

**First Nations and the Yukon Territorial Government:
Toward a New Relationship**

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Executive Summary

The Yukon Territory has experienced dramatic political and administrative changes over the past two decades, including the achievement of partial responsible government and the devolution of some federal departmental responsibilities to the territorial government. No changes, however, have been as important as those relating to the First Nations. The completion of the land claims negotiations and an accelerated program of re-establishing Aboriginal self-government have empowered Yukon First Nations and altered fundamentally their relationship with the territorial government.

First Nations issues have considerable prominence in the Yukon Territory, more so perhaps than any Canadian jurisdiction other than the Northwest Territories. This is a comparatively recent development, for as late as the early 1970s, Aboriginal concerns and needs did not have a central place on the territorial agenda. The evolution of political and administrative systems to accommodate the First Nations was not without difficulty, and significant tensions remain within Yukon political and administrative systems. There is now a strong expectation that the land claims settlements will resolve, once and for all, outstanding grievances and meet all First Nations needs, an unlikely outcome of the very complex agreements.

First Nations people, constituting approximately one-third of the Yukon's population, have been able to turn to the territorial government for a wide variety of programs. While many of these initiatives are now being returned to Aboriginal control, the territorial government has been, and remains, active in providing specially developed programs in such fields as education, health care, community development, social welfare, language preservation, and recreation. The territorial administration has been willing to test co-operative management regimes and has generally been supportive of efforts at devolution and self-government. Concern about First Nations needs and opinions can be seen throughout the territorial administration and is reflected in hiring practices, a commitment to consultation with First Nations, and the high priority that has been assigned to Aboriginal issues (particularly the resolution of land claims).

First Nations have greater claim to the attention of the territorial administration in the Yukon than in most other parts of Canada. This has resulted in strong, but not uniform, support for land claims and considerable enthusiasm for Aboriginal self-government (which has been

pursued alongside a territorial effort to gain great authority for the Yukon government). In the process, the Yukon government and First Nations have provided an important model — albeit one that is specific to the unique circumstances of the Yukon Territory — for the relationship between Aboriginal peoples and the broader government and administration.

There is a temptation to generalize from the Yukon example and to assume its applicability in other jurisdictions. Such generalizations must be made with great caution. The unusual constitutional and fiscal status of the Yukon government, which leaves considerable authority in the hands of the federal administration and does not yet include constitutionally guaranteed responsible government, limits the applicability of the Yukon example. Moreover, the land claims in the Yukon (as elsewhere in the North) have many characteristics that may well be unique to the northern setting, particularly on such issues as co-management of resources. The current relationship between First Nations and the Yukon territorial government represents the culmination of a quarter-century of extremely difficult work and often acrimonious disagreement. The relationship places a significant priority on dealing with First Nations issues and on consulting regularly with First Nations. The result has been the development of a territorial administration that is flexible and responsive in its approach to Aboriginal concerns, although not always to the satisfaction of the First Nations and occasionally to the consternation of sectors of the non-Aboriginal population.

A new era has emerged in First Nations/government relations in the Yukon Territory. The implementation of Aboriginal self-government and the resolution of land claims have provided a level of certainty to the First Nations that is available in few other places in Canada. This relationship is, however, very much a work in progress. The implementation stage will, undoubtedly, bring major successes and a number of problems. A significant dark cloud on the horizon is the changing fiscal approach of the federal government, a matter of grave concern to government-dependant areas like the Yukon Territory. Tensions remain within Yukon society and between First Nations and the territorial government, and political agreements or changes in administrative arrangements will not quickly dissolve attitudes that have developed over decades.

First Nations in the Yukon and the territorial government have capitalized on the territory's unique situation and have laid the foundation for a new, different and real administrative partnership. While observers from other parts of Canada can learn from the Yukon

situation, it would be misleading to suggest that the administrative, legal and governance arrangements are broadly applicable. What the Yukon experience does illustrate is that seemingly entrenched opinions and considerable opposition to land claims and self-government initiatives can be overcome and that a regional society can be brought to the realization that empowerment of First Nations works in the best interests of the entire region.

A cautionary note must be added, however. In the Yukon there has been a tendency to see formal agreements as the culmination of the process of rebuilding the relationship between First Nations and other territorial residents. While the land claims settlement and individual self-government agreements are of great importance, they are unlikely to provide instant solutions to what are serious economic, social, cultural and political challenges. Legal agreements have been accorded great authority in the thinking of Yukoners, Aboriginal and non-Aboriginal alike, and there is a strong sentiment that suggests that these arrangements should be the final stage in the long and difficult journey of establishing a new First Nations/government relationship. It seems clear, however, that land claims settlements and self-government provisions represent an important milestone, but are certainly not the last step. A sustainable, mutually beneficial and acceptable relationship between First Nations and the Yukon territorial government will emerge when the legal agreements take administrative shape, when specific initiatives emerge that begin to address existing problems, and when the new administrative approaches are widely accepted by all Yukoners as being an appropriate governmental response to the needs of the Yukon and its residents.

First Nations and the Yukon Territorial Government: Toward a New Relationship

by Ken Coates

Once a constitutional and administrative backwater, the Yukon has become a focal point for political and governmental change. In 1973, the Yukon Native Brotherhood (later amalgamated with the Yukon Association for Non-Status Indians to form the Council for Yukon Indians) gained national attention by tabling the first modern comprehensive land claim before the government of Canada. During and after the drafting of the Meech Lake Accord, Yukon government leader Tony Penikett played a key role in focusing regional and national attention on the deficiencies of the proposed constitutional changes. The settlement of the Yukon First Nations' land claim in 1991 has set the stage for a fundamental restructuring of territorial administration and the establishment of a new relationship between Yukon First Nations and the non-Aboriginal political and governmental structures.

The Yukon, for years a minor player on the national political scene, has more recently been attracting considerable attention for its innovative approaches to Aboriginal issues. The Conservative government had, through the 1970s, responded to growing Aboriginal and non-Aboriginal demands for a resolution of claims and engaged in lengthy negotiations with the Council for Yukon Indians. The New Democratic Party government, elected in 1985, made a firm commitment to settle Aboriginal land claims and offered a unique approach to sharing territorial jurisdiction in order to get past intergovernmental barriers. Together with the federal government, which likewise demonstrated renewed interest in bringing the land claims to a conclusion, the Yukon territorial administration immersed itself in the details of claims negotiation and in restructuring the very basis of the governmental and administrative relationship between Aboriginal and non-Aboriginal people.

That the Yukon has emerged at the forefront of Canadian jurisdictions in dealing with the administrative and governance issues facing First Nations peoples is attributable in large measure to the concerted efforts of dozens of First Nations leaders in the Yukon who overcame non-Aboriginal resistance and placed the settlement of land claims and governmental rights on

the territorial agenda. The very forces that constrained Aboriginal rights and opportunities — the absence of treaties, the scant powers and resources of the territorial government, and limited regional demands for political change — held developments at bay until the congruence of attitudes and policies was such that meaningful and substantial adjustments were possible. Through the 1970s and '80s, the empowerment of Aboriginal peoples across the country coincided with the empowerment of the Yukon Territory. The political evolution of the Yukon therefore coincided with the re-emergence of Yukon First Nations as a major political and administrative force.

This report examines the historical and administrative aspects of the role of First Nations within the governance structures and actions of the Yukon territorial government. The paper is divided into the following sections: historical overview, contemporary administrative arrangements, the Yukon land claims settlement and the restructuring of administrative arrangements, an assessment of the relationship between First Nations and the territorial government, future directions in First Nations-territorial government relations, and recommendations.

Research Methodology

As one part of a broad study of government-First Nations interaction in Canada, the Royal Commission on Aboriginal Peoples commissioned this study of the past, present and future relationships between Yukon First Nations people and the Yukon territorial government. The intent was to provide an overview of a lengthy and complex relationship and to identify major problems, innovations, opportunities and developments, highlighting those that might be of particular interest or importance to the work of the Royal Commission. The research project commenced early in 1993 and was submitted in December 1993. In accordance with Royal Commission policy, the draft report was examined by three reviewers and was revised in light of recommendations received from the reviewers and from Commission staff.

The compressed timeframe for the study and the limits placed on its size and comprehensiveness obviously set constraints on the research project. Earlier work in this area by the author provided a foundation for additional research on contemporary developments.ⁱ The project proceeded through the following stages:

1. review of the published literature, including government reports and secondary materials,

- on the Yukon territorial government and Yukon First Nations;
2. collection and analysis of available government documents, including departmental annual reports, press releases, position papers, statistical reviews, and the like;
 3. collection and examination of published and public draft documents relating to the resolution of the Yukon First Nations' land claims in the territory;
 4. interviews with Yukon territorial government officials concerning departmental initiatives involving or developed for First Nations people;
 5. interviews, where possible, with First Nations people working for the Yukon territorial government and with First Nations organizations.

There was, and remains, a major gap in the research. In the very early stages of the project, the Council for Yukon Indians (CYI) was contacted and asked whether they would assist with the project. In particular, it was hoped that the services of a Yukon First Nations researcher could be contracted and that officials of the Council for Yukon Indians would provide detailed comments on the operations of the Yukon territorial government and CYI's relationship with territorial authorities. At that time, and continuing for some period thereafter, however, the Council for Yukon Indians had decided that they would not participate in the work of the Royal Commission on Aboriginal Peoples. Their hesitation was not, it was reported to the author, related to the specific project on First Nations-government relations, but rather was tied to a series of more general considerations concerning research and Royal Commission initiatives. The concerns of the Council for Yukon Indians were honoured, and employees of the organization were not contacted for their opinions. This unfortunately hampered the research and made it more difficult to provide more complete analysis of two main issues: the nature of the Yukon territorial government-Council for Yukon Indians relationship, and Aboriginal attitudes toward the structures, policies, programs and procedures of the Yukon government.

