



BUILDING ON SUCCESS

A National Conversation on First Nation Self-Government

September 14 – 16, 2010

LEADERSHIP – Shapes the Future* Honourable Tom Siddon

“A people or a nation which lacks leadership
is destined to face eternal darkness.” T.S.

1. My thanks to the AFN and Regional Chief Eric Morris for hosting this Conference and for inviting me to speak today.

2. I want to direct my remarks especially to the young generation of future FN Leaders, so that you may better understand the historic significance of what has already been achieved, and to encourage you to continue to “Build on the Success” of the Self Government experience to date.

3. I come before you today with a foot in both worlds; that of your elders and ancestors who gave so much to secure your rightful inheritance, and that of my children and yours who are going to be faced with great new challenges and opportunities in the world of the 21st Century.

4. I am reminded of the message which Elijah Smith, Judy Gingell, and your representatives in the Yukon Native Brotherhood took to Ottawa in 1973, in their presentation to PM Trudeau and Indian Affairs Minister Jean Chretien:

“Together Today for our Children Tomorrow.” A statement of grievances and an approach to settlement by the Yukon Indian People. (1973)

5. For a few moments I would like you to reflect on what your world was like before your Leaders took their strong message to Ottawa some forty years ago, and what it might still look like today were it not for the foresight and persistence of your elders like Elijah Smith who led the Yukon delegation to Ottawa.

6. I am sure you are all familiar with the message which hereditary chief Jim Boss sent to Ottawa and King Edward VII in 1902; after the gold-seekers had flooded into the Yukon territory;

“Tell the King very hard we want something for our Indians because they take our land and game.”

And the reply came back from Ottawa – “Don’t worry about the Indians – the RCMP will take care of them and not let them starve.”



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What an insult by my caring “Christian” ancestors! And what happened to Yukon Indians between 1902 and 1972? I need not remind you of the exploitation by outside economic interests throughout the 20th century, or the military invasion of World War II and of all the hardship years in between.

7. In his invitation for me to speak to you today, Chief Morris asked me to reflect on the negotiations which took place in the period leading up to the signing of the Umbrella Final Agreement, the Self-Government Protocol, and the four Yukon First Nations Final Agreements which took place in Whitehorse on May 29, 1993. I was privileged to sign these agreements on behalf of Her Majesty (the Federal Government), together with the Hon. Judy Gingell who at that time was Chair of the Council for Yukon Indians, and the Hon John Ostashek, the Government Leader for the Yukon.

8. In preparing my thoughts for today I have spoken with a number of persons who were much closer to the negotiations than I was, and have reviewed many of the documents which have been written about the negotiations and the implementation of those agreements over the past 20 years. I have also been asked by many who were not there, especially those of a younger generation, what led us to agree to such a complex set of requirements and procedures, which often seem to impede the progress of implementation. I will return to this question in a few moments.

9. During the 1960’s I was not thinking about Indian Affairs. But I and many of my generation remember the vision of a young President of the United States who challenged Americans to “ask not what your Country can do for you, but what can you do for your Country?” And JFK laid out a challenge -- that the United States should aim to put a man on the moon, within the decade. And so it was that on July 20 of 1969, Neil Armstrong became the first man to step off of Mother Earth, and on to the surface of the moon. You will all remember his words “One small step for man. One great leap for mankind.”

10. At about the same time, in October of 1968, Elijah Smith the newly elected Chief of the Whitehorse Indian Band (Kwanlin Dun FN) made a powerful statement at an Indian Affairs sponsored meeting to discuss the newly proposed White Paper, which would have abandoned the Indian Act and replaced it with a policy of assimilation. Elijah stated that the issue to be considered was “not changes to the Indian Act”, but how to settle Indian Land Claims and rights. He said “We the Indians of Yukon object to being treated like squatters in our own country. We accepted the white man in this country, fed him, looked after him when he was sick, showed him the way of the North,



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helped him to find the food, helped him build, and respected him in his own rights. For this we have little in return. We feel the (white) people of the North owe us a great deal and we would like the Government of Canada to see that we get a fair settlement for the use of this land. There was no treaty signed in this country, and they tell me the land still belongs to the Indians. There was no battle fought between the whites and the Indians in this land.”

