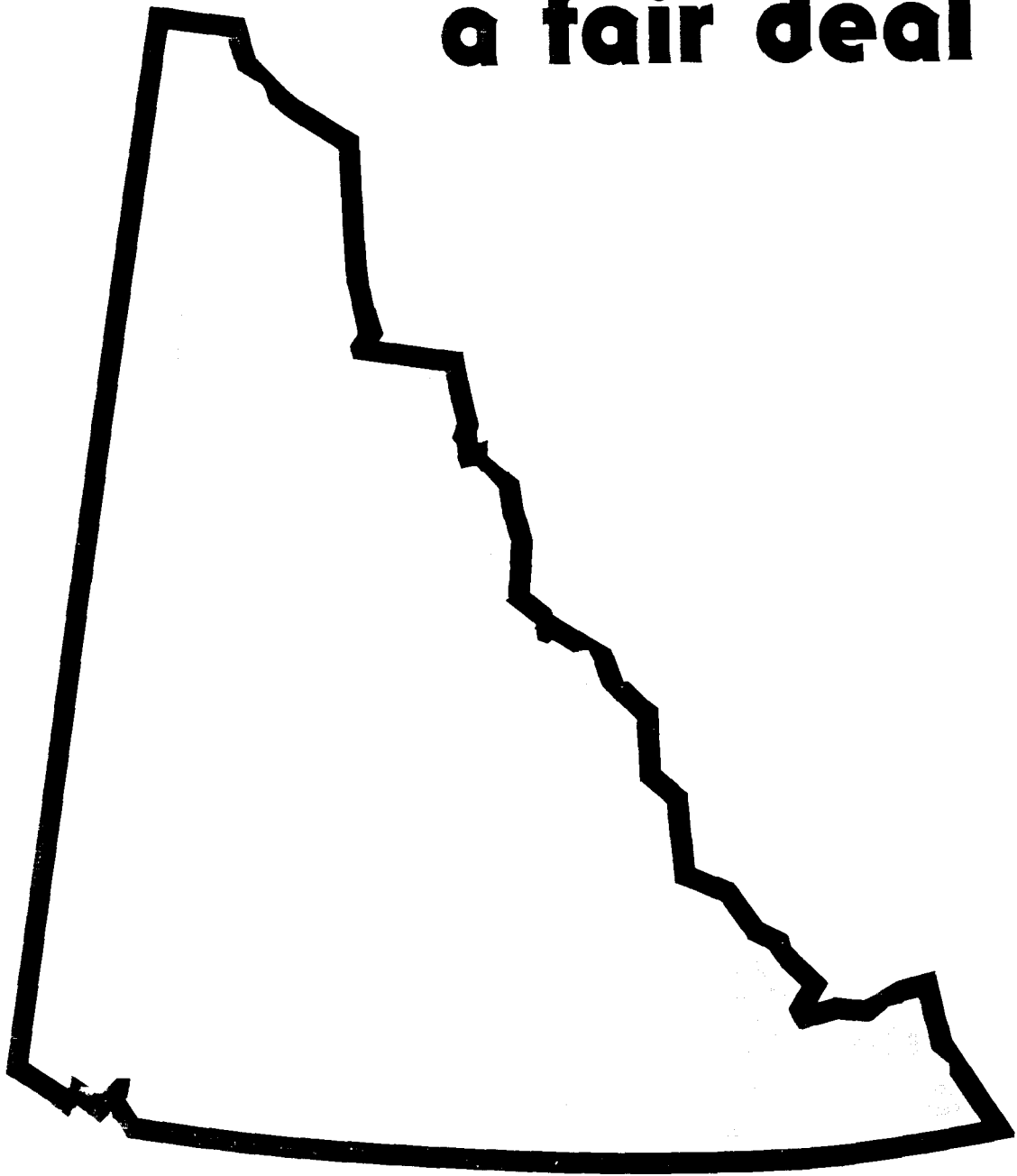




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***Yukoners Deserve A Fair Deal - Land Claims
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Yukoners deserve a fair deal



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March, 1983.

Fellow Yukoners;

In 1979 the Government of Yukon fought hard to obtain a meaningful role in the land claims negotiations.

At that time the federal government took the position that we could be at the talks so long as we were merely a minor part of the federal team and so long as we were not given a significant part to play in negotiations. The Council for Yukon Indians took the position that the Government of Yukon should not be at the land claims table at all.

Despite these attitudes, we were successful in obtaining a meaningful role. The obvious question is: "Why did we bother?"

The answer is that the Government of Yukon has a very important duty to use every means in its power to ensure that the land claims settlement will be fair to all Yukoners, Indian and non-Indian alike. For the effects of a land claims settlement will be far reaching. . . the settlement will alter our society, our constitutional framework, our use of lands and our very basic concepts about Yukon.

If the land claims settlement is to be fair, it must meet the test of three general principles.

First, property rights, access rights, existing businesses, recreation uses and the aims and aspirations of all Yukoners must be protected.

This principle speaks mainly to the kinds of restrictions that are to be placed on the selection of Indian lands. Surely everyone knows that Yukoners are the most qualified to ensure that this principle is adhered to.

All beneficiaries are to be guaranteed extensive hunting, fishing and trapping rights. They are also to be guaranteed constitutionally entrenched rights in areas of Education, Justice, Land Use Planning, Health and Welfare and Local Government.

Our second task then is to ensure that benefits to all Yukoners flowing from the claim will outweigh the burdens. That is why we are seeking an agreement that the federal government, not Yukoners, will pay for all costs related to land claims. That is why we are demanding that meaningful amounts of land will be transferred to the jurisdiction of the Government of Yukon so that in future the legitimate aims and aspirations of all Yukoners may be provided for by a government over which Yukoners have complete democratic control.

Third, the issue of aboriginal rights must be settled in the Yukon once and for all.

The federal government policy has been that the purpose of a land claims settlement is to settle aboriginal rights and replace them with money, land and rights which will be enshrined forever.

We must insist that the settlement is final. We can't have a settlement that might allow for future land claims talks, future demands for lands, and future demands for money.

This information package explains why the Government of Yukon was forced to leave the table in December, 1982, when the federal government changed the ground rules.

The issues that must be resolved before we can return to the land claims negotiations are explained in Part II of the package. All of these issues must be resolved in order to make the settlement fair, and all of these issues flow from either the second or third general principle described above.

When we fought our way into the land claims negotiations, we were compelled to agree that the talks be confidential. This we were reluctant to do. The result is that talks have been shrouded in secrecy and the secrecy has made it difficult to inform Yukoners about the results of four years of negotiations.

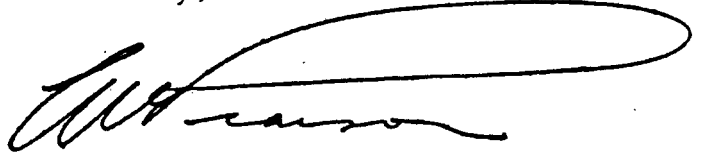
In this information package, we are laying out the facts and our position on certain issues. It is the responsibility of all Yukon residents to familiarize themselves with the issues and to make up their own minds as to whether the position of the Yukon Government is reasonable.

We of course think it is and firmly believe that we must continue to fight for what is fair.

We cannot go back to the table only to lend credibility to a process that is going in the wrong direction. We got involved in negotiations to ensure that a land claims settlement will be fair to all Yukoners. We will not sign an agreement with which we do not agree.

We trust that all Yukoners will support our position.

Yours truly,

A handwritten signature in black ink, appearing to read 'C. W. Pearson', with a large, sweeping flourish above the name.

C. W. Pearson

YUKON INDIAN LAND

CLAIM

A Fair Deal For

Yukoners ?

GOVERNMENT OF YUKON

MARCH, 1983

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PART 1

INTRODUCTION

A FAIR DEAL

GOVERNMENT OF YUKON INFORMATION PACKAGE

The Government of Yukon has been involved in the negotiations of the Yukon Indian Claim since 1973. During that period of time the Government of Yukon has been actively involved in protecting the rights of all Yukoners and working towards a fair deal.

On many occasions the Government of Yukon has actively pressed to have more information made available to the public. While many of the details of the agreements-in-principle signed to date must be kept confidential until there is an overall Agreement-in-Principle, the Government of Yukon takes the position that the public should be informed about the claim.

This information package is designed to provide the public with general background information on the Yukon Indian Land Claim and to outline the reasons why the Government of Yukon is not prepared to return to the land claims negotiating table without resolving certain major issues.