The preparation of this report proceeded at a time of considerable transition in the Yukon Territory. A relatively new administration, headed by the Yukon Party (with substantial elements of the former Conservative Party among its ranks), had taken over in 1992 from the New Democratic Party government. The first administrative effects of the more conservative approach of the new government were just being felt in the territory. Only one year early, the settlement of First Nations land claims in the Yukon had taken a major and official leap forward with the

signing of the agreement in principle. This event represented a substantial change from almost 20 years of difficult and often acrimonious debate between First Nations peoples and non-Aboriginal Yukoners about the territory's future governance.

These transitions both complicated the research initiative, for so very much was new or under consideration, and heightened its importance. The Yukon Territory and particularly the First Nations in the region have come through two very difficult decades in terms of political action and internal governance. The changes of the past few years have accelerated the process, answered many questions, and posed many new challenges. This report, then, seeks to describe the nature of the transition, identify the challenges that lie ahead, and indicate some possible outcomes from the search for a new governmental relationship between Yukon First Nations and the Yukon territorial government.

Aboriginal Peoples and the Yukon Territorial Government: An Historical Overview

Within a very short period, the Yukon went from an administrative colony to a jurisdiction with a substantial degree of responsible government; in the same period, Aboriginal peoples went from long-neglected wards of the federal government to assertive and self-governing First Nations, anxious to take their place as independent peoples working as administrative partners with the territorial and federal governments. Peoples carry with them the lessons and trials of their past. The historical development of Aboriginal governance issues in the Yukon Territory remains within the personal experience of territorial residents, informing their reactions to proposed changes and influencing the pace and direction of administrative and governmental restructuring.

The Yukon Territory's political evolution shares little with other Canadian jurisdictions. The standard evolutionary path — from colony, to the achievement of self-government, to provincial status — did not occur in the North. Instead, the territory flourished briefly during the halcyon days of the Klondike Gold Rush, suffered a severe political reversal during the First World War, and regained its lost authority only gradually after the Second World War. Substantial political change, defined in terms of greater territorial autonomy and responsible governance, did not occur until the 1970s.

The Evolution of the Yukon Territorial Government

The Yukon Territory was initially administered by the government of the Northwest Territories, a massive jurisdiction that spanned much of the country east to west and reached from the 49th

parallel to the Arctic Ocean. The development of a small mining industry in the upper Yukon River basin in the early 1880s, and accounts of the newcomers selling alcohol to the First Nations, resulted in 1895 in the establishment of the Yukon as a provisional district of the N.W.T. The only substantial government presence was the North West Mounted Police, dispatched northward to keep the largely American population under control. The discovery of gold in the Klondike in August 1896 and the subsequent gold rush forced the federal government to take more direct action. Governance via a far-distant and generally uninterested administration in Regina was hardly sufficient when tens of thousands of Klondike stampeders stood poised to enter the region.ⁱⁱ

The *Yukon Territory Act* of 1898 established a formal governance structure for the newly created Yukon Territory. The administrative system was based generally on the structure of the Northwest Territories government, with two important exceptions: a commissioner was named the head of the administration, and there was no provision for elected officials. Instead, a federally appointed council of six individuals was given responsibility for administering the territory. The abandonment of the elective principle was based on a concern that the largely American population would react unfavourably to an assembly elected by a small minority of residents (for American citizens would not have the right to vote in territorial elections). The structure also gave the commissioner, appointed by the federal government, sweeping powers to administer the territory.ⁱⁱⁱ First Nations people were, it is hardly surprising to report, not represented in the territorial administration; their concerns were managed by the department of Indian affairs, acting primarily through local detachments of the North West Mounted Police.

Yukoners resented the absence of elected representation in government, and beginning in 1897 organized protest meetings to register their displeasure. With the gold rush at its height, and with the regional sense of alienation running high, the federal government was compelled to act. In 1899, the *Yukon Territory Act* was amended to permit the election of two members to the territorial council, a step designed to placate the angry territorial residents while ensuring that the non-elected officials retained ultimate control. An election was held the following year. The altered territorial council took a more activist role in administrative affairs, focusing primarily on the mining sector and the needs of the bustling and chaotic Dawson City, the main supply and government centre for the Klondike gold fields. Agitation for increased elected representation continued, resulting in further amendments to the Yukon Act to increase elected representation to

five members and permit the election of a Yukon representative to the House of Commons. However, the federal government resisted efforts to make the territorial council wholly elected and to give the body the full powers of responsible government. As Frank Oliver, minister of the interior observed in 1908:

There is naturally a desire on the part of every community in this country to have the fullest possible measure of self-government. In the organization of new territories it has not always been thought desirable, nor has it always been possible, to give entirely elective legislatures. When the Northwest Territories were first organized it was necessary to have a legislature partly elective and partly appointed, and when the Yukon Government was organized that system was followed... The proposition before the House is to give the territory today an entirely elective Council and a form of government generally that will be in accord with the general principle that pervades our constitution namely, that the people shall govern in certain well-defined affairs and within well-defined limitations.^{iv}

The sweeping amendments to the Yukon Act in 1908 established a very different structure for the governance of the territory. The council was now completely elected and had ten members. The commissioner, who did not have the same authority as a lieutenant-governor in the Northwest Territories, was not responsible to the legislature and thus retained great authority. The timing of the political change was inauspicious. By 1908, the steam had gone out of the gold rush; people were leaving the territory by the hundreds, creating ghost towns out of once vibrant mining camps.^v Further, Yukoners had not shown themselves to be particularly adept at responsible politics; territorial elections were robust affairs, filled with accusations of patronage, corruption and electoral dirty deeds. The 1911 federal election victory by the Conservative Party resulted in a wholesale house-cleaning of the territorial administration and the replacement of Liberal partisans with Conservative counterparts. The combination of a sullied political process and a rapidly declining population slowed the impetus toward self-government and called into question the very future of the Yukon territorial council.

In 1918, when the Yukon Territory was already reeling from the economic and social effects of the First World War,^{vi} the federal government announced a draconian transition in territorial governance. Arthur Meighan, minister of the interior in the Unionist government, received authorization to abolish the elected territorial council and replace it with an appointed, two-member commission. Major cuts in employment were also scheduled. The federal government backed away a bit, reducing the number of elected representatives to three members

and leaving the appointed commissioner (the title attached to this office changed several times) as the central authority in the territory. With the regional economy in the doldrums, the Yukon lacked the political will to press for additional authority, and the actual administration of territorial affairs slowed substantially.

Further substantial political and administrative change did not occur until after the Second World War. The construction of the Alaska Highway and related projects^{vii} during the war resulted in an increased population and improved economic prospects. The territory's residents became increasingly demanding, requesting a larger elected council (a 1966 request called for 15 elected officials), a reduction in the authority of the commissioner, and greater autonomy from the federal government. Ottawa greeted the demands with sustained indifference and attempted to keep the government structure intact. Steadily escalating protest, combined with the greater sophistication of the Yukon's political leaders, created a situation that the federal government could no longer ignore. In 1970, amendments to the Yukon Act created an executive committee, including two elected officials, that would give advice directly to the commissioner. Two 'ministries', education and health and welfare, were also established.

The struggle for local autonomy continued over the next decade. Territorial politicians sought to reduce the power of the commissioner, remove all appointed individuals from the executive council, increase elected representation, and have the powers of responsible government passed on to the territorial legislature. For some in the Yukon — a substantial and very vocal minority — provincial status was the only viable solution to the territory's needs and ambitions.^{viii} Although supporters of provincial status hoped for a dramatic shift — their hopes soared when Joe Clark, newly elected to lead the Progressive Conservative Party, came to the Yukon and announced his party's support for transition from territory to province — change came incrementally. In 1978, the Conservatives won eleven of the Yukon's sixteen seats; government leader Chris Pearson selected the executive council from his caucus, thus establishing the principle of elected control of cabinet. The election of the federal Conservatives in 1979 brought further restructuring. Jake Epp, minister of Indian affairs and northern development, announced substantial reductions in the power of the commissioner, changing the post into a largely ceremonial and symbolic one, removing the commissioner from the executive council, and binding the commissioner to accept the advice of the executive council. Commissioner Ione Christensen responded by resigning her position.^{ix} The government of the Yukon Territory had

thus, in 1979, gained the powers of self-government, although this authority rested (and continues to rest) on a ministerial letter, not a legislative change.

The issue of provincial status soon moved to the background, replaced by lengthy discussions over the process of devolving federal responsibilities to the territorial government. These negotiations began in the late 1960s and continue to the present, slowed by delicate discussions of constitutional obligations, financial resources, responsibility for employees, and administrative transitions. Aboriginal land claims and other First Nations' concerns also slowed the process. There have been some notable successes, such as the transfer in the early 1970s of responsibility for the Alaska Highway from the federal department of public works to the territorial department of highways, but the process has carried on longer than territorial politicians would have preferred.

There have also been signs that the Yukon Territory's constitutional status is far from secure. In the controversial discussions leading up to the Meech Lake Accord, the Yukon Territory was not represented, even though the deliberations had the potential greatly to effect the Yukon's future prospects. Under the terms of the accord, the process by which a new province could enter Confederation would be altered, from the long-established tradition of direct negotiations between the affected jurisdiction and the federal government to a new system involving the consent of the existing provinces. Yukoners, together with representatives from the Northwest Territories, bitterly resented the establishment of new rules, and their likely long-term marginalization within the Canadian political system. The fallout from that contentious debate was the reluctant acceptance by the federal government and the other provinces of territorial representation at subsequent premiers and first ministers conferences and inclusion of territorial perspectives in subsequent constitutional discussions.

