will help us get the return. That's where Yukon fits. From our perspective there's an area where we acknowledge we're central in the funding area, section 17. This is one area that is broken, and we're not making progress. The problem is clear at the negotiating table. We have to have a hard conversation on these challenges. The fiscal architecture side is the problem, and we have to find something better, or we won't have the success we envision. Program Service Transfer Agreements don't contemplate failure, and we are all obligated to find a way to make this work.

QUESTION from the floor. We are currently negotiating the first self government agreement in Manitoba. We have been advised that Canada intends that any First Nation would be subject to a fifty percent clawback. That will discourage First Nations. How can this be set aside by Canada which currently states is non negotiable.

STEPHEN GAGON said I don't view it as a clawback. I see it differently. It's part of the way we are going and it's been an issue, but it's not in appropriate to have some kind of contribution back.

ED SCHULTZ said offset for own source revenue generation is not unprecedented for governments.

QUESTION from the floor. When I hear funding by formula, it frightens me. That funding never worked well and never provided sufficient money for First Nations.

PERRY BILLINGSLEY said we take into account the logical and real interests and there will always be issues over money, but we want to be more predictable in how financing is done. There will always be a base funding formula and some room for negotiated amounts. We look to Yukon First Nations for direction.

ED SCHULTZ said we know that First Nations include and capture all their citizens, while Canada only recognizes status persons. That's something still plaguing all the financial discussions. There is a precedent out there with the provinces, something we could use. Reciprocal agreements could be considered.

QUESTION from the floor. First Nations groups should be involved in creation of that new policy and sit at that table. The Parliament of Canada created us as governments.

PERRY BILLINGSLEY said First Nations will be very much consulted as to the fiscal funding arrangements. We hope to design a system where communities see an advantage in participating, so it becomes something of interest to communities because it meets their interests.

ED SCHULTZ said this is all tied to infrastructure and in smaller communities you can consider taking control over local infrastructure. That's the bread and butter of local economies, on the revenue side. Government that develops that reaps the benefits of it.

I'm glad we as a people are engaged in fiscal negotiations, just like the provinces, and that's a long way from managing year to year contribution agreements from the department of Indian Affairs.

The conference concluded at 3:00 pm. Several breakout sessions/workshops continued.

---

### **Day 3 – Thursday, September 16, 2010.**

Meeting came to order at 9:00 am.

HAROLD TARBELL welcomed everyone back.

#### **8. International Perspectives**

DR. XAVIER ALBO as a consultant for the Bolivian Ministry of Autonomy came forward to the podium. He suggested there were some similarities between the Yukon and Bolivia and he was very happy to have been invited. He provided some history on the issues in Bolivia, saying it is twice the size of the Yukon with a population of ten million people. There are two indigenous peoples on the land, shared between the flat highlands and the lowlands. These indigenous peoples comprise of thirty different nations. Historically, before the colonizers arrived in the 1500's, in the highlands we were part of one of the strongest civilizations of the time, the Inca. In 1532 the Spaniards came and we became cheap manpower for their wealth. Capitalism started with the blood and work of the indigenous people. From 1780 to 1782 there was a huge indigenous rebellion against the Spaniards. When independence arrived it came without the input from the majority of the indigenous people, it was made for the white minority and their descendants. In the first century of independence, land taken from the people doubled, and was in the hands of the colonizers, first Spaniards and then Bolivians. We lost three international wars, the last one being a chattel war. It was also a gas war we fought with the Dutch. There was a revolution and huge social reform. Bolivia changed a lot, everyone was allowed to be elected and elect, schooling for everyone, ability to own land, and nationalization of mines. Most of the population of Bolivia felt proud to be Bolivian, but we were told that we had to assimilate. In the late 1960's there was a revival movement led by the indigenous people. In 1993 we elected an indigenous vice president. New laws accepted that indigenous territories could be granted and it was the beginning of new things. Constitutional changes occurred. We were successful and had the new constitution approved. We now have eleven municipalities and we are in the beginning of new processes. I will come back in twenty years to tell you how it's going he said.

REGIONAL CHIEF ERIC MORRIS provided a parting gift to Dr. Albo.

#### **9. Premier's Address**

PREMIER DENNIS FENTIE and DEPUTY PREMIER JANET MOODIE joined the conference.