All of the quotations and references contained in this information package are taken from Government of Yukon files. Passages which define a situation or explain a circumstance reflect the analyses and positions of the Government of Yukon.

A NOTE ON CONFIDENTIALITY

In 1979, when negotiations began under the fifth federal negotiator, the Government of Yukon wanted the proceedings of land claims negotiations to be made public. The Council for Yukon Indians (CYI) objected, stating that the provision of information to the public would jeopardize its negotiating position.

In good faith, the Government of Yukon agreed to the demand for confidentiality by the CYI. The federal government also agreed.

The federal government breached confidentiality when the Minister of Indian Affairs and Northern Development publicly announced on December 17, 1982, the details of the compensation agreement-in-principle (the "183 million dollar" deal) in parliament.

Recently, potential beneficiaries have been given complete information respecting the boundaries of certain proposed beneficiary settlement lands. This resulted in conflict with non-beneficiaries who have had no knowledge of such boundaries.

CYI have been releasing the specific contents of some of the agreements-in-principle to various organizations.

While the Government of Yukon has always respected the confidentiality of land claims negotiations it has, on occasions, been forced to set the record straight.

A FAIR DEAL _____

THE NATURE OF THE CLAIM

WHAT IS BEING NEGOTIATED?

Indian beneficiaries are exchanging "aboriginal" rights for a package of defined rights and benefits such as land ownership, money, special programs and guaranteed participation in a number of Yukon Government Boards and Committees under a one-government system.

WHAT ARE "ABORIGINAL RIGHTS"?

Aboriginal rights have never been fully defined in law. Recent cases (e. g. the Baker Lake case), indicate that aboriginal rights include the rights to hunt, fish and trap for food on unoccupied Crown land.

In 1763 the British Government issued a Royal proclamation ^{which} acknowledged that Indians of British North America had legal rights to use the land where the land was not occupied by non-Indians and where those rights were not settled by law. The Proclamation does not acknowledge Indian land ownership. It is the Royal Proclamation of 1763 to which many Indian spokespersons in Canada refer as the legal foundation of their aboriginal rights and, in some instances, claims to sovereignty.

Between 1763 and 1921, the federal government attempted to settle Indian interests by Treaty. The Treaties gave annual money payments, gifts, some guaranteed benefits such as education or medical aid, and parcels of land for use and benefit of Indians in settlement of their claims. Claim settlements after that were ignored for a considerable period of time.

Prior to 1973, the federal government took the position that aboriginal rights did not exist. Claims by native people were not recognized. In 1973, the Supreme Court of Canada was asked to rule on whether the Nishga Indian people held aboriginal title in the Nass Valley of British Columbia. The resulting judgement was inconclusive. However, it raised the possibility that, in future, it might be determined that some Indian people had retained aboriginal rights over certain lands in Canada.

That possibility caused the federal government to change its policy with respect to dealing with aboriginal claims. Although the federal government did not accept aboriginal rights in law, it did agree to negotiate the settlement of aboriginal rights based on traditional use and occupancy of land by Native people who had never signed a Treaty .

It should be noted that, with the exception of certain areas in Quebec and British Columbia, most aboriginal rights in southern Canada were settled by Treaty. The aboriginal rights of Yukon Indian people, however, were never dealt with.

The recent federal policy statement In All Fairness sets out three objectives of the federal government respecting Indian and Inuit aboriginal claims.

They are:

1. To respond to the call for recognition of Native land rights by negotiating fair and equitable settlements,
2. To ensure that settlement of these claims will allow Native people to live in the way they wish, and
3. That the terms of settlement of these claims will respect the rights of all other people.

THE YUKON INDIAN LAND CLAIMS SETTLEMENT

The Yukon Indian Land Claims negotiations are directed toward a settlement that differs dramatically from the Treaty settlements of southern Canada. The key difference is that the Yukon claim is based on a one-government system, where Yukon Indians will participate in the Government of Yukon rather than residing on Indian Reserves under federal jurisdiction.

Another major difference between the Treaties and the Yukon Claim is that lands granted to Yukon Indian people will be held in private ownership rather than held in trust by the federal government as Indian Reserves.

While Treaty settlements that dealt with land provided for a maximum of 0.25 square miles of land per Indian person, Yukon settlement land selections have provided for 0.8 and 1.1 square miles per beneficiary, depending upon the location of the Indian Band. Land for the Old Crow people will probably approximate 4.0 square miles per Old Crow beneficiary.

Programs will be provided by the Government of Yukon or by the Indian people. The Indian Affairs Program of the Department of Indian Affairs and Northern Development in Yukon will be phased out.

For more information on this aspect of the claim, see the section on the ONE-GOVERNMENT SYSTEM.

WHO IS A BENEFICIARY OF THE CLAIM?

Under the Agreement-in-Principle respecting eligibility, those persons entitled to be beneficiaries must be Canadian citizens and:

- have at least 25% Indian blood and have resided as an ordinary resident of Yukon between January 1, 1800 and January 1, 1940, or
- be a descendent of, or an adopted child of, a person referred to above.

Potential beneficiaries are registered with the Council for Yukon Indians. Final approval of the beneficiary list will rest with an Enrollment Commission and an Appeals Board.

A FAIR DEAL _____

THE ONE-GOVERNMENT SYSTEM

The Government of Yukon has consistently advocated a one-government system since the beginning of Land Claims talks in 1973.

OCTOBER, 1974: In Analysis & Position - Yukon Indian Land Claims the Government of Yukon recommends a one-government system.

DECEMBER, 1975: Meaningful Government for All Yukoners:

"Y. T. G. seeks assurances that there will be one government structure in the Yukon including one local government system, one program delivery mechanism, and above all the total commitment of the Yukon Indian People to participate in this proposed system of government. In addition, Y. T. G. will anticipate provisions allowing it to move toward more responsible government. "

THE TWO-GOVERNMENT SYSTEM

In southern Canada, status Indians settled their claims under treaties that provided for a two-government or, Indian Reserve, system (that is, federal government jurisdiction on Reserves under the Indian Act with provincial jurisdiction on remaining lands).

The treaty system resulted in status Indians being treated differently than non-status Indians and other Canadians and being alienated from the mainstream of Canadian society.

THE ONE-GOVERNMENT SYSTEM

The Government of Yukon firmly believes that a two-government system is unacceptable for Yukon. Therefore, the Government of Yukon has been working towards a Land Claims Settlement which will bring all Yukoners together under one-government rather than separating them on the basis of race and on the basis of Indian "status" as defined by the Indian Act.

It is this commitment that resulted in the development of an entirely new concept for settling aboriginal rights in Yukon.

That concept is THE ONE-GOVERNMENT SYSTEM under which beneficiaries and non-beneficiaries will have:

- One system for the management of wildlife;
- One system of local government (no Reserves);
- One system of education;
- One system of health and social programs;
- One system to manage renewable resources;
- One system to manage lands.

HOW DOES THE ONE-GOVERNMENT SYSTEM ACCOMMODATE YUKON INDIAN INTERESTS AND CULTURE IN YUKON?

The Government of Yukon recognizes that the Yukon Indian people have a unique culture and have special interests in Yukon. This recognition has resulted in special measures being discussed in land claims negotiations. The settlement will replace aboriginal rights with specific guaranteed rights and special measures designed to protect the interests and culture of Indian beneficiaries under a one-government system.

Once the Land Claims Settlement is completed, Indian beneficiaries will have the same rights and obligations as other Yukon residents in addition to the special measures provided for under the Land Claims Settlement legislation.

WHAT ARE THE " SPECIAL MEASURES" UNDER THE ONE-GOVERNMENT SYSTEM?

The special measures discussed to date include:

- Ownership of large blocks of land.

- Special rights with respect to wildlife harvest including 50% of the allowable harvest of moose and caribou.

- 50% guaranteed participation on a wildlife management advisory board.

- 25% guaranteed participation on land use management boards.

- Special measures respecting education, social programs, local

government, justice, housing and community upgrading. Details on these have not yet been released.

ONE GOVERNMENT FOR ALL YUKONERS - WHAT IT WILL TAKE TO WORK:

- LAND FOR ALL YUKONERS

Once land claims are settled, beneficiaries and non-beneficiaries should have access to lands so that they can fulfill their individual aspirations.

- THE EVENTUAL CONTROL OF ALL LANDS AND RESOURCES IN YUKON BY YUKONERS

Continued control of land and resources in Yukon by DIAND will result in little or no incentive for Yukon Indians to participate in the one-government system.