Through these decades of transition, the Yukon territorial council, in all its various forms, paid relatively little attention to the First Nations of the Yukon. Its primary concerns rested with the non-Aboriginal population, particularly the miners, and most of its energies focused on the Klondike gold fields and the needs of the residents of Dawson City. Some attention was paid to the harvesting of animals, particularly after the Second World War, when a new conservationist ethic reached the territory.^x For the most part, however, administrative matters relating to the First Nations rested with the federal government. Ottawa handled this responsibility through the department of Indian affairs. That agency, in turn, maintained only a small presence in the Yukon

before the 1960s, delegating many of its duties to the Royal Canadian Mounted Police and local missionaries. As the needs of Yukon Aboriginal people expanded after the Second World War, largely as a result of the collapse of the fur economy and the intrusion of resource development onto Aboriginal lands, the federal government expanded the size of the department of Indian affairs presence in the territory.^{xi}

The Historical Evolution of Yukon Territorial Government Programming

The Yukon territorial government's operations grew rapidly between the mid-1960s and the early 1980s, slowing thereafter as a result of a serious territorial economic depression. As the territorial administration added new responsibilities, most of them devolved from the federal government, contact between territorial officials and Yukon First Nations expanded considerably. This did not initially result in the establishment of special programs, or even specialized concern, for Aboriginal people. First Nations people had access to programs, jobs and initiatives designed for more general application, and many availed themselves of the opportunities. In general, however, little attention was given to the specific needs of Aboriginal people. Thus, the education system made few concessions to the needs of First Nations (save for schools provided through the federally funded residential school program), economic development initiatives were aimed at the general population and rarely at the specific needs of the Aboriginal communities, and social programs were likewise of general application.

The continued, even expanding, presence of the federal government, and specifically the department of Indian affairs, gave the Yukon territorial government an opportunity to avoid specialized programming. The federal government provided many such initiatives: funding for Aboriginal co-operatives, post-secondary education grants, housing projects, support for hunting and trapping activities, cultural grants, and the like. The steady flow of resources and personnel into the territory established a simple scenario: the department of Indian affairs tackled responsibilities related to the First Nations, and the government of the Yukon Territory dealt with matters of general application, including those most likely to affect non-Aboriginal people.

This structure did not survive the 1970s. Yukon First Nations people became more actively involved in territorial politics, electing representatives to the territorial council and demanding greater attention to their needs. The slow devolution of federal responsibilities to the territorial level likewise aided the process, giving the territorial government a more direct line of

accountability to First Nations. Also, the Yukon Territory changed fundamentally in this period. In the mid-1960s, First Nations issues attracted little attention and even less concern; only a decade later, Aboriginal matters sat at the centre of the territorial agenda, vying for primacy on the political landscape with concern about economic development. Southern Aboriginal organizations, and the politicization of Aboriginal issues across Canada, helped stimulate greater debate in the Yukon Territory. The more active presence of the New Democratic Party on the territorial scene, even before their election to office in 1985, ensured a regular airing of Aboriginal concerns in the legislature and in public debates. The size of the Aboriginal vote and, particularly, a distribution of electoral boundaries that gave considerable clout to rural and Aboriginal ridings, ensured that all territorial parties had to give extensive attention to First Nations issues and had to solicit their support actively. While a residue of bitterness and opposition remained, many non-Aboriginal people came to support, with varying degrees of enthusiasm, the resolution of First Nations demands and accepted that Aboriginal people would have to play a much greater role in the governance of the Yukon Territory than they had in the past.^{xii}

The Evolution of the Council for Yukon Indians

The Yukon First Nations were not organized on a territory-wide basis until the mid-1960s. Several years of organizational work by a handful of men, led by Elijah Smith, resulted in the formation of the Yukon Native Brotherhood (YNB) in 1968 and the establishment of connections with Aboriginal organizations from southern Canada. A separate group, the Yukon Association for Non-Status Indians (YANSI), was formed in 1971 to represent the interests of First Nations people who fell outside the legal definition of an 'Indian' under the terms of the *Indian Act*.^{xiii} YNB and YANSI representatives generally worked well together, but there were difficulties with, for example, the development of the initial statement of claims relating to the Yukon First Nations' land entitlement. The final document, *Together Today for Our Children Tomorrow*, was produced by the Yukon Native Brotherhood. Subsequent discussions between YANSI and YNB, and a general recognition that the nuances of federal legislation did not properly represent Aboriginal realities in the Yukon Territory, resulted in the formation of the Council for Yukon Indians in 1973.

As a result of the land claims negotiations and subsequent involvement on behalf of

Yukon First Nations, the Council for Yukon Indians emerged as a major force in territorial politics. Its gradually expanding role as a provider of services to First Nations bands generated occasional friction, particularly from the more isolated bands, which resented the centralizing tendencies of the Council. A near-agreement on Aboriginal land claims in 1976, for example, foundered when village residents rejected the arrangement and demanded greater community control over subsequent discussions.

The Council for Yukon Indians responded to public and private criticism of their actions, establishing procedures designed to encourage greater exchange between CYI officials and individual First Nations. The territory-wide election of the chair and vice-chairs is designed to ensure extensive input into the selection of leaders, and all major initiatives are circulated through the band councils for comment and recommendations. Annual general assemblies, which have been dominated for the past decade by land claims deliberations, have provided an additional opportunity for First Nations people from throughout the Yukon to influence the operations of the CYI.^{xiv}

The resolution of First Nations land claims in the Yukon, as in other jurisdictions, raises questions about the future role of the central Aboriginal organization. The Council for Yukon Indians has never, however, been preoccupied exclusively with land claims negotiations and has managed a variety of economic, social and cultural initiatives. It is therefore well placed to maintain a territory-wide role in the years after the land claims settlements are implemented, although the process of empowering individual First Nations (through the self-government provisions of the land claims agreements) will, by design, eliminate some of the CYI's functions.

Contemporary Administrative Arrangements

It is difficult to provide a definitive assessment of the contemporary administrative arrangements for First Nations people in the Yukon Territory. With Aboriginal people constituting fully 30 per cent of the territorial population, First Nations are consumers of, and participants in, virtually all programs of the territorial administration. While there are a substantial number of special initiatives for First Nations, it can be safely assumed that Aboriginal peoples are involved in all territorial initiatives. As well, the prominence of the federal government, in both Aboriginal programs and territory-wide activities, has tended to limit the direct role of the Yukon government in responding to the needs and expectations of First Nations.

There is, for example, no specific cabinet-level position for Aboriginal affairs, nor is there a specific department (save for the Land Claims Secretariat) charged with responsibility for First Nations issues. Instead, the Yukon territorial government has typically assumed that all departments and programs would respond to the special requirements of First Nations peoples and communities and that if special initiatives were required they would emerge from individual departments. There have been, incidentally, very few First Nations persons who have served in the higher levels of the territorial civil service (although there have been a significant number of Aboriginal cabinet ministers, including several of the leading members of the former NDP administration). There are numerous reasons for this, including the standard difficulties that Aboriginal people have in progressing through non-First Nations administrative hierarchies. Perhaps of equal or greater importance, however, is the fact that Yukon First Nations' organizations have provided employment and leadership opportunities for many Aboriginal people who, under other circumstances, might have been recruited for senior positions in the territorial administration.

It would be very incorrect to assume from this that Aboriginal concerns have a low priority in the territorial administration. While few observers would disagree with the suggestion that First Nations issues received much more attention during the tenure of the New Democratic Party (1985 to 1992) than during the administration of the long-entrenched Conservative Party or the conservative coalition Yukon Party (first elected in 1992), all administrations since the early 1970s have devoted considerable attention to Aboriginal concerns. This represents a major departure from the pre-1970s period when, as discussed earlier, the federal department of Indian affairs assumed primary responsibility for such issues and when the territorial government paid relatively little attention to Aboriginal matters.

Territorial governments have wrestled with the degree of primacy they would attach to First Nations concerns, although it has been taken as a given for more than 20 years that the regional administration would attempt to deal with the many pressing issues facing Aboriginal peoples. Further, it has become a truism in Yukon affairs that all matters have an Aboriginal aspect or interest that must be respected. Thus, debates over such contentious issues as placer mining policy do, at some point, consider the impact on First Nations, as do discussions about such varied concerns as educational initiatives, community development strategy, national parks planning, and the like. The importance attached to First Nations issues reflects more than the

numerical significance of Aboriginal people in the Yukon Territory; the assertiveness of Yukon First Nations, coupled with a general (but by no means uniform) non-Aboriginal acceptance of the need for a new partnership, ensures that Aboriginal concerns receive considerable priority.

First Nations/Non-Aboriginal Relations in the Yukon

Before proceeding it is important to offer some general comments on the evolving relationship between First Nations and non-Aboriginal people in the Yukon. When the Yukon Native Brotherhood tabled their land claim in 1973, the initial response was quite hostile. Over time, the explanation of Yukon First Nations' demands, and the governmental acceptance of the legitimacy of negotiations, dampened this resentment. Not all non-Aboriginal people came to support Aboriginal aspirations. Throughout negotiation of the land claims, and as new and often expensive programs were mounted for First Nations, a residue of bitterness and animosity lingered. A minority reacted against such initiatives on a strictly racial basis; the standard demand from this quarter was that all Yukoners should be treated alike and accorded the same rights and privileges. Attempts in the early 1990s to use the courts to stop the final settlement of the Council for Yukon Indians' land claim was one of the more high-profile examples of this reaction.

While the residue of hostility remains, the bulk of the Yukon non-Aboriginal population shifted gradually toward acceptance of, if not enthusiasm for, greater Aboriginal programming. A minority of the non-Aboriginal community supported and encouraged self-government initiatives and strongly encouraged the territorial government to move along a path toward a new and culturally sensitive partnership. The generally quiet majority shifted over time from quiet disagreement, to silent support, and finally to a more vocal desire to resolve a major policy issue that hung over the Yukon like a cloud. By the time the Yukon land claim had been resolved, most non-Aboriginal Yukoners^{xv} were anxious to see the new arrangements emerge in practice. The fear and uncertainty that had greeted the initial tabling of the land claim in 1973 had substantially disappeared.

Yukon First Nations: An Overview

Before proceeding with a discussion of specific governmental initiatives, it is important first to consider the nature of the Yukon First Nations. The following overview, drawn from Statistics

Canada's Aboriginal Peoples Survey, establishes the broad social, economic and cultural contours of the Yukon First Nations and provides an important foundation for understanding government initiatives targeted at these communities.