PREMIER DENNIS FENTIE came forward to the podium and thanked the conference for the invitation to speak. He offered condolences to the Smith family on the death of Elder Irene Smith. To all Yukon Chiefs, past and present, it is difficult to imagine self government ever happening without you, and thanks to you, self government is important to the north and our country as a whole. Yukon First Nations have achieved much through their land claims. He reviewed several of the provisions within the self government agreements saying the document is unique in the country. They are some of the most progressive and comprehensive provisions across Canada. These agreements enable you to manage your own land and affairs without control from the Department of Indian Affairs. These are major accomplishments. We have the Yukon Forum to discuss matters of mutual interest and we have bilateral agreements between First Nations and the Yukon Government. At the federal level we have the Intergovernmental Forum, where we address matters of mutual interest with respect. In the Yukon we share taxes and royalties with First Nations. The key for First Nations is to achieve their full potential is cooperative governance and our government supports this. On the social side we've engaged with education reform, corrections reform and the policing review. We are jointly building cultural centres with Kwanlin Dün First Nation and Champagne and Aishihik First Nations. We are very proud of showcasing Yukon First Nations. It's all about cooperation and co-governance. The self government agreements are models for the country and are tools for building Yukon's future. It's good for our nation of Canada.

REGIONAL CHIEF ERIC MORRIS provided a parting gift to the Premier.

#### **10. Improving Intergovernmental Relationships**

GRAND CHIEF RUTH MASSIE, TONY PENIKETT, and JAMES EETOOLOOK came forward to the podium.

GRAND CHIEF RUTH MASSIE thanked the National Assembly of First Nations Chief Shawn Atleo for staying the full three days of the conference to meet with the Yukon as well as the Regional Chief Eric Morris. This conference is intended to meet and discuss both our achievements and challenges. We hope that this conference will help others avoid the same mistakes we've made. We are still young governments in the Yukon with a lot of work ahead of us. All eleven self governing Yukon First Nations have the desire to succeed. It's a must to build effective and supportive systems and we see that with our intergovernmental relationships. We face a lot of challenges with implementation, we took the spirit and intent of our claims by the word, but I can't say the same for some of our partners, yet. Our government to government relationships established a Yukon Forum, then we established an Intergovernmental Forum. They were mutually established to help build stronger relationships with the intent to reveal strategies and equitable funds flowing to the Yukon. This partnership helped support governance and capacity initiatives and allowed us to agree upon common priorities. First Nations envision these forums to assist us and we should revisit and critique the performance of these forums regarding results on common issues. So far self government has been successful. We have high levels of accountability and transparency. We have established new intergovernmental relationships among all the First Nations. Now we

have almost fifteen years of data, and we can now identify and address the issues that threaten our continued success. We build healthy communities going forward. Through open dialogue and we can identify concerns and apply collective problem-solving and share human and financial resources to address issues of common interest. We must continue to facilitate sharing with other governments. The Council of Yukon First Nations will continue to support all First Nations and we will continue to help bridge the gaps. Relationship building is paramount and success comes from improving dialogue she said.

JAMES EETOOLOOK thanked the conference for the invitation to speak. As acting president of Nunavut Tunngavik Incorporated he provided some history of the NTI saying we seek the whole implementation of our agreement. It took us twenty years to research and negotiate our land claim agreement. We would never have concluded our agreement in isolation and that's very important to remember. Almost all Inuit communities are located on coastal areas and so the sea life is as important as the land life to us. The provisions in our agreement include land, water and resources, wildlife harvesting, and economic activities. The Federal Government has been reluctant to adhere to the spirit and intent of our agreement. In the eyes of other governments, our treaties are often seen as a divorce, not a way to better the relationships between us. It is regrettable that government has no interest in responding to our policy, but the coalition has made it's view known to the Parliamentary committees and we hope to close the loopholes and deal with the issues we've raised. Mediation and arbitration are needed. In the meantime we must continue in our journey for a better life for our people he said.

TONY PENIKETT said the debate about self government in the Yukon began on April 19, 1519 on the beaches of what we now call the Mayan Riviera in Mexico. Cortez was greeted by the Chief who he kidnapped while destroying the city of Mexico. They destroyed as much of the Aztec nation as they could. We now know the city that Cortez destroyed was the largest city in the world at that time. In 1971 when the Alaska land claim was settled, they ensured that governance would be corporate, they wanted to wipe out tribal government. When you look at Canada as a whole, more than half the self government agreements are in the Yukon. There's been a problem with provincial jealousy along with a bureaucratic attitude. These agreements are not with INAC but with the Crown. Successful implementation of agreements requires good relations with all the levels of governments. What has been done here is a great achievement, and it's wonderful to honour and celebrate it. We should promote it as a model for the rest of Canada.