- FEDERAL MONEY TO IMPLEMENT THE SETTLEMENT

Substantial federal monies are required to implement the settlement if it is to be successful. Yukoners should not pay taxes to fulfill a federal obligation.

- A SETTLEMENT THAT IS FINAL

There is no point in signing a land claims agreement if land claims issues are to be dealt with again in a later negotiating process. Similarly, there is no point in signing a land claims agreement if a land

claims settlement is not possible under Canada's Constitution.

PROTECTION AGAINST OUTSIDE CLAIMS BY NON-RESIDENT NATIVES

Claims by non-resident natives to lands in Yukon must be resolved, otherwise, Yukon Indian settlement wildlife rights may be jeopardized. As well, Yukoners may be faced with new rounds of land claims talks with non-resident natives.

Yukoners will have primary responsibility for implementing the one-government system. If it is to be successful, the full co-operation and endorsement of the federal government is required.

The Government of Yukon will continue to advocate the one-government system. The only obstacle to achieving a fair settlement is the refusal of DIAND to accede to the reasonable requirements of the Government of Yukon.

PART 11

THE ISSUES

WILL LAND CLAIMS BE FINAL?

In October, 1979, CYI demanded that land claims negotiations be broadened to include the special interests of Yukon Natives in the development of self-government in Yukon. At the time, the federal and Yukon governments held the view that land claims negotiations would include only land and monetary compensation. The governments then were proposing separate talks for dealing with Yukon constitutional issues, which would be correlated with land claims negotiations.

The proposal to broaden the scope of the negotiations meant that issues such as local government, health, education and game could be covered. It meant that effect could be given to a one-government system and that the settlement would be final. The governments agreed to the CYI demand.

FEBRUARY 19, 1979: A Memorandum of Understanding respecting land claims negotiations is signed between the Government of Canada and the Government of Yukon. It includes the following:

" 13. It is agreed that Canada and the Territory shall develop a Yukon constitutional development process to be correlated with the native claims process. "

OCTOBER 15, 1979: C YI executive travels to Ottawa to demand that constitutional issues in Yukon be included in the land claims forum and that the land claims settlement be negotiated as one package.

OCTOBER 25, 1979: The governments of Canada and Yukon agree to the CYI demand for a one-package settlement.

NOVEMBER 7, 1979: Yukon News quotes CYI Chairman Mr. H. Allen:

"We have long contended that meaningful negotiations could only be held if the constitutional development elements of the claim are included with land and compensation in one forum. By his announcement, Mr. Epp now appears to recognize this fact. "

NOVEMBER , 1979: The parties agree to certain principles for conducting Yukon Indian Land Claims negotiations. These are:

1. All special interests of beneficiaries would be identified in the Land Claims negotiating forum,
2. Those special beneficiary interests would be enshrined in the Land Claims Settlement legislation, and
3. After Settlement, beneficiaries would be treated in the same manner as other Yukon residents with respect to participating in any future process regarding the devolution of self-government to the Yukon Territory.

These principles were clearly understood by all parties and were reiterated on numerous occasions. These principles formed the ground rules upon which the parties agreed to negotiate. The negotiations resulted in the provision of special constitutional rights for Indian beneficiaries in the various agreements-in-principle.

Negotiations were completely undermined when the Minister of the Department of Indian Affairs and Northern Development (DIAND) changed the ground rules at the eleventh hour -

NOVEMBER 27, 1982: In a speech in the Yukon Legislative Assembly Chambers the Honorable John Munro stated:

" The Land Claims negotiations will only be concluded when Yukon Indians feel their rights and capabilities are adequately protected in Yukon's political structures and processes. . .

The challenge, as I see it, is to work toward achieving consensus on what these guarantees should be. I am prepared to discuss the setting up of a tripartite process with the C YI and the Yukon Government to deal with the subject at the appropriate time. "

(Note: The "tripartite process" means a new process like the Land CLaims process in which the parties are to be Government of Canada, Government of Yukon and CYI)

DECEMBER 10, 1982: The Honorable John Munro meets with C YI and agrees that they could discuss revenue-sharing in the future tripartite talks .

FEBRUARY 2, 1983: (Whitehorse Star)

" CYI Chairman Harry Allen met Munro yesterday. He said Munro also committed Ottawa to include the Council (for Yukon Indians) in any future talks about Yukon constitutional development.

(Note: " Yukon constitutional development" means the future development of self-government in Yukon)"

FEBRUARY, 1983: The Council for Yukon Indians newsletter Kwandur states:

"the Council for Yukon Indians has asked for, and the Federal Government has agreed to, some forms of guaranteed native representation in the structures and processes of Yukon Government. This means more than just some seats in the Legislature. "

This new pact between the CYI and DIAND clearly indicates a desire by those parties to negotiate additional benefits after a Land Claims "settlement".

To be fair, the Land Claims settlement must be final. Aboriginal rights must be exchanged, once and for all, for the negotiated rights and benefits given under settlement. If the CYI and DIAND are now unwilling to negotiate a FINAL settlement, then there is little point in continuing with claims negotiations.

The Government of Yukon is seeking a written agreement with the federal government which states clearly that the original ground rules will be followed. After settlement, beneficiaries will be treated in the same manner as other Yukon residents with respect to participating in any future process regarding the devolution of self-government to the Yukon Territory.

A FAIR DEAL

LAND CLAIMS AND THE CANADA ACT

ENTRENCHMENT

The Canada Act is Canada's constitution. When a statement which guarantees rights is written into the constitution the rights are said to be ENTRENCHED.

Anything that is entrenched in the constitution cannot be changed unless the Canada Act is amended. For example, two governments, or a government and a group of people, between themselves could not bargain, change or exchange any rights that are entrenched in the constitution. The party who has the rights is not free to exchange the rights without a constitutional amendment.

Entrenchment has very great force and effect. It could override, or even render void, previous legislation.

Anything that is entrenched in the constitution can only be changed by amending the Canada Act. An amendment to the Canada Act requires agreement by:

- " (a) resolutions of the Senate and House of Commons; and
- (b) resolutions of the legislative assemblies of at least two-thirds of the province that have, in the aggregate, according to the then latest general consensus, at least fifty per cent of the population of all the provinces . "

IS A LAND CLAIMS SETTLEMENT POSSIBLE?

The Canada Act (section 35) states that "existing aboriginal rights" are "recognized and affirmed." Some constitutional experts believe that section 35 now entrenches aboriginal rights against changes, except by amendment to the Canada Act.

If this is so, aboriginal rights cannot be exchanged for rights under a land claims settlement in Yukon without an amendment to the Canada Act. It could take years for the Senate, the House of Commons, and two-thirds of the provinces (representing fifty per cent of the Canadian population) to agree to an amendment. It might even be impossible to achieve. The Government of Yukon recognized this problem in 1981 and actively lobbied the federal and provincial governments.

MARCH 23, 1981: The Government of Yukon writes to the Honorable John Munro, the Honorable Marc LaLonde, the Honorable Romeo LeBlanc and the Honorable John Roberts stating:

"We believe that this sub section is open to the interpretation that it renders aboriginal rights immune to 'change except by constitutional amendment. The attached papers show this result. to be disastrous.

This interpretation will drastically curtail the application of federal laws of general application. Instead of prevailing over aboriginal rights, as is presently the case, federal legislation which conflicts with aboriginal rights will be of no effect to the extent of the conflict. There could be large parts of Canada, particularly northern Canada, in which parts of federal legislation such as the Fisheries Act, the Northern Pipeline Act, the Territorial Lands Act, the National Parks Act, and Bill C48, the proposed Canada Oil and Gas Act will be constitutionally invalid. . . . As attached papers show, this may have other results which are equally serious. The view COULD CRIPPLE THE LAND CLAIMS SETTLEMENT PROCESS, and could encourage native groups to resort to litigation in

the courts. If the courts ultimately determine that this view is wrongly held, natives will blame the Federal Government for falsely raising expectations when the matter should have been clarified at the outset. . .