The Yukon Territory is home to fourteen First Nations, several of which have traditional territories that extend outside the current political boundaries of the Yukon Territory. Those sharing borders with British Columbia and the Northwest Territories generally meet regularly with their counterparts across the border and move with ease within jurisdictions. This has not been the case with Yukon First Nations whose territories straddle the Yukon-Alaska boundary; the international border has, until recently, been a significant barrier to interregional co-operation and activity.

Yukon First Nations vary widely in terms of their participation in traditional cultural activities. Isolated communities, like Old Crow, have comparatively little contact with non-Aboriginal people and therefore a stronger attachment to the land and traditional culture. The largest reserve is at Whitehorse, the territorial capital, and pressures against cultural persistence are considerable. Across the territory, only 19.4 per cent of those over 15 years of age speak an Aboriginal language, close to half the rate for all Aboriginal people in Canada (35.8 per cent) and much lower than the rate in the neighbouring Northwest Territories (74.3 per cent). The limited language proficiency does not indicate a lack of interest in traditional activities; more than 71 per cent reported continued involvement in such endeavours, well over the rate of 50.6 per cent for all Aboriginal people and second only to the rate in Northwest Territories (78.2 per cent).

Yukon First Nations have a higher than average rate of involvement in education; 10.5 per cent of the territory's Aboriginal population has less than 9 years of education, the lowest rate among Aboriginal people in Canada (in the N.W.T., the rate is 44.3 per cent); 45.5 per cent have some secondary education; and 17.7 per cent have some post-secondary education, higher than the overall rate of 13 per cent. A substantial number, 21.2 per cent, have a post-secondary diploma, higher again than the overall Aboriginal rate of 16.1 per cent.

Aboriginal Economic Activity, 1991
(population age 15+)

	Employed	Unemployed	Not in the Labour Force
Yukon	42.7	23.5	33.2
N.W.T.	44.2	15.1	40.4
Canada	43.0	14.0	42.6

The comparatively high level of education has not resulted in significant economic benefits, for Yukon Aboriginal peoples remain on the outside of the mainstream territorial economy. Only 42 per cent of Yukon First Nations people over the age of 15 years were employed, a major difference from the 72.1 per cent employment rate for the Yukon territorial population as a whole. When asked to identify the principal barriers to employment, Yukon First Nations pointed out the obvious limitations: 66.7 per cent suggested few or no jobs, and 45.7 per cent observed that skills and jobs were mismatched. Small numbers identified the absence of child care (5.6 per cent), lack of information about jobs (11.5 per cent), and being Aboriginal (15 per cent). This experience of the labour force has resulted, not surprisingly, in very low income levels for Yukon First Nations.

Income, 1991
(population age 15+)

	Yukon First Nations	Total	Canada Yukon Aboriginal
Total Income			
Under \$2000	21.1	10.2	25.2
2,000-9,999	28.9	17.1	29.0
10,000-19,999	25.31	9.0	22.8
20,000-39,999	18.1	29.9	17.8
40,000+	6.7	23.7	5.3
Total Employment Income			
Under \$2000	12.0	6.1	10.0
2,000-9,999	25.5	16.6	18.0
10,000-19,999	14.1	15.1	12.6
20,000-39,999	15.8	26.1	14.6
40,000+	5.3	21.8	4.5

Aboriginal responses to the territorial economy vary widely, and qualify the standard non-Aboriginal image of indigenous dependency on government payments. The absence of substantial opportunities to earn wages has necessitated a certain level of reliance on social assistance. In 1991, just under 10 per cent of the population over the age of 15 reported being on social assistance for a period of one to six months; 9.4 per cent indicated that they were on social assistance for seven to twelve months. Another group secured government funding for post-secondary education, with 4.3 per cent of the population over 15 years receiving a post-secondary allowance for one to six months and 2.3 per cent receiving a grant for seven to twelve months. At the other extreme, 12.5 per cent of Yukon First Nation persons reported previously owning or operating a business and, for 1991, 7.2 per cent indicated that they currently owned or operated a business.

The Yukon Territorial Government's Task

The challenge facing governments, territorial and Aboriginal, are therefore relatively straightforward. The First Nations find themselves in a situation of considerable cultural transition, facing a sharp decline in indigenous language use and a growing generational gap in terms of traditional activities. Social and economic conditions vary dramatically, from isolated, harvesting communities, like Old Crow, to a major urban reserve in Whitehorse. Across the territory, Aboriginal peoples face very uncertain economic prospects; with harvesting activities in decline, and government-sponsored programs rendered vulnerable by the current financial difficulties of the federal government, even the tenuous financial condition of the First Nations appears to be at risk.

In addition, the complex interplay between Aboriginal aspirations, the contemporary environmental movement (and the national parks initiatives), and territorial non-renewable resource developments has created considerable uncertainty in the Yukon. The decision of the British Columbia government, for example, to place the Tatshenshini River in a permanent reserve upset the economic plans of the Champagne-Aishihik First Nation, who had counted on direct involvement in the mining venture. The uneven pattern of mineral development in the Yukon Territory, which saw all the major mines in the region closed in the early 1990s, provides a very dubious foundation for regional and indigenous economic development.

To add to the administrative and governmental challenges facing Yukon First Nations and

the Yukon territorial government, Aboriginal peoples in the Yukon face a bewildering array of social difficulties. While the problems are not as profound as some non-Aboriginal stereotypes would have it, Yukon First Nations are confronting a complex array of internal problems. Whatever measures of social distress are used — rates of incarceration, the frequency of teenage suicide, evidence of alcohol and drug abuse, the incidence of domestic violence — it is clear that Yukon First Nations are addressing, and will continue to have to address, a significant variety and intensity of social adversities.

As if the challenges of establishing a new and viable relationship between Yukon First Nations and the government of the Yukon Territory were not enough, the continued evolution of the territorial administration only adds to the complexity of the political situation. As discussed earlier, the current status of the Yukon territorial government rests on the ambiguous foundation of the Epp letter and lacks either legislative or constitutional solidity. Furthermore, the period since 1979 has been characterized by an intense series of negotiations between territorial and federal officials over the devolution of authority to the territorial government. The Yukon government has therefore found itself in the middle of a twofold process of restructuring: the territorial arrangements with the federal government and the relationships between the First Nations and the Yukon government. To add further complexity, Yukon First Nations also have direct contact with the federal government, principally through the department of Indian affairs and the land claims negotiation process.

The very complexity of the processes clouded the precise nature of change and slowed both the negotiation and the implementation of government restructuring. For the past 20 years, the Yukon territorial government has been greatly expanding its participation in Aboriginal programming; more recently, it has been working assiduously with Yukon First Nations to support and create opportunities for the enhancement of self-government. Few political jurisdictions in Canadian history have experienced such an intense and intricate restructuring; with the exception of the Northwest Territories, no other jurisdiction in the country has assigned indigenous issues such a high priority and devoted as many resources to the reconciliation of Aboriginal expectations and non-indigenous demands.

Programs for Yukon First Nations People

It would be impossible, given the constraints of the current study, to analyze all the nuances and

elements of Yukon territorial government programs and activities targeted at First Nations. As noted earlier, it is difficult to segment Yukon government initiatives into Aboriginal and non-Aboriginal undertakings, for the interconnections between the interests and activities of the two groups make such divisions inappropriate. The government has, for example, established several programs to promote regional tourism (some in association with the state of Alaska). Aboriginal and non-Aboriginal companies and groups alike have capitalized on the opportunities thus presented. Similarly, the department of education recently created a Yukon studies course for high schools; the course has a substantial First Nations component and was designed with the specific needs of Aboriginal students in mind. The course was not, however, intended exclusively for Aboriginal students, nor was coverage restricted to Aboriginal topics. In these and many other areas, the distinction between what are Aboriginal initiatives and what are general territorial undertakings is often unclear.

As an integral part of the process of involving First Nations in territorial governance, the Yukon government has attempted to increase Aboriginal participation in the work force. Achieving this goal has proven difficult, if only because of the strong competing need for skilled Aboriginal workers within First Nations organizations. Under the territory's employment equity program, approved in 1990, a variety of special projects have been undertaken to increase employment opportunities for Aboriginal people within the government. In addition, the government has accepted that such initiatives will be of direct benefit outside the government.

Item 10 in the Yukon government's employment equity plan states that

Support for aboriginal self-government through cooperative training, education and employment opportunities will be a component of Employment Equity. This means that Employment Equity planning will strive to include measures that are mutually beneficial to the Yukon Government and to Yukon First Nations. This acknowledges that cooperation with Yukon First Nations to develop skills, knowledge and experience for aboriginal people will be used as a measure of success in evaluating Employment Equity results.^{xvi}

The Employment Equity Branch (and its predecessors) has operated a Native Training Corps since 1986. The program sought to identify individuals who were not qualified for entry-level positions and, by providing both a salary and a training opportunity, prepare them for full-time participation in the government work force.^{xvii} The program began with funding for six positions in 1986, increasing to nine positions in 1988 and declining, because of government funding cutbacks, to six positions in 1992. More than \$320,000 was provided in fiscal year

1993-94 for the Training Corps. The program has operated on a relatively small scale and has not had a major impact on the territorial government work force. Individuals within the program, many of whom were already working for the government, were prepared for more permanent, higher ranking positions, and generally found and retained a post within the government. There was a tendency to stream First Nations people into positions dealing directly with Aboriginal issues, although this was not necessarily the individuals' priority.

Additionally, the Employment Equity Branch has worked to make the government workplace more accommodating to First Nations people. (The branch itself appears to have succeeded; the five-person division has three Aboriginal employees.) Cross-cultural training initiatives have been undertaken for government employees and managers, government department branches have been advised about the need for, and the means of achieving, employment equity. The branch has prepared an employment equity plan for each department, with the branch both monitoring departments' progress and advising them on areas requiring improvement. The government's Employment Equity Advisory Committee has two First Nations representatives, nominated by First Nations organizations and selected by the cabinet. In addition, the Yukon Territorial Government First Nations employees formed a First Nations support group that meets, with government approval, to discuss issues and provide support.