11. I believe that Elijah Smith’s statement that day in 1968 was every bit as profound, every bit as visionary, as the statements of John F. Kennedy and Neil Armstrong. Elijah had finally initiated “one giant leap” for Yukon First Nations, of historic and irreversible proportions. It is only saddening to me that Elijah Smith did not survive to see the culmination of his work. And why has the settlement of the Yukon Treaties and the implementation of self-government taken not ten years, but more than a century to achieve? And we are not there yet! I am sure you must all share my disappointment with this reality.

12. If I might digress back to my opening comment about the importance of leadership, I believe that leadership has four key elements: It starts with a vision about a new future that might be. This vision must be supported by persistence, optimism (self-confidence) and the common sense to know what is achievable, and what is not. It also requires team-work and unity. These are all the key tools that Elijah Smith and his team of CYI (YFN) Chiefs, elders and advisors put to work in 1973, culminating with the successful conclusion of the UFA and self-government framework in 1993.

13. Another point should not be overlooked. After the Yukon Native Brotherhood took their compelling message to Ottawa in 1973, Canada began to enter a gradual period of enlightenment toward the existence of aboriginal rights and title. Arising out of the Calder decision of the Supreme Court and the powerful message from Yukon First Nations, Prime Minister Trudeau and his government were persuaded to establish a new policy on the negotiations of Comprehensive Claims – the long awaited modern-day Treaties. And in the face of a major demonstration of solidarity from aboriginal people across Canada, the Federal and Provincial governments finally agreed to incorporate a recognition and affirmation of aboriginal rights into the newly patriated Constitution.

Many believe that all of this progress was made possible by the vision and persistence of your Yukon First Nations, who embodied the spirit of that 1973 message taken from here to Ottawa: “Together today for our children tomorrow.”

14. By 1984, a Comprehensive Agreement in Principle had been reached by negotiations involving the CYI, Canada, and the Yukon government. But this agreement failed to receive sufficient support from the individual FN’s, largely because, as I



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understand it, this document was a “one size fits all approach” which still embodied the requirement for extinguishment and lacked the flexibility to respect the diverse culture and history of your ancestral origins and traditions. This document also failed to embrace the aspiration for self determination (self-government) by each of the fourteen individual FN’s. It was not to be until the new Government of Brian Mulroney and his Minister, the Hon. Bill McKnight, responding to recommendations of the Coolichan Report, that the longstanding insistence on blanket extinguishment of aboriginal rights and title was finally removed from Canada’s comprehensive claims policy.

15. Fast forward now to February 23rd, 1990. My leader of that time, Prime Minister Brian Mulroney sat me down at 24 Sussex and said: “Tom, you have done a good job as Minister of Fisheries and Oceans these past five years. Now I would like you to move from the frying pan into the fire.” He said I would find Indian Affairs to be a challenging portfolio and that my predecessors David Crombie, Bill McKnight and Pierre Cadieux had done a lot of good work there. Brian asked me to take on the job to complete these long sought and historic agreements. All across the Arctic, from Nunavut to Yukon and also on the prairies to British Columbia there were important comprehensive treaties to be wrapped up before we left office. “I want you to do this work because it will bring an honourable conclusion to long-standing injustices toward our First Nations partners in Confederation,” said Mr. Mulroney.

On that day I resolved that during my next few years as Minister I was going to expend every possible effort to finalize these historic treaties. The PM backed me up at every major hurdle along the way.