My Government believes that this matter must be clarified now. My officials have already approached the Minister of Justice respecting this concern, and I believe it should be brought to your attention. "

NOVEMBER 18, 1981: The Yukon Legislative Assembly stands alone amongst legislatures across Canada in debating this sensitive issue and passes the following motion:

'WHEREAS Members of the Yukon Legislative Assembly support the land claims negotiations taking place between the Governments of Canada and Yukon Indian People wherein aboriginal rights held by Yukon Indian People over certain Yukon lands are to be replaced by new clearly defined rights to be enacted in settlement legislation;

AND WHEREAS the aforesaid members desire the settlement legislation to be entrenched in the Canadian Constitution;

AND WHEREAS the aforesaid Members recognize the present aboriginal rights of Yukon Indian people and are desirous that they be recognized and affirmed in the Canadian Constitution, but in a manner that will not impede the settlement of the Yukon Indian Land Claims and the ultimate entrenchment of the settlement legislation;

BE IT RESOLVED THAT the Members of the Yukon Legislative Assembly urge the affirmation of the aboriginal and treaty rights of the Aboriginal Peoples of Canada in the Canadian Constitution provided that the aboriginal rights shall be construed as having the legal status of rights cognizable at common law. "

In spite of the concerns of the Government of Yukon, section 35 was included, in the Canada Act and has become law. This is one of the issues. The Government of Yukon has continued to express its concerns to the federal government and is seeking a written agreement that sets out a unified approach to the problems posed by the Canada Act.

FINANCIAL RESPONSIBILITIES

Under the one-government system the Government of Yukon will be responsible for implementing new and expanded programs for Indian beneficiaries and for taking over some major programs currently delivered by the Department of Indian Affairs and Northern Development (DIAND) . The Government of Canada is constitutionally responsible for Indians in Canada and should pay for the costs involved in implementing a Land Claims Settlement.

The Government of Yukon is seeking an agreement with the Government of Canada on funding relating to:

- the costs of new or expanded programs resulting from the Settlement Act that would otherwise not be incurred at this time.
- the **costs** of programs now the fiscal responsibility of Canada that are transferred to the Government of Yukon as a result of the Settlement Act .

Millions of dollars will be required to implement the following:

- an expanded wildlife management system;
- social programs;
- special provisions in education;
- special provisions in local government;

- enhanced land use planning regimes;
- a modified justice system;
- increased responsibilities for land registration;
- training programs.

The question of financial responsibility is one of the major issues. The Government of Yukon is seeking a written agreement with the federal government that documents the responsibility of the Government of Canada for funding all new and additional expenses incurred by the Government of Yukon as a result of a Land Claims Settlement.

A FAIR DEAL

NON-RESIDENT NATIVE CLAIMS IN YUKON

A "non-resident native claim" occurs when Natives who are not residents of Yukon claim land and other rights including wildlife harvesting and land management rights IN YUKON.

THE FEDERAL GOVERNMENT has a policy of funding such claimants and encouraging them to pursue their claims.

Yukon is currently facing six non-resident native claims.

The Government of Yukon's position is straightforward. It will not be party to an Agreement-in-Principle for the Yukon Indian Land Claim unless it has a written agreement with the federal government that non-resident native claimants will not be given certain rights and land in Yukon in addition to those granted in the Yukon Indian claim,

The Government of Yukon is seeking an agreement that would protect all Yukoners, Indian and non-Indian alike. It should be noted the CYI has already agreed that any hunting, fishing and trapping rights granted to Indian people will be taken from the Yukon Indians' share of the harvest.

The Government of Yukon is demanding that benefits in Yukon for non-resident natives should be restricted to monetary compensation and

hunting, fishing and trapping rights based on current usage.

MARCH 24, 1976: The Yukon Commissioner, Assistant Commissioner, two elected Members of the Executive Committee and Land Claims Secretariat officials meet with the Deputy Minister of DIAND and his officials to discuss the Yukon Indian Claim. The Deputy Minister assures the Government of Yukon that there is only one comprehensive claim in Yukon, the Yukon Indian Claim. The Inuit from N. W. T., therefore, will not be permitted to claim title to land in Yukon. However, any traditional hunting, trapping *or* fishing use in Yukon by N. W. T. Inuit will be recognized.

OCTOBER 21, 1978: The Minister of DIAND signs an agreement-in-principle with the Committee for Original Peoples Entitlement (C. O. P. E) behind the back of the Government of Yukon. The agreement has dire consequences for Yukon's North Slope in that:

*up to 1,000 Sq. mi. of titled land on Yukon's coastline may be granted to COPE. That land includes the prime potential harbour sites required for oil and gas exploration in the Beaufort Sea.

* The balance of Yukon's coastline goes under federal jurisdiction as a National Wilderness Park. This leaves Yukon with none of its coastline and no access to tidewater.

*It gives preferential employment benefits and other opportunities to COPE over Yukoners.

*It makes a mockery of wildlife conservation in Yukon

- it allows the commercial harvesting of big game in a park,
- it allows the hunting of endangered species,
- it allows the granting of land and the establishment of settlements in calving grounds of the Porcupine Caribou Herd.

*It attempts to curtail the Yukon Governments jurisdiction over game. It thus threatens Yukon's jurisdictional integrity.

*It prejudices the traditional use of Northern Yukon by the Old Crow People.

FEBRUARY, 1979: Under the MEMORANDUM OF UNDERSTANDING Respecting THE PROCESS FOR NEGOTIATING NATIVE CLAIMS IN THE YUKON TERRITORY signed between the Government of Canada and the Government of Yukon it is agreed that:

"There shall be one native claims process, the Yukon Native Claims Process, which henceforth shall be utilized in all negotiations for settlement of all native claims in the Yukon Territory, including native claims made by native people not resident in the Yukon Territory for that portion of such claims based on traditional use and occupancy of Yukon lands. "

THE YUKON IS NOW FACED WITH SIX NON-RESIDENT CLAIMS:

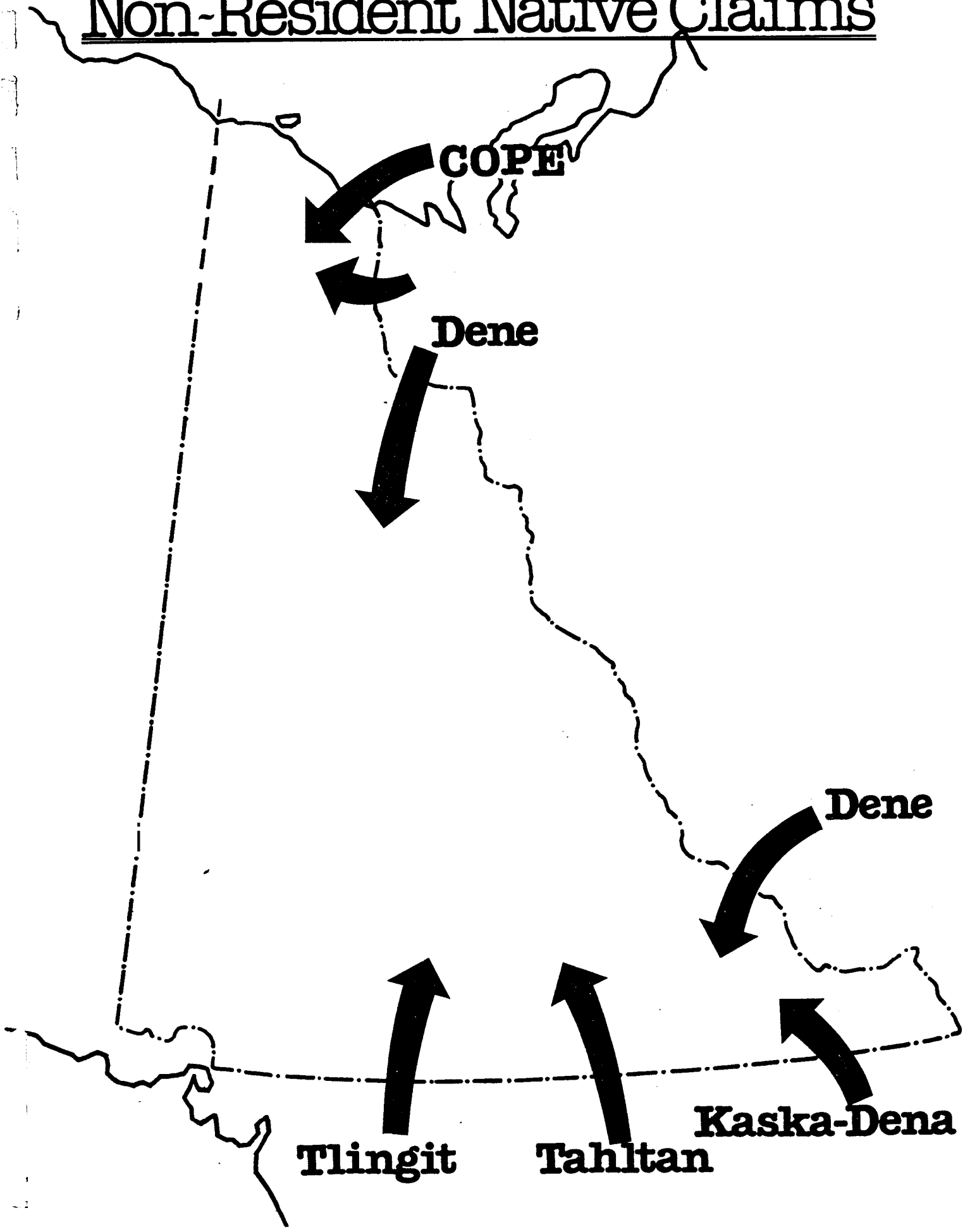
- The COPE Claim in NORTHERN YUKON
- The AKLAVIK AND FORT MCPHERSON DENE are claiming an interest in NORTHERN YUKON
- Treaty 11 extends from N. W. T. into a large portion of SOUTHEASTERN YUKON
- The Kaska Dene from B.C. are claiming a portion of SOUTH-CENTRAL YUKON
- The Tahltan from B.C. are claiming a portion of SOUTHWESTERN YUKON
- The Tlinglit from Atlin are claiming a portion of SOUTHWESTERN YUKON