Initiatives to bring First Nations people into the government work force have not been particularly successful. According to the Yukon Work Force Survey of February 1991, First Nations people made up 13 per cent of the Yukon territorial government work force and 21 per cent of the Yukon population; visible minorities (i.e., other than First Nations people), by contrast, represented only 2 per cent of the population but 3 per cent of the work force.^{xviii} At one level, this is because of the demand for skilled workers in Aboriginal organizations and non-government agencies. The strong priority given to employment equity and to First Nations issues across the territory have likewise increased the marketability of trained First Nations people. There is a second, less palatable, side to the careers of Aboriginal government employees. In announcing the Employment Equity Policy in July 1990, the minister, Margaret Joe, commented,

The government has made a firm commitment, in the Yukon Economic Strategy, to employ a work force that accurately represents the Yukon population. To achieve this goal, we must make the public service a more receptive work environment for native Yukoners and for people who have physical or mental

disabilities.^{xix}

First Nations people working for the government have expressed some unease with their experience. These individuals were always quick to point out that most of their non-Aboriginal colleagues treated them with respect and understanding, but they also indicated that instances of what they perceived as racist and/or discriminatory behaviour were not uncommon. The territorial government, despite the high-profile initiatives, has not yet provided a completely comfortable working environment for First Nations people. Particular concern was expressed about the relative absence of First Nations people in key decision making positions.^{xx}

The Heritage Branch of the territorial tourism department provides one of the most revealing examples of the integration of First Nations initiatives with general territorial undertakings. The branch employs an archaeologist and a Native heritage adviser, the latter with specific responsibility for promoting Aboriginal perspectives. The division operates a variety of specialized programs. The Cultural Heritage Study Program, for example, has established First Nations issues as a priority and funds one or two small projects per year. The Skookum Jim Friendship Centre received funding for the production of a book (*The Man, The Clan, and the Organization*) based on the life of the co-discoverer of the Klondike gold field. The Historic Sites Program provides assistance for the maintenance of an historic sites inventory^{xxi} and, through the Historic Properties Assistance Contribution Program,^{xxii} for the restoration of important sites. First Nations have used the program to assist with the preservation and cleanup of graveyards. The Museums Assistance Program provides support for community museums, such as the Teslin Museum, and to fund travelling exhibits.

Other initiatives illustrate the territorial government's efforts to blend First Nations and general needs. The Heritage Branch's Archaeology Program is based largely on a commitment to partnership with First Nations communities. In this innovative initiative, which has received strong community support, the territorial archaeologist is charged with developing proposals and securing necessary funding. The money thus identified is turned over to the band, which hires the field workers. The archaeologist and the band then supervise the research and prepare a final report; the general policy is to hire and train First Nations field workers whenever possible.

The Geographical Placenames Program has, since 1986, had responsibility for place names in the Yukon; the Yukon Geographical Names Board (established in 1987) has 50 per cent First Nations representation. Further, on land set aside for First Nations control under the land

claims deal, the First Nations will have total control over place names. The Board has launched a variety of initiatives to collect Aboriginal place names and bring them into general circulation. A major undertaking with Gwitch'in elders resulted in the identification of numerous traditional place names along the Dempster Highway corridor.^{xxiii}

On a broader scale, the tourism department has drawn increasingly on First Nations images in promoting Yukon tourism. Territorial brochures routinely use Aboriginal images and attractions (including museums, First Nations guided tours, and the persistence of indigenous societies) as part of the general sales pitch to outsiders. Together with federal agencies, funds have been provided for Aboriginal tour operators and other tourist attractions. Moreover, the government has been sensitive to the need to include an Aboriginal perspective in major promotions; such efforts were made during the Alaska Highway 50th anniversary celebrations, although not always to the satisfaction of First Nations observers.

The relationship between First Nations, the Heritage Branch and the tourism department is not without its difficulties. First Nations place great emphasis on 'living heritage' projects, particularly involving elders and traditional practices; the Heritage Branch generally emphasizes historical projects. The branch appears to rest somewhat uneasy within the department of tourism; as one non-governmental observer of the relationship commented, "Heritage and Tourism are not married, just shackled up." The arrangement illustrates two important considerations, however: that the Yukon territorial government sees the promotion of history as integral to its tourism efforts and, importantly, that First Nations culture and heritage are now recognized as a vital element of that history. It has not always been thus.

Similarly, the operations of the Sport and Recreation Branch of the Municipal and Community Affairs Division reflects the developing Yukon pattern of making all programs accessible to First Nations people while also recognizing the specific needs of Aboriginal communities. The branch provides numerous services to the territory, including supervising the operations of Sports Yukon, the Yukon Lotteries Commission and the Yukon Recreation Advisory Committee. Systematic attention is paid to the needs of First Nations people and communities. The 12-member Yukon Recreation Advisory Committee, for example, traditionally has three or four assured places for Aboriginal representatives; this pattern is repeated for major sub-committees and related branch activities, such as the operation of the Yukon Lottery Commission.^{xxiv}

First Nations have been active participants in Sports and Recreation Branch programming. In addition to individual participation in elite and general training programs, coaching clinics, and skills development workshops, First Nations have regularly applied for special project and program grants. In 1991-92, the Skookum Jim Centre received a grant of \$51,000 from the Special Recreation Grants competition. In previous years, funds had been provided from this source for the travel costs of Old Crow athletes and for Indian Days. Additionally, Yukon Aboriginal people rely heavily on local community recreation facilities and programs sponsored by the branch. The small Aboriginal settlement of Old Crow, population 262, received more than \$35,000 in community recreation grants in 1992-93; Burwash, population 83, received more than \$11,000. Larger communities received their recreation funding through their annual municipal funding.

To promote First Nations involvement in sports and recreation, the Yukon government appointed a First Nations recreation consultant. Establishment of the position was undertaken in recognition that First Nations people were not fully aware of the opportunities available through sports and recreation and were not therefore participating fully in the available programs. The First Nations recreation consultant was hired with a specific mandate to promote health and fitness, offering sports as a creative alternative. A great deal of effort had been devoted to treating drug and alcohol abuse; very little had been devoted to preventing difficulties in the first place. An effort was made, then, to get young First Nations people interested and involved in sports and to promote traditional sporting gatherings, like the Old Crow Annual Gwitch'in Gathering, Yukon Indian Stick Gambling, and Yukon Amateur Arctic Sports. Additional activities included facilitating Aboriginal participation in elite sports, and developing a Rediscovery Outdoor Program with the Skookum Jim Friendship Centre.

First Nations and the Yukon Territorial Education System

The Yukon education department has likewise undertaken a variety of programs to respond to the needs and aspirations of Yukon First Nations. Educational co-operation is based on a clear commitment to equity and equality within the Yukon educational system. The Council for Yukon Indians has, for many years, expressed strong concerns about historical and contemporary education offerings, culminating in a territory-wide investigation (as articulated in the KWIYA Report)^{xxv} into the nature of educational offerings. These investigations and subsequent

discussions resulted in consensus that there would not be separate programs for First Nations or, as some non-Aboriginal people in the Yukon feared, a segregated education system.

Most of the educational initiatives come, not through special initiatives for Aboriginal people, but through the department's general commitment to locally developed curriculum. The *Yukon Education Act*, however, includes a vital commitment to educational partnership between the Yukon government and the First Nations.^{xxvi} The act devotes a substantial section (Part 5: Yukon First Nations) to the needs of Aboriginal people. The main elements of this historic commitment include provision for Aboriginal language instruction, development of specific courses "respecting the cultural, linguistic, and historical heritage of the Yukon and its aboriginal people, and the Yukon environment", the delegation of educational programming to a Yukon First Nation if mutually agreed, respect for and acceptance of Aboriginal cultural activities within the operation of the schools, and a commitment by the department of education to co-operate with a 'Central Indian Educational Authority' once established. The terms of the act represent a major commitment on the government's part to Aboriginal involvement in, and even control of, education.^{xxvii}

The education department, particularly the Curriculum Branch, has worked co-operatively with the Council for Yukon Indians in the development of programs, curriculum aids and course materials. The First Nations Education Committee was established in 1991 as an interim measure, leading to the formation of the First Nations Educational Council (FNED). The interim FNED has three primary objectives:

1. co-ordination of all education programs;
2. representation of First Nations interests and liaison with education agencies; and
3. assistance to First Nations on educational issues and, in particular, the development of tribal council authority on educational matters.^{xxviii}

Aboriginal organizations have played a more direct role in the development of education opportunities. The CYI has also worked with the department of education on such major publishing initiatives as *Part of the Land, Part of the Water*, by Catherine McClelland and others, and Julie Cruikshank's *Reading Voices*^{xxix} and on the development of teacher orientation efforts (including the publication of a booklet, "Cross-Cultural Strategies"). CYI has worked co-operatively with the department on a variety of projects, most notably the Curriculum

Development Program; through the program, a series of local readers, charts, multi-media kits, posters, films and videos have been produced for local use.^{xxx} This initiative is in response to the government's objective that 20 per cent of the curriculum be locally developed. Equally significant is the establishment of a First Nations-run process for certifying elders for work in schools.

The Yukon government has also supported the work of the Yukon Indian Cultural Education Society (YICES), with representatives from 12 Yukon communities (and Atlin, B.C.). YICES's purpose is "to teach cultural activities, including such things as Native dancing and song, drumming, story-telling, cultural customs, arts and crafts, games, costume, art, outdoor skills and other cultural programs unique to particular areas."^{xxxi} There is also a Community Education Liaison Program, administered by band councils and funded by the federal department of Indian affairs, that exists to promote educational initiatives, promote the inclusion of Aboriginal culture in classrooms, and assist students in their studies.