16. Within hours of my appointment, I received an urgent call from the Government Leader in Yukon, Premier Penikett. “Tony” as I came to know him, wanted to impress upon me the importance of meeting the final deadline for the negotiations to wrap up the Umbrella Final Agreement. That deadline was March 31st, 1990. I am sure Mr. Penikett, and everyone involved was concerned that I might somehow “upset the apple cart” and cause the negotiations to collapse. I thanked him for his good wishes, and told him that I would be in Whitehorse in mid-March to meet with the CYI Leaders and Elders. I advised the Premier that I was well aware of the need to conclude on March 31st, and that I expected to be fully briefed by my Deputy Harry Swain, and our officials before coming to Yukon.

At this point I would like to express my compliments to Premier Penikett for his ten years of commitment to the resolution of the Yukon Claims and Self-government Agreements. He showed courageous leadership and I sincerely appreciated the many helpful tutorials he gave me in his office.



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17. In mid-March of 1990 at Yukon Hall in Whitehorse, I met with the CYI Chiefs and Elders, together with their Chair the Hon Judy Gingell. I was there to learn firsthand of their hopes and aspirations for the final settlement of long-held grievances and injustice toward Yukon FN's. I am sure that my visit was met with a healthy dose of scepticism.

After an opening prayer led by Elijah Smith, and contrary to my briefing instructions, I decided not to give a speech, but to go around the table asking each of the Chiefs individually to tell me about his or her people and their hopes and apprehensions about the Land Claim Settlement. Of course, I heard of historical wrongs and several short-comings of the draft agreement, especially as it pertained to the inadequacy of the land and cash amounts, implementation concerns and the lack of Constitutional protection for the Self-Government Agreements.

When Elijah Smith spoke, he reminded me that I was only the 22nd Minister to appear before him, in his 18 years of previous negotiations. He also chided the Federal Government for recently writing off some one-hundred and eighty million dollars of foreign debt to some Caribbean country, yet we would not forgive the much smaller negotiating debt costs of the Yukon Indian bands. What I remember most however was when Elijah said to me: “Minister, if you want to understand our lands and our people, I would like to take you on a horse up into the Western mountain ranges around my ancestral home (Hutshi village). Then you will really understand how much has been taken away from us, and why we need you to help restore our territories, our traditions and self- respect.”

Sadly, I was not able to take Elijah Smith up on his offer before he died, but it has made a life-long impression on me, and I resolved there and then to do everything in my power to fulfill the dreams of Elijah and his people.

18. During my briefings on the UFA negotiations I was advised that the Federal Government had reached the end of all flexibility on the conditions of the Yukon Settlement. Our chief negotiator Mike Whittington, with Tim Koepke and his team, under the watchful eye of my ADM Rick Van Loon had worked very hard for three years. In concluding the agreement they did accommodate a few final concessions which I asked them to consider. So, it was late in the night of March 31, 1990, largely in its current form, the Umbrella Final Agreement was agreed by all parties and initialled in Ottawa. This included the major structural outline for the individual Land Claims to follow, and a format for Yukon Indian Self-Government as set out in Chapter 24.



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negotiations. The next morning, I believe it was Sunday, April 1st, I hosted a brunch in the Railway Committee Room of the Parliament Buildings. The Canadian flag which had been flying on the Peace Tower on March 31st was taken down and presented to Judy Gingell, Elijah Smith and the CYI delegation. This was done as a visible symbol of Canada's commitment to the success of the much awaited, and hard won Treaty with Yukon FN's.

19. For anyone who would like to read more about the positive response which the UFA received back home in Yukon, from both native and non-native perspectives, there is an excellent record of the debate held in the Yukon Legislature (27th session) on Wednesday, April 25th, 1990. I commend the speeches to your attention, especially those of Premier Penikett and several MLA's including Mr. Danny Joe, Ms Norma Kassi, the Hon. Ms Joe, the Hon Bea Firth and the Hon Willard Phelps.

20. From 1990 to 1993 work continued on the finalization of the Umbrella Final Agreement, which included necessary steps of ratification by the Yukon First Nations, the Yukon Legislative Assembly and the Government of Canada. It was also in this period that the first four Yukon First Nation Final and Self-Government Agreements were completed with the Champagne & Aishihik, Na-Cho Nyak Dun, Teslin Tlingit and Vuntut-Gwitchin First Nations.