AUGUST 8, 1980: Letter from DIAND to the Association of United Tahltans of Northern British Columbia offers funding and encourages them to pursue a land claim in Yukon:

" As you are no doubt aware, intensive negotiations are underway between federal and territorial government representatives and the Council for Yukon Indians, with a view to concluding an Agreement-in-Principle at the earliest possible time, and before an agreement is reached on that claim we would want to ensure that ANY INTEREST OF THE TAHLTAN PEOPLE IN LANDS THAT ARE THE SUBJECT OF THE C YI CLAIM is taken fully into account. For this reason we have decided to advance funding to the Association of United Tahltans. As a first step, the Associations' research efforts should CONCENTRATE ON THAT PORTION OF THE CLAIM WHICH EXTENDS INTO THE YUKON TERRITORY, and, if the Association has not already done so, I would encourage them to discuss the matter with representatives of the CYI."

The earlier C. O. P. E. experience causes the Government of Yukon to be cautious. The Government of Yukon is seeking a written agreement with the federal government that will protect Yukoners from excessive claims of non-resident natives. The Government of Yukon is also seeking an understanding with the federal government with respect to the COPE claim within Yukon.

Non-Resident Native Claims



A FAIR DEAL

LAND FOR ALL YUKONERS

In the late 1960's and early 1970's the Government of Yukon made repeated requests for the transfer of the administration and control of most lands within Yukon.

In 1973 the transfer was delayed by the introduction of land claims.

After 1973 a number of Department of Indian and Northern Affairs (DIAND) ministers and their officials AGREED THAT LAND SHOULD BE TRANSFERRED; however, no substantial transfers took place because the FEDERAL GOVERNMENT LINKED SUCH TRANSFERS TO THE SUCCESSFUL SETTLEMENT OF THE YUKON LAND CLAIM.

The Government of Yukon, meanwhile, acknowledged the value of a settlement that would place all Yukoners under one jurisdiction and insisted that land for all Yukoners would be an important common element.

The record shows that, as the possibility of an actual settlement drew closer, the Honorable John Munro and his officials REVERSED THE DIAND POSITION by no longer supporting the transfer of the administration and control of land to the Government of Yukon.

Under the proposed Land Claims Settlement, Indian beneficiaries are to be granted over 7,000 square miles of Yukon's best land made up of large blocks and hundreds of small parcels. At the same time the Government of Yukon is seeking land for residential, recreational and agricultural purposes for all Yukoners, beneficiaries and non-beneficiaries alike.

Under the proposed Land Claims Settlement, the Government of Yukon would assume responsibilities for Indian people. At present DIAND is charged with those responsibilities.

In order for the Government of Yukon to fulfill those additional responsibilities and at the same time fulfill its responsibilities to all Yukoners, it must be a government of stature. Any government of stature must have substantial jurisdiction over matters affecting its constituents, particularly if it is to fairly represent beneficiaries and non-beneficiaries alike. The Government of Yukon's demand for a reasonable amount of land is tied directly to this principle.

MARCH 24, 1972: Commissioner James Smith in a letter to the Honorable Jean Chretien, Minister of DIAND, requests the transfer of administration and control of all lands within Yukon.

MAY 12, 1972: Mr. Chretien's response to the March 24th letter states that he is not prepared to transfer land administration and control of lands to Yukon, but is prepared to transfer lands encompassing communities. Some block land transfers are carried out but the remaining transfers are held up pending a land claims settlement.

NOVEMBER 27, 1972: After considerable discussion with DIAND officials, the Government of Yukon announces a plan to develop a Territorial Park system for Yukon.

JULY 17, 1973: CYI requests a land freeze in Yukon pending a land claims settlement.

SEPTEMBER 19, 1974: In a letter to the Government of Yukon, the Honorable Judd Buchanan, Minister of DIAND agrees with a Territorial Parks system:

" . . . I would suggest that the Department and Y. T. G. should act swiftly to put the machinery in place to enable the "development of the park system to commence the moment the way is clear. "

and LINKS LAND TRANSFERS (at this time regarding parks only) to a LAND CLAIMS SETTLEMENT:

"Although it cannot be said that the end of the land claims negotiations with the CYI are in sight, I remain optimistic that the way might be clear to commence development of the Territorial Park System."

NOVEMBER 18, 1974: Letter from Government of Yukon to Deputy Minister of DIAND states the framework for a workable land claims settlement:

"Much of the settlement costs will ultimately accrue to the Yukon Territory and about one quarter of the population will be awarded exclusive land resources and political rights in excess of what the remainder of the population has "available. If this is in fact the intent of the Department Proposals, the only choice the Yukon Territorial Government can justify "to the public in its role in participating in the land claims negotiations, is to publicly demand that proportional amount of land, resources and political rights be given to the control of the Yukon Territorial Government. . ."

JANUARY 17, 1975: Letter to Minister of DIAND from Government of Yukon:

" . . . I would like to suggest that negative feelings and criticism which will arise from the council and the general public by the fait accompli can be assuaged if they were informed that following the implementation of the first stages of the settlement, steps would be initiated to transfer remaining unalienated surface rights to the control and administration of the Yukon Territorial Government. Also, action would commence immediately with the view to sharing resource revenues with the Yukon Government and establishing joint Y. T. G. Departmental committees in areas of resource development where they do not presently exist. "

FEBRUARY 14, 1975: Mr. Buchanan rejects the concept of transfer of surface land and resources to Yukon.

MARCH 3, 1975: Federal Government accedes to the CYI request of 1973 and freezes certain land dispositions in Yukon.

DECEMBER 1975: Government of Yukon position paper, MEANINGFUL GOVERNMENT FOR ALL YUKONERS, is published and includes the statement:

"At the present time a more responsible government for the Yukon means a fully elected Executive Committee. It also means that the Territorial Government, together with its present competence, will have additional responsibilities for the management and control of all health care programs, of ALL RENEWABLE RESOURCES, and of all Indian Affairs' programs in the territory. "

MARCH. 24-26, 1976: At a meeting between federal government and Yukon government officials, members of the federal negotiating team state:

"- a Land Claims Settlement would not work unless Y. T. G. were to GAIN CONTROL OF MORE LAND,

the Minister of Indian Affairs would have "no hang-ups" over the TRANSFER OF SURFACE RESOURCES TO Y. T. G. ,

if constitutional evolution is not resolved by Y. T. G and the federal government, A FULL HALT to talks could occur resulting in pressure on the federal government. "

MAY 13, 1976: Letter from Assistant Commissioner to Honorable Judd Buchanan:

" It is the conviction of the Executive Committee, and no doubt will be apparent to the natives as well, that the proposed agreement-in-principle will be hollow unless the natives are guaranteed meaningful participation in Y.T.G. There is, however, one other essential component before the proposal can work - the delegation by yourself to the Commissioner of the administration and control of all Yukon lands. "

JUNE 21, 1976: Whitehorse Star - Mr. Buchanan publicly PROMISES LAND FOR YUKONERS and reaffirms the LINK between land transfers and a land claims settlement:

"NO QUESTION THAT AFTER A SETTLEMENT IS COMPLETED, SUBSTANTIAL TRACTS OF LAND WILL BE GIVEN TO Y. T. G. TO DISPOSE OF. "

JULY 26, 1976: In a letter to the Minister of DIAND, the commissioner of Yukon states:

"This letter will confirm our discussions of Tuesday, July 20 regarding your letter sent to me July 5, 1976 conveying your sentiment with regard to the direction and approach that I should take as Commissioner of the Yukon Territory.