The government's commitment has extended far beyond the development of specific courses and curriculum material. Yukon College, particularly at Ayamdigut Hall (Whitehorse Campus), has undertaken particular initiatives to support First Nations aspirations. The Yukon Native Teacher Education Program, offered through the University of Regina and Yukon College, the development of post-secondary Aboriginal studies programming at Yukon College, and specialized literacy and upgrading courses for First Nations adults are all part of a territory- and system-wide effort to establish the importance of First Nations services and issues within the educational sector. The college undertook a variety of initiatives to support these efforts, including the appointment of a vice-president, First Nations, and courses and programs dealing with First Nations issues (including a diploma in northern studies, which has a large First Nations component). The college's network of community centres ensures that several of the programs are available throughout the territory.^{xxxii}

Initiatives at the elementary, secondary and post-secondary levels have had demonstrable effects, particularly on the level of understanding of Yukon First Nations' history and culture. Considerable frustrations remain. Community-based programs generally lack funding; the list of demands and expectations cannot be met within current funding levels. As the Yukon land claims settlement is implemented, individual First Nations will, as permitted in the *Yukon Education Act*, assume a more direct role in elementary and secondary education.

This process should, with the clear endorsement of the Yukon territorial government, see further development of local curriculum materials, a substantially larger number of Aboriginal teachers, and continued growth in the number of First Nations people completing school and continuing their studies at the post-secondary level. In years past, education was one of the most culturally imperialistic of the federal and territorial governments' operations and generated a strong, unfavourable response from First Nations. Over the past decade, Yukon First Nations have asserted their desire to exercise greater control over education; the Yukon territorial government has likewise indicated a willingness to support the decentralization of educational control and to encourage Aboriginal autonomy in the field.

Territorial Programs to Preserve First Nations Languages

The Yukon territorial government has made a particular commitment to preserving indigenous languages. A survey completed in 1986 provided a sobering look at contemporary First Nations language use in the Yukon Territory.^{xxxiii} Most fluent speakers were over 40,^{xxxiv} existing language programs taught the Aboriginal language as a second language, and many people in the territory feared for even the short-term viability of Aboriginal languages. Among the Kaska, 70 per cent said that Kaska remained their primary language; only 11 per cent of the Southern Tutchone said the same thing about their language. One report, prepared by Southern Tutchone linguist Daniel Tlen, indicated the need for a territory-wide commitment to preserving Aboriginal languages as vibrant, living parts of First Nations culture; it also suggested that achieving this goal would, in the face of the dominance of English and non-Aboriginal culture generally, be a difficult, costly and time-consuming task. A second major survey, *A Profile of Aboriginal Languages in the Yukon*, was sponsored by the Canada-Yukon Funding Agreement on the Preservation, Development and Enhancement of Aboriginal Languages and provided a more detailed, but equally distressing, examination of the challenges facing First Nations languages in the Yukon Territory.^{xxxv}

The government's initiatives began before the tabling of Daniel Tlen's report. In 1977, the federal government (replaced by the Yukon government in 1979) gave the Council for Yukon Indians annual funding for the Yukon Native Language Centre (based at Yukon College). With a general mandate to preserve and maintain First Nations languages, the centre trains language instructors (the program began in 1983), designs classroom curriculum materials, and assists in

establishing language instruction in the kindergarten to Grade 12 system. The Yukon Native Language Centre has a primarily Aboriginal staff.^{xxxvi} In 1993, the territory offered school-based language instruction in Upper Tanana, Tlingit, Northern Tutchone, Southern Tutchone, Han, Gwitch'in, and Kaska.^{xxxvii}

On an even more substantial level, the federal and territorial governments signed the Canada-Yukon Languages Agreement in April 1988, which established a framework for the development of language programs in the territory and provided \$4.25 million over five years for the programs.^{xxxviii} One month later, the territorial government passed the *Yukon Languages Act*, which included the following statement of purpose:

The Yukon recognizes the significance of aboriginal languages in the Yukon and wishes to take appropriate measures to preserve, develop, and enhance these languages in the Yukon."^{xxxix}

The government then moved in 1989 to establish the Aboriginal Language Service. As in indication of the priority assigned to the program, the territorial government attached the service to the executive council office, reporting directly to the government leader. The initiative has given the preservation and enhancement of Aboriginal Languages a very high profile within the administration and is one of the strongest signals anywhere in the country that a regional government is committed to protecting First Nations cultures. Moreover, the program is based on empowering communities and ensuring that they have sufficient resources to deal with the issues surrounding Aboriginal language use. The service provides interpreters for government departments, ensuring that Aboriginal people have access to all territorial services in their own language.

The Aboriginal Languages Service is, on many levels, a model for interaction between the federal government, a regional government and First Nations. The initiative rests on a commitment to enhancing Aboriginal cultures; it has strong support among the First Nations and draws its primary inspiration from the communities. Specific programs are based in the settlements, rather than in territorial government offices, and Aboriginal people outside government, particularly the elders, are directly involved in staffing decisions. The overall goal is to go beyond the simple preservation of languages to ensure that Aboriginal languages are used on a regular and practical basis; by providing interpreters, it is hoped that the service will overcome barriers to the use of government agencies by people who are proficient in a First Nations language but not in English.^{xl}

While the Aboriginal Language Service is a precedent-setting move in terms of the interaction of First Nations and the territorial government and has met or exceeded the guidelines laid down by the Assembly of First Nations for indigenous language preservation,^{xli} some concerns remain. The initiative started under the New Democratic Party administration; it was up for renewal, and it was not clear whether the Yukon Party government would support the effort to the same extent. From the First Nations' perspective, some people expressed concern about establishing the service within government; the strong preference was that the Aboriginal Language Service be at arm's length from the administration or directly affiliated with the Council for Yukon Indians. A major review of the program, completed in 1993, reported that

although language documentation and oral history research are important, and should continue, there is a need for vigorous focus on home- and community-based projects that will encourage the actual use of language in everyday interaction, especially in key areas where English has displaced the language.

The report also concluded that substantial additional efforts would be required, in communities, in schools, and through the media, if the Aboriginal Languages Service was to have a substantial impact.^{xlii}

Territorial Initiatives for First Nations Health

The department of health and social services is one of the primary points of contact between First Nations and the territorial government. Most departmental programs are generic in nature (i.e., available to all Yukon residents, regardless of ethnicity); in some areas, the territorial government has negotiated agreements with individual First Nations for the provision of specified services. In many cases, particularly in the area of social services, Aboriginal people constitute more than 50 per cent of the clientele. In the health care area, particular difficulties arise because of the small number of Aboriginal workers in the health sector, the concentration of services in Whitehorse, language difficulties (particularly with elders), and cultural insensitivity on the part of the health care system generally.

Arrangements in the health care field are complicated by the continued presence of the federal government. In the first phase of the complicated transfer, responsibility for the Whitehorse Hospital was transferred to the territorial government. The second phase, currently in process, involved the transfer of other health-related services, including community health

programs, environmental health, public health, nursing stations in remote communities and mental health. The transfer of responsibility for health care occurred before First Nations were assured a full role in the process. Although they were consulted as part of the negotiations, some First Nations leaders felt that the final resolution did not fully reflect Aboriginal participation. As the land claims settlement is implemented, the transfer process will continue with the devolution of authority from the territorial government to individual First Nations (although this will likely occur sooner in the social services area than in health care).^{xliii}

There are indications, moreover, that as the territorial government gains greater control over health care, it will continue to involve First Nations people in the planning and management of health services.^{xliiv} It is intended, for example, that a First Nations Health Committee be established as part of the transfer of the Whitehorse Hospital to the territorial government. The legislation governing this arrangement would see First Nations involvement in the following areas: pediatric liaison worker, interpretive services, traditional diet, traditional medicine, employment equity, health liaison worker program, and in-service training.^{xliv}

First Nations Social Services

The area of social services has seen a major transition in the past years and will be greatly affected, perhaps more than any other field of government activity, by the provisions of the land claims agreements and the move toward Aboriginal self-government. It is in this arena that many of the most intense and difficult interactions occur between Aboriginal peoples and the state: child apprehensions, alcohol and drug counselling, social assistance, seniors' services, home care, vocational rehabilitation, and youth services. The very nature of this relationship has ensured that relations are emotionally loaded and subject to considerable frustration on the part of First Nations. To complicate matters further, there are considerable overlaps between First Nations, Yukon territorial and federal (Indian affairs) initiatives and responsibilities.

The territorial government retains a very active role in providing social services for First Nations people; it has also indicated a willingness to transfer responsibility for major areas, including child welfare, to individual First Nations. The funding of such programs adds to the complexity. The federal department of Indian affairs, for example, is responsible for funding and administering social assistance. This holds only for status Indians, however, not for non-status Indians (a distinction that the Council for Yukon Indians does not use). DIA estimates indicate

that, as of 31 March 1992, between four and five per cent of status Indians in the Yukon were receiving social assistance.^{xlvi} The government does not separate non-status Indians from non-Aboriginal people in its statistical report, making it difficult to identify the specific benefits made available by the Yukon government to Aboriginal people. First Nations people who are not eligible for federal assistance, however, are covered by the provisions of Yukon legislation and program guidelines.^{xlvii} A Health and Social Services Committee reports to the minister; the committee, like all major committees in the Yukon, has First Nations representation.

In other social service fields, a substantial number of users of Yukon territorial government programs are First Nations persons. In Alcohol and Drug Services programs, for example, a majority of clients in the territory are Aboriginal. The detoxification centre notes that close to 60 per cent of clients are status Indians; a similar percentage is reported for Crossroads, a residential treatment program. The federal government is involved in these areas as well, through the Native Alcohol and Drug Assistance Program which, like social assistance, runs parallel to Yukon Alcohol and Drug Services. The individual First Nations also develop healing camps for the treatment of alcohol and drug abuse.

These services, including initiatives in areas like seniors' services, home care and vocation rehabilitation, bring First Nations people into direct, intense contact with government. There have not been a great number of complaints concerning the level of Aboriginal staffing (in the home care program, three of the 20 staff members are First Nations people). Moreover, the fact that use of the services is voluntary limits criticism of the initiatives. Concern has been expressed about the cultural appropriateness of some of the treatment programs, leading to efforts to integrate aspects of First Nations culture and healing into treatment regimes. The social assistance program does generate some concern, but since people turn to the government in times of great need, they tend not to voice their objections while on government support. The rigorous reporting requirements and the complexity of application and review procedures have been singled out by First Nations people as a cause of concern and difficulty.