BRUCE WARNSBY asked what are the primary challenges for implementation of these agreements. What can we do regarding recognition by Canada of our agreements.

GRAND CHIEF RUTH MASSIE said our biggest challenge in implementation are the policies and lack of mandates for the departments to answer our questions and concerns. As Yukon First Nations we belong to the National Land Claims Coalition. A policy was developed from the claimant groups that we thought would help, but Canada has totally denied the claimant groups, without explanation. They have a fiduciary responsibility.

This is not an Indian Affairs issue, it's for the entire Canadian Government. There's no reason why we can't sit and dialogue to the satisfaction of the parties.

JAMES EETOOLOOK said our major problem is the lack of implementation of what was agreed upon with the Federal Government. In our court case we talk about Article 23 and others where the government failed to implement. The Department of Indian Affairs is very hard to deal with.

TONY PENIKETT said my colleague Doug McArthur wrote a paper called Northern Exposure which was based on all land and devolution agreements. All the creativity and imagination in those agreements came bottom up, and for the most part the only consistent federal behaviour was to cut or contain costs. They didn't see a vision of investment, but of cost control. I believe that the former federal minister hated this lawsuit. INAC has created their own problems. The only answer to the NTI lawsuit is to go back and negotiate. They need finance at that table, with an official.

DAN SMITH said the negotiations are political. Consistently we've seen the government adhere to 'cheaper to negotiate than to settle with First Nations'. Governments continue to put forward negotiators that are really bureaucrats. At one time they said First Nations shouldn't talk together, but we are talking a lot, right across the board. We need to push forward. The question is, how do the 633 First Nations in Canada bring together this effort of our rights and title to our lands so we can bring that forward to our next generation. How do we challenge Canada to recognize that treaties are formalized but not being honoured.

ED SCHULTZ said as we continue to move forward to persuade governments to move and take action, we must also recognize the onus on ourselves. We created the Yukon and Intergovernmental Forums for ourselves as well. There is so much commonality from coast to coast among indigenous people, it doesn't matter from what area we come. It seems to me we must make an effort to try to coordinate our efforts, connect with those that deliver public funds to Canadians. We need to examine the tiers and bodies out there. We have to continue building the solidarity among First Nations while still having a unified voice on the critical matters important to all First Nations people.

CATHERINE CONSTABLE said as a citizen of this country I find it perplexing that on the international level, Canada is not known as a country that skates around its treaty obligations. I find it embarrassing that Canada does not know how to meet its treaty obligations within its own nation.

*Break.*

### **11. Maintaining Focus After Effective Day**

KARYN ARMOUR, BRIAN MCGUIGAN, THERESA REDMOND and JAMES HARPER joined the podium.

KARYN ARMOUR thanked the conference for inviting her. Not everyone fully understands the Yukon self government agreements, they're new to everybody. We face our own challenges within our own government, because the treaties are complex. We recognize there needs to be a shift in how implementation is incorporated within our work at the Yukon Government. Employees need to see how their role will contribute to this new vision of the Yukon we all had when we began. We need to meet with people in their communities, this element was key to understanding the relationships necessary to finalizing these agreements. Land claim issues remained a key priority for whatever government is in power, although our governments often have different priorities. Yukon and Yukon First Nations have to have frank discussions on the tough issues. It's key that discussions remain respectful. We all need to educate each other, and to be clear about our interests and assessments. There are limited resources and capacities, and we must focus on the real issues. If the process doesn't work, we need to take the time to fix that. We have the Implementation Working Group, Yukon and Canada are working on a new bilateral agreement, our political leaders have established the Yukon Forum and Intergovernmental Forum, where we discuss key issues. These are still in their infancy. Implementation requires practical ways to reconcile what is wanted. We want to work collaboratively. The Yukon Government considers land claims a priority. We need to talk about our successes more, and we have many examples where First Nations and other governments partner. Each small success is a positive building block, and this conference is a step toward that. This process will take time, and we hope to continue these discussions after the conference ends she said.