We agreed in principle with everything in the letter with the exception that two items, which we had previously discussed, had been omitted from the text. The first was that reference to the change in the structure of the Executive Committee had not been included in the final version of the letter. THE SECOND ITEM WAS THAT AGREEMENT IN PRINCIPLE TO THE TRANSFER OF THE ADMINISTRATION OF RENEWABLE RESOURCES TO THE Y. T.G. HAD NOT BEEN ADDED TO THE FINAL VERSION OF THE LETTER. "

NOVEMBER 4, 1976: Territorial Council in a motion requests a response from the federal government to Yukon Government position paper MEANINGFUL GOVERNMENT FOR ALL YUKONERS.

FEBRUARY 10, 1977: The Honorable Warren Allmand, Minister of DIAND responds to the November, 1976 motion:

“ Council's motion concerning creation of a department of natural resources raised the question of transferring to the Territorial government substantial responsibilities regarding the administration of lands and forests. I must state that my first priority is the Yukon land claim. There will also continue to be important federal interest in the management of resources and maintenance of national environmental standards. Nevertheless, delegation of land administration, on behalf of the Federal government, to a Territorial government in which all Yukoners participated effectively, would clearly have certain advantages. IT WOULD PLACE THE PLANNING AND ADMINISTRATION DECISIONS ON LAND WITH THE PEOPLE MOST AFFECTED BY THOSE DECISIONS. While I am therefore prepared to discuss this step, I would have to consult with my colleagues in Cabinet before any final decision could be taken. I would also want to pursue discussions of this subject with representatives of the native organizations. ”

JULY, 1977: Government of Yukon establishes a Department of Renewable Resources:

AUGUST 17, 1977: Government of Yukon and Government of Canada sign a General Development Agreement. Government of Yukon is provided with \$400,000 to increase its land use planning capabilities.

MARCH 3, 1978: In a press release the Honorable Hugh Faulkner, Minister of DIAND, announces the Federal government's full land freeze:

“It is necessary to restrict the amount of land transferred North of 60° PENDING FURTHER PROGRESS IN LAND CLAIMS SETTLEMENTS”.

DECEMBER 3, 1979: Honorable Jake Epp, Minister of DIAND, reaffirms the LINK between land claims and constitutional development.

APRIL 20, 1982: In anticipation of a Land Claims settlement, the Government of Yukon submits its proposal LAND - A YUKON RESOURCE to the federal government recommending the transfer of all lands to Government of Yukon jurisdiction over a 10-year period.

DIAND REVERSES POSITION

FEBRUARY 3, 1983: DIAND's letter, signed by the Honorable John Munro, attempts to re-write the record:

B Y ADMITTING THE LINK BETWEEN LAND TRANSFERS AND A LAND CLAIMS SETTLEMENT, THEN REJECTING IT: -

" The Federal Government , however, has consistently stated that its priority commitment was the just settlement of the Yukon Indian aboriginal claim. I believed and still hope we share that priority and commitment. To that end, we have avoided the transfer of significant tracts of land in advance of the claims settlement because to do so we would have prejudiced the just resolution of the Indians' prior claim. The linkage, therefore, between claims and land transfers to the Yukon Government, was clearly one of chronological sequence. "

AND BY REVERSING THE EARLIER STAND OF DIAND RESPECTING LAND:

"There was no commitment to the transfer of lands as a pre-condition of resolving the Yukon Indian aboriginal claims. There is no evidence to support such a contention. "

FEBRUARY 5, 1983: Letter from Yukon Government Leader to Mr. Munro rejects the DIAND position and points out that the Minister of DIAND is responsible for the collapse of negotiations since he changed the ground rules at the 11th hour.

FEBRUARY 11, 1983: Mr. Munro responds stating once again his position on land transfers, which position is unacceptable to the Government of Yukon.

FEBRUARY 14, 1983: The Yukon Government Leader writes to Mr. Munro attempting one more time to *resolve* the impasse over land. The Government of Yukon's position amounts to a demand that some 3, 000 square miles of Land be transferred on or before the passing of Settlement Legislation and that a total of 15% - 20% of Yukon's surface land be transferred by 1987.

The Government of Yukon is seeking a written agreement with the federal government that establishes a process for determining the procedures for and the timing of the transfer of land from federal to territorial jurisdiction.

The Government of Yukon's complete position on land is stated on pages 37 and 38, following.

LAND FOR' ALL YUKONERS

YUKON'S POSITION ON LAND

1. A JOINT COMMITTEE comprised of representatives from the Government of Canada and the Government of Yukon shall be created immediately to expedite the transfer of surface lands to the control, management and administration of the Yukon Territorial Government with the ULTIMATE objective of transferring surface lands throughout Yukon to the Government of Yukon.
2. The committee shall be comprised of three members appointed by the Government of Canada and three members appointed by the Government of Yukon.
3. AT LEAST FIFTEEN TO TWENTY PERCENT OF YUKON'S SURFACE LANDS SHALL BE TRANSFERRED TO THE CONTROL, MANAGEMENT AND ADMINISTRATION OF THE GOVERNMENT OF YUKON OVER THE FIVE-YEAR PERIOD BETWEEN 1983 AND 1987.
4. The lands already planned in the Whitehorse North/Land Management & Planning Project and the Carcross Valley - Marsh/ Tagish Lake - Atlin Road Land Management Planning Project shall be transferred to the Government of Yukon UPON COMPLETION OF LAND SELECTION FOR THE KWANLIN DUN BAND.

5. The committee shall develop a LAND USE PLANNING PROCESS consistent with that in the Land Planning Act as a prerequisite to land allocations by the Government of Yukon.
6. The Government of Yukon shall PROTECT SETTLEMENT LANDS until they are transferred to beneficiaries under the Land Claims Settlement.

PART 111

PLACING LAND CLAIMS

IN PERSPECTIVE

A FAIR DEAL _____

THE NEXT GOLDRUSH?

The immediate impact of a land claims settlement on Yukon's economy has been grossly overstated.

The recently announced \$183,000,000.00 compensation package is designed for the long-term benefit of Yukon beneficiaries, not to bail out the Yukon's current economic difficulties.

Yukoners will not see vast amounts of money flowing into the Yukon in the immediate future.

Some facts about the monetary compensation package have not been made clear to the public:

*The first payments will not flow until 1985 or 1986 at the earliest. Payments are to be over a twenty-year period.

*Approximately 15% will be subtracted from the first five years' payments in order to repay the Federal government for monies borrowed by CYI.

*A portion of the monetary compensation will merely replace the current expenditures of CYI and will not represent additional dollars in Yukon.

*A portion of the monetary compensation will merely replace the current expenditures of the Indian & Inuit Affairs Program of DIAND and will not represent additional dollars in Yukon.

*Contrary to popular belief, C YI does not intend to distribute the money to individual beneficiaries.

*Undoubtedly a considerable proportion of the funds will be invested in low-risk long-term securities for the benefit of future generations rather than being pumped into the Yukon's economy.

While the compensation package is significant, it will have NO IMMEDIATE EFFECTS on the Yukon's economy and only LIMITED LONG-TERM EFFECTS.

Some people have drawn a comparison between a Land Claims Settlement and the Klondike Gold Rush. The gold rush attracted some 40,000 people into Yukon. The Government of Yukon sincerely hopes that Yukoners have not built up such expectations but will recognize the limited long-term benefits of the Land Claims compensation.

A FAIR DEAL

THE FORGOTTEN OBJECTIVE

The Northern Affairs program of the Department of Indian Affairs and Northern Development (DIAND) is charged with implementing certain "National Objectives") one of which is:

"To further the evolution of responsible government in the Northern Territories. " (Canada's North March 28, 1972 DIAND).

Rather than implementing this objective, the Northern Program of DIAND has been opposing the evolution of self-government in Yukon, obstructing the development of the one-government system upon which land claims is based and claiming "quasi-provincial" powers.