There is a different pattern in the provision of youth services by the Social Services Branch of the health and social services department. In this instance, youth services are designed for general application but have a high rate of First Nations use (with reimbursement from the federal government for some services provided to status Indians). In several areas, the Yukon government has demonstrated a willingness to delegate or transfer responsibility for specific

services to individual First Nations, thus providing a practical and tangible example of the process of establishing self-government. The branch maintains an Advisory Committee on Indian Child Welfare, which is looking at ways to evaluate programs and ensure continued attention to First Nations issues. The branch has a relatively high number of First Nations people on staff and has been increasingly successful in developing culture-based programs for the treatment and diversion of young offenders.

The program for open and closed custody, which includes a young offenders facility and a treatment centre, has been structured to reflect heavy use by First Nations clients; close to 65 per cent of all inmates at the young offenders facility are First Nations persons. The government has appointed a First Nations person as program co-ordinator to develop culturally relevant programming, hired a significant number of First Nations people to staff the Facility, established a predominantly First Nations advisory committee to assist with planning, and has 50 per cent First Nations staff at the treatment centre. The division also runs an open custody (group home) program, providing young people under supervision with greater access to the community, and wilderness camps/First Nations cultural camps as part of rehabilitation services. All programs in the area participate in, and benefit from, a cross-cultural program that provides awareness and sensitivity training.

Other services within the branch with substantial First Nations representation among their clientele include the Child Protection and Family Support Services, the Safe Places Program (community-based transition homes), placement and support for children under care, the Child Abuse Treatment Service, and child care services. These programs provide a network of emergency and short-term care services, designed to protect children at risk and to offer the counselling and support opportunities necessary to re-establish safe relationships and domestic environments.

First Nations rely heavily on these programs, which in turn have been developed with a view to the special needs of Aboriginal people. In 1992-93, more than 50 per cent of the child protection cases involved status Indians, with close to 70 per cent involving a combination of status and non-status Indians. There is a sizeable number of First Nations employees; of the eleven social workers in the child protection branch, four are Aboriginal, and of seven family support workers, two are Aboriginal. A variety of special arrangements with individual First Nations have been developed. The placement and support sector, for instance, maintains an

informal working relationship (based on a letter of understanding) with the Kwanlin Dun Band, operating an affiliate office in the council building, hiring a band member as a family support worker, and consulting closely with the chief on matters relating to the Whitehorse reserve community.

New Directions in Social Service Delivery

Two special arrangements, the Family and Child Services Agreement with the Champagne-Aishihik First Nation and the Protocol Agreement Regarding Child Protection with the Ross River Dena Council, illustrate the new directions that are likely in the social services area, particularly as the land claims agreement is implemented. The Champagne-Aishihik First Nation approached the territorial government in the mid-1980s to see whether the council could assume control of child welfare services. The government agreed, in 1986, to a three-year trial program and provided the necessary funding and legislative support.^{xlvi} The agreement called for the delegation of government powers under the *Children's Act* (subsection 111-2), including providing services to families with children; finding foster homes and placement in such homes of children in need of protection; care and supervision of children in the temporary or permanent care and custody of the director; supervision of children in need of protection; investigation of cases where children are alleged to be in need of protection; taking into care or to a place of safety children alleged to be in need of protection; operation of child caring facilities; recruitment and approval of adoptive homes; and the provision of adoption placement services.^{xlix}

The trial period proved very successful (verified by assessments by the Champagne-Aishihik First Nation, the territorial government and external reviewers),ⁱ and on 21 April 1989, the government agreed to lift the time limitation on the original agreement.ⁱⁱ The program required the establishment of the Champagne/Aishihik Social Services Society, under the *Societies Act*, and the negotiation of a detailed understanding between the Yukon government and the Champagne-Aishihik First Nation. The agreement incorporated some essential Aboriginal concerns, including recognition that "as a result of the culture, geography and past history of Indian/non-Indian relations, Indian people have unique needs" and acceptance of the assertion that "protection and support of cultural identity is of critical importance." The understanding included a joint declaration that priority was to be given to keeping First Nations children within the culture and within the community, wherever this was appropriate and

consistent with the needs of the children in question. The agreement and the budget provided for the services ensured that the Champagne-Aishihik First Nation had the necessary resources and authority to care for children at risk and to do so, in the majority of cases, without removing the children from the community. The agreement also included the appropriate budgetary, accounting and legislative controls to ensure that, in the process of delegating authority to the First Nation, the territorial government was not abrogating its responsibility for the general governance of the territory.^{lii}

The second arrangement is the protocol regarding child protection signed in January 1993 with the Ross River Dena Council. The agreement committed the council and the department of health and social services to "work together more effectively with respect to child protection matters" and was premised on the assumption that the council "may eventually be responsible for the provision of child protection services following a First Nation Self Government Agreement." The *Yukon Children's Act* remains in place, but the agreement calls for the department to notify the council whenever a First Nations child is involved (and vice versa), the council's assistance in the investigation, and the calling of a case conference within 24 hours of the notification. A key element in the agreement relates to the placement of children taken into care. Under the protocol, the government agreed that every effort would be made to keep the child, first, in a relative's home, second, in a First Nations home or, third, within Ross River. The clear intention is to stop the process of removing children from the community and from First Nations care once investigations have begun.^{liii}

The demands of First Nations for greater control over social services have resulted in dramatic changes in the operations of the department. The government has established consultation with First Nations as a priority, has steadily increased the number of First Nations people working in the area (including supporting the development of a bachelor of social work program in conjunction with Yukon College and the University of Regina), has improved the working environment for First Nations people, and has agreed to adapt programs and delivery methods to reflect Aboriginal culture and expectations.

Yukon Territorial Government and Aboriginal Economic Development

For the past decade, the territorial government has been preoccupied with two basic issues: Aboriginal land claims and territorial economic development. On the latter front, the New

Democratic Party government sponsored a territory-wide series of economic consultations in the early years of its first mandate, collectively labelled the Yukon 2000 process.^{liv} The discussion brought together Yukoners from all walks of life, creating a framework for the discussion of common concerns, competing interests, and possible resolutions. Efforts to create long-term economic stability faltered because of the continued decline of the base metals industry and the closure of Curraugh Resources' mine at Faro. Aboriginal involvement in the economy, and in territorial government initiatives, was likewise complicated by the active role of the federal government in Yukon-wide and Aboriginal economic activities and the lingering cloud of the Yukon First Nations land claims. Given the extremely activist role of the New Democratic administration (1985-1992), territorial initiatives routinely crossed over into Aboriginal areas of interest; the less interventionist plans of the Yukon Party are unlikely to have as direct or substantial an impact on First Nations activities.

The people of the Yukon Territory have access to an array of government-sponsored initiatives for economic development. Most of the territorial programs are generic in nature, but are used by Aboriginal peoples. The economic development department, and particularly the Community and Business Development Office, offers opportunities for individuals wishing to promote specific business projects. The Business Development Fund, established in 1984, has set special equity requirements for Aboriginal participants. Non-Aboriginal applicants are expected to have, for example, 20 per cent equity when applying for support; Aboriginal applicants would be accepted with 5 per cent equity. The Community Development Fund provides non-repayable contributions for non-profit/community groups and supports such initiatives as parks, skating rinks, cultural festivals, conferences, and other activities designed to enhance community life; priority is given to projects with broad community support and that provide considerable off-season employment.^{lv} The Venture Capital Fund provides non-repayable funds for community co-operatives, such as the Old Crow Co-operative and the Carmacks Development Corporation. Six such community enterprise corporations have been established; as of 1993, eight communities had not applied for the available funding. The Business Development Fund projects have had a good success rate, largely because, it is suggested, checks and balances are built into the application process. As well, the economic development staff, though small in number, are available to work with companies experiencing difficulties.^{lvi}

A major part of the territorial government's funding for regional economic development

comes from the federal government, through an Economic Development Agreement (1991). The agreement offered support in six areas — minerals, forestry, tourism, economic development planning, small support and innovative technology, and renewable resources — with a total of \$37 million set aside for a five-year period. Of the projects funded in the Yukon, approximately 20 per cent went to Aboriginal people or First Nations organizations, primarily in the areas of economic development planning, renewable resources and tourism.^{lvii} In economic development planning, fully 75 per cent of applicants were First Nations, and all communities except Carcross and Liard had secured funding from the program. The funding permits the employment of economic development officers and the development of long-range community economic plans.

The various territorial and joint territorial/federal programs make provision for substantial Aboriginal involvement. The Economic Development Agreement, for example, has an Aboriginal Advisory Committee that supports and advises First Nations applicants and serves as a watchdog for Aboriginal interests within the program. The Council for Yukon Indians has representation on committees for the Community Development Program and the Business Development Fund, but not on the boards of the organizations. At a broader level, the Yukon Council on the Economy and Environment, established in response to the Brundtland Report on sustainable economies, includes three Aboriginal representatives among the 12 members of the council. (The council has been dormant since the election of the Yukon Party, and it is not yet clear what the specific role of the organization will be in the future.)