JAMES HARPER thanked the conference for the invitation to speak. I've been working with the Yukon agreements for nearly 25 years and have learned a lot about the First Nations. I give you a few of my observations and insights. It seems to me that for First Nations entering into these agreements it's a huge victory. There's an affirmative choice that this is a better way, and First Nations bring to the table the desire to make it work better, for everyone to realize the spirit and intent of these agreements. We charted the course on the Inherent Rights Policy used by governments. Renovating the mandate is how to learn and build on the experience we've gained. It's about keeping on with the social contract we've made. There's never been a huge challenge in securing the political will of our politicians, we've met with Ministers, and others and they came away excited about what's happening in the Yukon. Renovation of the mandate includes that Canada must accept this new business line, relations with First Nations across the country. Minister Strahl told us that the self government file is the most interesting file he has. Canada needs to elevate that, where is the central agency that delivers on the commitments. I think most of the processes we have work, but our problem is in the substance of the mandates, what you bring to the new relationship. These agreements hold out a promise to First Nations about the nature of the reconciliation and sharing of the land. One fundamental challenge for our leaders is the ability to have the financial capacity to meet the challenges faced. The dream is empty if the resources aren't there. We know the transfer will never be enough. Cost-sharing is a big issue, and needs to be dynamic, not arbitrary. Self government is not a new funding application, it's a new distribution of powers. It's time for Canada to think through sustainable financing for First Nations and treaty partners. We have to do it with regional sensitivity, one size

doesn't fit all. We need to continue this discussion on how to properly finance self governing First Nations in the north. The renovation must include a new approach to find this fiscal balance, and be suitable for all parties at the table. We need to design an arrangement which reflects own source revenues and protects them. I'm really glad to see this conference happening, maybe there's a way for us to continue in conversation he said.

BRIAN MCGUIGAN thanked the conference for the invitation. He acknowledged the frustrations felt after effective day. The key to great negotiations has been the relationships that have been developed. The ability to address the issues together. Tackle the tough issues as they arise from time to time. That's the starting point of a good process. My real concern with the process comes down to a very long negotiation process and when negotiating in the context of a treaty there is an additional focus on finality. My own view is that we go through a long intense negotiation and then face the implementation. We need a process more focussed on relationships, rather than achieving an agreement and finality. A shorter agreement might be advantageous in avoiding the break between the negotiation and implementation stages. I think we could approach self government in another way as well, start by talking to the communities and determining some priorities. Start working on those priorities with the community. Develop authority and partnership over time so that communities act independently. If we rethink things and focus on the relationships it would build healthier communities. Empowering communities would be a side feature in doing this he said.

THERESA REDMOND said over the last 35 years we've negotiated agreements in different parts of the country. When I first started in Implementation Branch many people worked hard to implement the agreements and resolve conflicts, but they didn't have a process or system within the Federal Government to support collaboration within the Federal Government. Over the last few years we've linked in many areas, one being a series of tools for implementers, general guidelines. Another is the re-vamping of our electronic data base, so we know when things are slipping. The third piece is to have a senior level committee to oversee and support devolution with the Federal Government. We are on it, we've heard the concerns and are doing everything we can to inform federal departments, to communicate with our colleagues. We are making sure our senior managers have the information they need. We will continue to give balanced and clear advice to our leaders when they intervene on these issues.

## **12. Closing Remarks**

REGIONAL CHIEF ERIC MORRIS thanked the Master of Ceremonies for his excellent job in hosting the conference. He thanked the National Chief saying he has a vision for First Nations within Canada that sees us as an incredible contribution to Canada.

NATIONAL CHIEF SHAWN ATLEO thanked the organizers who had put together such an excellent conference. We have confronted many issues together and we support Yukon First Nations. I think about all our indigenous brothers and sisters around the world, and our respective roles. We must be careful to not injure the spirit of others. We want to repair the trust that has been broken, it's possible. With the notion of

relationships we deposit into the trust account. It must be led and mandated by the First Nations people. We must support each other to drive our vision. At the national level we can facilitate more conversations. We look to stand and walk with you and support you in your endeavours. We need to be bold, and keep moving forward to create the future we desire for our people. I thank you for your hospitality and your presentations, and we all acknowledge the loss of you Elder Irene Smith.

REGIONAL CHIEF ERIC MORRIS invited his assistant Deborah Dupont and conference organizer Matt Mehaffey to the podium saying we all worked very hard to make this conference the success it's become. He thanked all the visitors, delegates, and volunteers, and those who had contributed their time to a very positive and enjoyable conference. He reminded all participants to please complete the conference evaluations, and several door prizes were handed out. Past and present leaders joined together at the front of the room as the closing prayer was spoken.

Closing prayer said by Elder Lizzie Hall. Meeting adjourned at 12:30 pm.

"Just Minutes" – September 20, 2010.