PREVIOUS DIAND ADMINISTRATIONS HAD SHOWN A WILLINGNESS TO TRANSFER GREATER RESPONSIBILITIES TO YUKON:

-RESOURCE REVENUE SHARING

JUNE 6, 1974: Minister of DIAND, the Honorable Jean Chretien (federal press release) :

"I feel that the next step is to see that Yukon Government has the financial resources available, independent of grants and loans. This can be achieved firstly by increasing local revenues from an expanded tax base, built up by increased business and residential entrepreneurial

activity; secondly BY THE SHARING OF RESOURCE revenues; and thirdly, if the council so wish, it could take over that portion of the corporate tax field that by 1977 the Federal Government will have vacated. "

-TERRITORIAL PARKS

SEPTEMBER 19, 1974: Minister of DIAND, the Honorable Judd Buchanan (letter to Government of Yukon):

"Y..T.G. should act swiftly to put the machinery in place to commence the moment the way is clear. I, therefore suggest the Y. T. G. proceed to enact a suitable Territorial Parks Ordinance as soon as possible. "

-LAND TRANSFERS

MARCH 24, 1976: At a meeting between Yukon Government and federal officials the Deputy Minister of DIAND states that the Minister would have no big 'hang up' over the transfer of surface resources.

JUNE 21, 1976: Mr. Buchanan (Whitehorse Star):

"no question that after a settlement is completed, substantial tracts of land will be given to Y. T. G. to dispose of. "

JULY 26, 1976: Commissioner of Yukon confirms in a letter to the Minister of DIAND that there was an agreement-in-principle on the concept of transferring renewable resources to Yukon.

-LAND USE PLANNING

JUNE 21, 1976: (Whitehorse Star) Minister of DIAND states his unwillingness to "dump" a federal policy on Government of Yukon since federal plans were being made to turn over "much more land" to the Government of Yukon.

FEBRUARY 10, 1977: Minister of DIAND, the Honorable Warren Allmand is 'prepared to discuss the step" of delegating land administration to the Government of Yukon.

AUGUST 3, 1977: Honorable Charles Drury is charged with conducting a constitutional enquiry into the Northwest Territories. The federal cabinet gives him a mandate to discuss decentralization of surface land use and management procedures. A similar inquiry is contemplated for Yukon. In his final report in January, 1980, Mr. Drury states:

"...it should not be essential for the federal government to retain ownership of territorial land and resources nor to regulate their use under normal circumstances. . . .

Crown land and natural resources should therefore be transferred to the N. W. T. with the ultimate objective being full ownership of these public lands by the N. W. T. analogous to provincial ownership of public lands. "

RATHER THAN FURTHERING THE EVOLUTION OF RESPONSIBLE GOVERNMENT IN THE TERRITORIES, WHAT IS THE CURRENT DIAND ADMINISTRATION DOING?

Instead of promoting the further evolution of responsible government in the Northern Territories, DIAND is further entrenching itself in the north.

*In spite of the fact that the Government of Yukon has been involved in carrying out planning and zoning (Area Development Act) in past years, DIAND is insisting that only their planning process shall apply on federal lands.

NOVEMBER 22, 1982: Letter from Minister of DIAND:

"In this regard, you should be aware that I am extremely supportive of the Yukon Government's planning initiative insofar as it is intended to apply to lands that fall within Yukon control. It is, of course, my expectation that this capability will be developed in concert with the federal planning initiative. "

*In spite of the fact that in the 1960's DIAND recognized itself as trustee of northern lands, it is now interpreting its mandate as:

"the federal agency responsible for the control, management and administration of public lands north of 60°. (Draft discussion paper: " A Comprehensive Conservation Policy and Strategy for the Northwest Territories and Yukon. ")

*In spite of recognition by previous Ministers of DIAND and a previous federal Cabinet that surface resources should be transferred to northerners, DIAND is saying that it will transfer lands on the basis of demonstrated need only.

*DIAND no longer is willing to talk about resource revenue-sharing.

*DIAND no longer is willing to talk about transfer of renewable resources.

*DIAND states that it has powers of a "quasi-provincial" nature north of 60°.

YUKONERS DESERVE A FAIR DEAL, YUKONERS WANT:

- A fair Land Claims Settlement based on a one-government system
- 15-20% of Yukon's land by 1987
- A greater say in land use planning

The same kind of self-government as is enjoyed by southern Canadians

- An end to the colonial-style Government.

DIAND AND CYI - WHERE DO THEY STAND?

The Department of Indian Affairs and Northern Development (DIAND) and the Council for Yukon Indians (CYI) have threatened to proceed with negotiations of the Yukon Indian Land Claim without the Government of Yukon.

Both DIAND and CYI claim to support the one-government system, yet they deny the Government of Yukon's legitimate and reasonable requests. This unreasonable approach by DIAND and CYI will drive a wedge between Indians and non-Indians and between status and non-status Indian beneficiaries in Yukon.

THE FOLLOWING QUESTIONS MUST BE ANSWERED:

1. IF DIAND TRULY SUPPORTS THE ONE-GOVERNMENT SYSTEM, THEN WHY ARE THEY UNWILLING TO RESOLVE THE MAJOR ISSUES?

Is it because DIAND does not want a one-government system in Yukon?

Is it because the Northern Program of DIAND wants to preserve its empire in Yukon?

Is it because the Indian Affairs Program of DIAND wants to continue its control over status Indians in Yukon?

2. IF THE CYI ARE TRULY IN SUPPORT OF A ONE-GOVERNMENT SYSTEM WHY DO THEY NOT SUPPORT LAND FOR ALL YUKONERS AND WHY DO THEY RESIST A SETTLEMENT THAT WILL BE FINAL?

Is it because the C YI are not satisfied with the lands that will be granted under a Land Claims Settlement?

Is it because the C YI will demand an additional share of Yukon's resources after a Land Claims Settlement?

Is it because the CYI expect to get more rights and benefits than agreed upon in claims negotiations?

FEBRUARY 10, 1983: The Whitehorse Star reports

"CYI Chairman, Harry Allen met Munro yesterday. He said Munro also committed Ottawa to include the Council in any future talks about Yukon constitutional development. "

FEBRUARY, 1983: Kwandur, Newsletter of the Council for Yukon Indians, states:

"The Council for Yukon Indians has asked for, and the Federal Government has agreed to, some forms of guaranteed native representation in the structures and processes of Yukon Government. This means more than just seats in the legislature".

A FAIR DEAL

NEGOTIATIONS - THE YUKON GOVERNMENT'S RECORD

The Government of Yukon has been actively involved from the very beginning of talks in 1973.

The Government of Yukon has fought long and hard to protect the interests of all Yukoners - beneficiaries and non-beneficiaries alike.

THROUGHOUT THE PAST TEN YEARS THE GOVERNMENT OF YUKON HAS CONSISTENTLY STOOD FOR:

- * A fair Land Claims settlement
- * A final Land Claims settlement
- * A workable Land Claims settlement
- * A one-government system
- * Land for all Yukoners

FEBRUARY, 1973: The Yukon Indian people present their claim Together Today for our Children Tomorrow to the federal government.

MARCH 5, 1973: The Yukon Territorial Council passes a motion on the Yukon Indian Land Claim:

" that this Council congratulates the Yukon Native Brotherhood on their presentation to the Government of Canada of the Yukon Indian Land Claims and Council recognizes that a successful outcome to the negotiations on the claims currently being programmed WILL REQUIRE

THE AID AND ASSISTANCE OF THE COUNCIL OF THE TERRITORY AND WILL AFFECT THE FUTURE CONSTITUTIONAL DEVELOPMENT OF THE TERRITORY. Now, therefore this Council respectfully requests the Honorable Pierre Trudeau, Prime Minister of Canada, and the Honorable Jean Chretien, Minister of Indian Affairs and Northern Development, to ensure that adequate representation be afforded to the Council of the Territory to freely take part in the proposed negotiations in order to aid in (a) ensuring a successful outcome to the negotiations; (b) eventual success in implementing any agreement which may be arrived at resulting from the proposed negotiations; and (c) ENSURING THAT ANY SUCH AMENDMENT DOES NOT IMPEDE OR LIMIT THE FUTURE CONSTITUTIONAL DEVELOPMENT OF THE TERRITORY. "

APRIL 6, 1973: The Minister of the Department of Indian Affairs and Northern Development (DIAND), the Honorable Jean Chretien, announces formation of government Land Claims negotiating team, a senior negotiator is appointed and THE COMMISSIONER OF YUKON IS TO REPRESENT YUKON.