All of the respective parties to these agreements witnessed their signing at the CYI Headquarters in Whitehorse on May 29, 1993. I was privileged to sign on behalf of the Government of Canada, together with the Hon Judy Gingell for the Council of Yukon Indians and the Hon. John Ostashek for the Government of Yukon. As I recall that day it was an outdoor event in a tent-like structure accompanied by rather windy and unpleasant weather. But everyone's hearts were warmed by the significance and satisfaction of completing the long hard journey, even though there was lots of apprehension about the work which was yet to come.

21. Tragically, the great Yukoner, Elijah Smith did not live to see the fulfillment of his hard-fought dream of over 40 years. He was killed in his 80th year in an unfortunate motor vehicle accident, during October of 1991. Earlier that year he had been awarded an Honorary Doctor of Laws Degree from the University of British Columbia. The citation for his L.L. D. describes Elijah as:

“a plain spoken man of wisdom and intelligence, maintaining a modesty that made him approachable by anyone.”



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22. One year before signing the final UFA and Land Claim Agreements, in May of 1992, my wife and I were invited by Chief Paul Birkel to visit the Champagne-Aishihik community at Haines Junction for a community discussion about their land claim. We were driven there by our negotiator Tim Koepke and his wife Jan. I was about to have one of the most remarkable experiences of my life.

At Haines Junction, Tim and Chief Berkel took us to the Seniors centre to meet three very elderly women. All were said to be well over 100 years of age. One of the women, the oldest, about 108, offered to sing me a song she had written. As I listened to her singing in her native tongue I could tell she was singing a song of great sadness.

Upon inquiring, Annie told us that she was singing a song in mourning for her son, who had recently died. To my great astonishment I learned that I had just met Annie Ned, a famous woman who grew up in Hutshi Village at the time of the gold rush. She was singing to me about the tragic loss of her beloved son Elijah Smith! To those of you who know of the contributions of Annie Ned, you will know of the many great gifts she left to all the people of Yukon; of her strong convictions, persuasive character and her oral story telling of ancient times (such as The Crow and Beaver stories). Two years earlier in 1990 Annie Ned had received the Order of Canada from Governor General Ray Hnatyshyn.

What a great experience I had that day, and what an honour it was to meet such a legend of Yukon history!

23. In wrapping up, I want to say “thank you” to all the Chiefs and Elders of Yukon first Nations for the lessons you have taught me, and for receiving me, my wife and all our Indian Affairs representatives with dignity and grace in those years when we tried to do our best for your people. This time will never come again, but for your young people and the generations to come, I hope the realization and the benefits of self determination, and a measure of compensation for the injustices of the past will give you something to celebrate in decades to come.

I would be remiss if I failed to thank the several negotiators and members of all three teams: for First Nations, for Yukon and for Canada. We are especially indebted to your lead negotiators, David Joe and Mike Smith.

24. And to the younger generations of First Nations Leaders who are here today, I want to recognize that many disappointments and mistakes have occurred along the way, and that many difficulties still persist. I do pray that your dream of functional self-government will be fully realized, and that the Federal Government will eventually



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find the wisdom to embrace the Constitutional protection of self-government which you have long sought.

At the same time I am heartened to see that genuine progress is being made, as you continue to lead the way, away from the paternalism of the Indian Act. I want to believe that INAC is no longer a mere servant of the “big boss” in Ottawa but is very much a servant of your people, and the guardian of a respectful new relationship with all the Indian and Inuit peoples of Canada.

25. As Leaders of today, and the elders of tomorrow, I hope you will recognize that a cup, or a winter cache that is three quarters full is a far greater legacy to leave to your children, than one that is empty. And remember your visionary and persistent Leaders of the past, that you may continue to follow their snow-tracks, into a much brighter future for all your people.

Mahsi cho / Thank you for inviting me here today.