OCTOBER, 1974: Government of Yukon paper Analysis and Position: Yukon Indian Land Claims:

"Any settlement should contribute positively to the constitutional development of the Territory, PARTICULARLY IN REGARD TO THE GOAL OF ATTAINING RESPONSIBLE GOVERNMENT FOR YUKON. "

DECEMBER, 1975: The Government of Yukon paper Meaningful Government for All Yukoners:

" Y. T. G. seeks assurances that there will be one government structure in the Yukon including one' local government system, one program delivery mechanism, and above all the total commitment of the Yukon Indian people to participate in this proposed system of government. In addition, Y. T. G. will anticipate provisions allowing it to move toward more responsible government. "

OCTOBER 20, 1976: A new federal negotiator is appointed and he begins a new process, "the Planning Council Process". The Government of Yukon again pushes for a one-government system.

MARCH 8, 1977: Planning Council Document #2, A Statement of Goals Respecting the Yukon Claim:

- "1. Restore, protect, preserve and guarantee the identity of Yukon Indians and their freedom to choose a way of life in harmony with their cultural heritage.
2. Provide land and other forms of compensation to the Yukon Indian people to compensate them for loss of lands traditionally used and given up under the settlement so that they may have the opportunity to build an economic base equal with that of other Yukon citizens.
3. Provide the Yukon Indian people with the incentive and opportunity to have their rightful say, WITHIN THE CONTEXT OF A ONE-GOVERNMENT structure, in the decision making authorities which govern their everyday life. "

JULY 14, 1977: Planning Council Document #4, A Settlement Model reiterates and expands on Planning Council Document #2.

JANUARY, 1978 - JANUARY, 1979: CYI leaves the talks to prepare a comprehensive document on their land claims position. They say they have no mandate to discuss the one-government system. They will not return to the negotiating table for one year.

APRIL 28, 1978: A document leaked from CYI and obtained by the Canadian Press suggests that the Yukon Indian people are proposing a separate Indian Government with full control over renewable resources.

FEBRUARY 9 - 15, 1979: CYI reiterates their stand that the Government of Yukon should have NO ROLE in land claims negotiations. The Government of Yukon takes the position that it has an important role to play - that of ensuring a settlement that will be fair to all Yukoners.

After days of difficult negotiating between the Government of Canada and the Government of Yukon, a Memorandum of Understanding is signed between The Government of Canada and the Government of Yukon which sets out the ROLE OF THE GOVERNMENT OF YUKON in Land Claims negotiations. The Memorandum of Understanding includes the following:

WHEREAS Canada has the primary responsibility with regard to the resolution of claims made by native people based on traditional use and occupancy of lands (hereinafter referred to as "native claims"); and

WHEREAS The Territory has jurisdictional responsibilities of a provincial nature over many settlement elements involved in native claims negotiations in the Yukon Territory; and

WHEREAS Canada and The Territory have a responsibility to ensure that the rights and interests of all Yukon residents, both native and non-native are represented and protected in native claims negotiations; and

WHEREAS the full participation of The Territory is viewed as a basic requirement to a successful and lasting settlement.

THEREFORE THE PARTIES HERETO HEREBY AGREE AS FOLLOWS:

. * .

2. The Territory is entitled to be represented in and to participate fully :

(a) in the formulation of policy for the conduct of negotiations leading to settlement of all native claims in the Yukon Territory;

(b) in the negotiation process for the resolution of all native claims in the Yukon Territory; and

(c) in all meetings related to the resolution of all native claims in the Yukon Territory.

3. In recognition of its jurisdictional responsibilities and in order to represent the territorial interest, The Territory is entitled to:

(a) be a signatory to the Agreements-in-Principle and Final Agreements of settlement of all native claims in the Yukon Territory; and

(b) recommend to the Yukon Legislative Assembly suitable legislation approving and giving effect to the provisions of the Final Agreements

of all native claims in the Yukon Territory.

. * .

7. . Canada and The Territory agree on the need to maintain a cohesive approach to the Yukon Native Claims Process through:

(a) consultation with The Territory in the preparation of Cabinet submissions regarding issues which go beyond the present federal mandate or which are outside the policies established by Cabinet;

(b) the development of a joint position on the major policy issues and principles involved in the settlement of native claims in the Yukon Territory; and

(c) continued exchanges of views and information during the negotiation process, in order to ensure that each government is fully informed of the other's positions on all major issues before presentation to the claimants.

FEBRUARY 14, 1979: While discussions were going on regarding the role of the Government of Yukon in land claims negotiations, it is reported in the Whitehorse Star:

" Government sources close to the new round of Yukon Land Claims negotiation say the Council for Yukon Indians is asking for a settlement similar to the Dene Declaration which demanded a political settlement, including a separate Indian government in the territory. "

FEBRUARY 22, 1979: CYI is advised of the Memorandum of Understanding and breaks off the talks in protest over the extent of Government of Yukon involvement in negotiations.

APRIL 26, 1979: Land claims negotiations resume in Vancouver.

NOVEMBER, 1979: The Minister of DIAND, the Honorable Jake Epp, appoints a new federal negotiator. The parties agree that the new negotiator's mandate be expanded to include the negotiating of all special

beneficiary interests in the Land Claims forum, thus clearly establishing the following ground rules:

1. All special interests of beneficiaries would be identified in the Land Claim-s negotiating forum;
2. Those special beneficiary interests would be enshrined in the Land Claims Settlement legislation; and
3. After Settlement, beneficiaries would be treated in the same manner as other Yukon residents with respect to participating in any future process regarding the devolution of self-government to the Yukon Territory.

DECEMBER, 1979: Land Claims negotiations are delayed during federal election.

JULY, 1980: Formal Land Claims negotiations resume. It is agreed that the October, 1979 ground rules will apply.

AUGUST 14, 1981: Major progress is announced respecting eligibility y, wildlife harvesting, fishing , trapping, land use planning, education, social programs, upgrading of housing and municipal services, land tenure and land selection procedures. All of these agreements are firmly based on the ground rules set out in October, 1979 and reaffirmed in July, 1980 respecting the special interests of beneficiaries.

NOVEMBER 6, 1981: Details of the sub-agreement on wildlife harvesting and management are released to the public. Wildlife is to be managed under one system and beneficiaries are to be guaranteed a percentage of the allowable harvest of moose and caribou. Again, the sub-agreement is clearly based on the ground rules established in October, 1979 and reaffirmed in July, 1980. All of the agreements below are based on those rules.

NOVEMBER 27, 1982: THE MINISTER OF DIAND CHANGES THE GROUND RULES :

In a letter to the Yukon Government Leader, the Honorable John Munro ignores the long-standing link between land transfers and a land claims settlement, attempts to separate the issue of land for Yukoners away from land claims and states that he has instructed his negotiator to cease the practice of tying specific block land transfers to land claims agreements-in-principle, a practice which had BEEN IN PLACE since 1981 and which IS INCLUDED IN EACH OF THE LAND SELECTION AGREEMENTS-IN-PRINCIPLE FOR EACH INDIAN BAND NEGOTIATED TO DATE.

In the Yukon Legislative Assembly Chambers, Mr. Munro announces that special rights of Yukon Indians regarding the future devolution of self-government to the Yukon would be dealt with outside of land claims. This announcement is in CLEAR CONTRADICTION OF THE GROUND RULES established in October, 1979 and "reaffirmed in July, 1980.

DECEMBER 6 - 10, 1982: Government of Yukon seeks clarification from DIAND in an attempt to salvage the Land Claims negotiating process.

DECEMBER 10, 1982: The Minister of DIAND confirms that CYI will be involved in talks AFTER A LAND CLAIMS SETTLEMENT regarding their role in the future devolution of self-government in Yukon - repeating his intention to change the ground rules for Land Claims thus FORCING THE GOVERNMENT OF YUKON TO LEAVE THE NEGOTIATING TABLE.

THE YUKON Government's POSITION

The Government of Yukon will not return to the Land Claims negotiating table without the following:

1. A written agreement with the federal government making it clear that the original ground rules will be adhered to so that after settlement beneficiaries will be treated in the same manner as other Yukon residents with respect to participating in any *future* process regarding the devolution of self-government to the Yukon Territory.
2. A written agreement with the federal government setting out a unified approach to the problems posed by the Canada Act.
3. A written agreement with the federal government documenting the responsibility of the Government of Canada for funding all new and additional expenses incurred by the Government of Yukon which arise from a Land Claims Settlement.
4. A written agreement with the federal government that a satisfactory policy on aboriginal and treaty claims with Yukon by non-resident Indian people will continue to apply after Land Claims have been settled.
5. An understanding with the federal government with respect to the COPE claim within Yukon.
6. A written agreement with the federal government establishing a process for determining the procedures for and the timing of the transfer of land from federal to territorial jurisdiction.