Internal and external commentators on the territorial government's various economic initiatives point to similar problems: the difficulties of the application process, requirements for start-up capital, and the complicated and fractured nature of the programs. It has not been unusual for an applicant to have to apply to the Community Development Fund, the Business Development Fund, and the Economic Development Agreement to secure the necessary funding for a single project. First Nations that, in the words of one Aboriginal leader, know how to "play the game" have achieved notable success in securing government support; communities lacking the expertise have experienced considerable difficulties getting projects off the ground. In many instances, the fact that the programs are operated within government deters potential Aboriginal participants. At least one official in a First Nations organization suggested that racism was a major issue in the economic development process. There was concern, as well, that the uncertain funding of the various government initiatives created instability in First Nations communities

and organizations and made functional long-ranging planning very difficult. One systematic survey of Yukon government economic programs pointed to a glaring problem: the absence of specialized initiatives to establish the foundation for commercial success. Of the money allocated for economic development, only relatively small amounts were allocated for projects designed to lay the groundwork for sustained commercial viability. According to the report, only small a percentage of the \$15.4 million provided for community economic development in the period 1984-88 went for projects of this sort, including initiatives designed to establish the prerequisites for successful and sustainable activity at the community level (only 1 per cent of the \$15.4 million), effective pre-planning (2.6 per cent), community participation (0.1 per cent), technical assistance (5.8 per cent), and training and development (2 per cent). As the report observed,

These expenditures are not to the governments' credit. Nobody benefits when ventures are launched in communities ill-prepared for economic development. Business failures scar people's self-confidence as well as their bank accounts. Band economic development must start where each community is at. Good programming will make allowance for this diversity.^{lviii}

Final Observations

The department and program review could continue through each of the territorial government agencies, but the general pattern is rather clear. As a jurisdiction with a substantial non-Aboriginal majority population, the Yukon Territory stands apart from all others in the development of programs and the provision of services to First Nations. While the high profile and vital financial role of the federal government remain evident throughout the territory, the variety of territorial initiatives undertaken over the past decade in Aboriginal areas is quite notable. Not all have worked, and suspicion of government agencies and activities remains firmly in place. This important qualification notwithstanding, the Yukon territorial government has made a systematic effort to include First Nations within the ambit of government, both as consumers of government services and, where possible, as providers of those services. While the primary initiatives to date have been through the recruitment and training of Aboriginal employees and the establishment of First Nations advisory committees or membership on general advisory committees, the territorial government has also made substantial first steps in devolving authority directly to Aboriginal organizations (principally the Council for Yukon Indians) and individual First Nations.

The change of government in 1992 has caused considerable uncertainty within

administrative and Aboriginal circles. While this is attributable in part to the substantial ideological divergence of the new government from the previous administration, a great deal is an inevitable part of the change in political leadership. Exactly what will happen to the established pattern of First Nations-government relations remains unclear, as there are two additional factors to consider: the election of a new federal Liberal government in 1993 and its current financial difficulties, and the implementation of the Yukon First Nations land claims settlements. While the latter issue is dealt with briefly below, it is likely that the status quo will not remain intact. Financial realities alone will require a substantially different direction in government programming that, for the past 20 years, has benefited from favourable fiscal arrangements with the federal government.

This said, it is also clear that there is no going back to the arrangements in place in the 1960s and 1970s. Yukon First Nations have established their legitimate claim to parallel powers. While some non-Aboriginal people see First Nations as an interest group or pressure group within the territorial political framework, the First Nations clearly see their role in a different light. The level of acceptance of the concept of 'parallel' authority is not clear at present; what is clear is that First Nations issues have a high priority within the territorial government system. Furthermore, the principle of community consultation, and direct involvement of Aboriginal people and organizations in government decision making, appears to be well entrenched in the Yukon. The territorial government has established a tradition of participatory democracy that crosses partisan political lines and spans ethnic divisions within the territory.

The Yukon Land Claims Settlement and the Restructuring of Administrative Arrangements

In 1973, the Yukon Native Brotherhood tabled a document entitled *Together Today for Our Children Tomorrow*. This document encapsulated the bitterness of Yukon First Nations regarding their historical treatment, outlined their recognition that they have to deal co-operatively with non-Aboriginal people in the Yukon, and defined their demands for a resolution of outstanding land claims. The document hit like a bombshell in the Yukon, generating sharp and angry outbursts from non-Aboriginal people and exclamations of determination from the First Nations. It appeared, for a time, as though an impenetrable battle-line had been drawn between Aboriginal and non-Aboriginal people, for the demands were substantial and, to many, completely unexpected.

From that dramatic starting point, the land claims process has occupied centre stage on the territory's political agenda. The long and often controversial negotiations attracted a tremendous amount of energy and human and financial resources. There were several near-settlements, particularly in 1984, followed quickly by a derailing of the agreement and a reluctant return to the bargaining table. Emotions ran high when, in the late 1970s, the Conservative government of the Yukon dropped its own land claim on the table, demanding that Ottawa transfer control of land and resources to the territorial government at the same time that it settled with the First Nations. And as a final settlement neared in the early 1990s, opponents of 'special status' for Aboriginal peoples gathered petitions and threatened legal action lest the rights of non-Aboriginal people be ignored. The process has been occasionally bitter, overly long, exhausting for all participants, and blessed with precious few fruits for an anxious public.

Now it appears to be over. The Umbrella Final Agreement has been signed, arrangements with several First Nations have been finalized, and a new era of Aboriginal/non-Aboriginal relations in the Yukon Territory is at hand. It will be difficult for the Yukon to adjust to the settlement of the claims, for the oppositional arrangements in place for much of the period have generated a combative spirit and a belief in some quarters that a resolution would be unattainable. But an agreement has been reached, in large measure because of the involvement of the territorial government in the process. Several territorial administrations have held office over the period of negotiations. The tendency has been to paint the early Progressive Conservative administration in a negative light and to see their demands and stalling as symptomatic of an anti-Aboriginal movement. Likewise, the transition in the territorial negotiating stance under the New Democratic Party, first elected in 1985, represented an important shift in approach, although First Nations negotiators were not altogether pleased with the approach of the new administration.

While there is substance to these characterizations, it is important to recognize that Yukon society changed dramatically over the period in question, at least as regards the settlement of land claims. While a substantial group initially saw the whole land claims process as an unacceptable intrusion into the affairs of the territory, most Yukoners appear to have accepted either the legitimacy or the inevitability of First Nations land claims. The ground had shifted dramatically on this issue, to the point where, 20 years after the process officially began, all political parties supported the resolution of outstanding land claims and sought to bring the

process to a close.

Land Claims and Governance Systems

The apparent resolution of the First Nations' demands will bring sweeping changes to the operations of territorial governance, assuring Aboriginal peoples a place in the administration of official matters that is, with the sole exception of the Northwest Territories, unprecedented in Canada. The transformations come in three discrete areas:

1. the continued and expanding authority of the territorial government as the process of devolution proceeds;
2. the establishment of special territorial boards and tribunals, with substantial First Nations representation, that will ensure Aboriginal input on major issues;
3. the substantial expansion of First Nations self-government through the settlement processes, combined with the allocation of both the authority and the resources necessary to ensure the viability of the newly gained responsibilities.

The devolution process will likely proceed along its slow and often difficult route. The federal government appears committed to sharing authority with the territorial administration, and negotiations to this end will continue.^{lix} The precarious financial position of the federal and territorial governments will likely dampen enthusiasm in some quarters and will certainly increase the level of caution and uncertainty about the transition. In the late 1970s, the Conservative government of the Yukon demanded that the process of empowering the First Nations be matched by a process of enhancing the authority of the territorial government. That has generally occurred, although not always at a pace to please Yukoners.

Land Claims and New Structures of Government

The Council for Yukon Indians' land claims agreement with the government of Canada and the government of the Yukon is a complex settlement, involving substantial quantities of land, a significant amount of money, and some vital structural arrangements.^{lx} The discussion here focuses on the governmental implications. The parties to the negotiations reached an Umbrella Final Agreement in 1991. The general accord established the basic parameters of the agreement but did not become operative immediately. Instead, negotiations had to proceed with individual

First Nations (there are 14 in all). The Umbrella Final Agreement came into effect only when one of the First Nations had reached a final settlement of its specific claims. The final agreement included several core principles: Aboriginal title remains intact on settlement lands, the federal and territorial governments agree to negotiate "full and complete Self-Government with each First Nation", and the parties to the accord agreed that 16,000 square miles would be set aside as settlement lands.^{lxi}

The Umbrella Agreement called for the establishment of a number of permanent special boards and commissions that would gain significant authority over territorial affairs. This non-elected regulation, with guarantees of Aboriginal representation, builds on a Yukon tradition of expanding Aboriginal participation in territorial decision-making processes, itself a very public recognition of the legitimacy of Aboriginal perspectives within government.

Under the terms of the Umbrella agreement, First Nations participation is assured on the following boards, councils and committees: Enrollment Committee, Enrollment Commission, National Energy Board Panel, Surface Rights Board, Yukon Land Use Planning Council, Regional Land Use Planning Commission, Yukon Development Board, Executive Committee of Yukon Development Assessment, Development Assessment Decision Body, Yukon Heritage Resource, Water Board, Settlement Land Committee, Renewable Resources Council, Fish and Wildlife Management Board, Salmon Sub-Committee, Settlement Corporations, Regional or District Structures, Dispute Resolution Board, Dispute Resolution Panel, UFA Implementation Working Group, Training Policy Committee, Yukon Council on the Economy and the Environment, Yukon Development Corporation, Yukon Energy Corporation, and Economic Opportunities Planning Committee. This list — which is quite extensive in terms of the requirements for First Nations participation in territorial affairs — does not include First Nations membership on a wide variety of other territorial boards, councils and commissions. An examination of several of these boards and commissions illustrates the changing face of territorial governance:

Enrollment Commission: The agreement calls for the establishment of First Nations Enrollment Commissions (FNECs) to determine the list of people who qualify for membership in individual First Nations. The FNECs, in turn, are required to work with a government-appointed Enrollment Commission, consisting of one person selected by the Council for Yukon Indians, one chosen jointly by the government of the Yukon and the federal government, and one selected by the first

two appointees. The Enrollment Commission is charged with maintaining a final enrolment list and hearing appeals (subject only to final appeal to the Supreme Court of the Yukon) and must wind up its work two years after the settlement legislation or two years after the final First Nations accord. A great deal of the work of this commission has been completed.

Surface Rights Board: The Surface Rights Board is designed to deal with disagreements concerning access to, or expropriation of, all Yukon lands (i.e., not limited to settlement lands). The board is to have up to ten members, at least 50 per cent of whom would be chosen by First Nations. Any hearings involving settlement lands must have a First Nations person participating in the specific hearing.

Renewable Resources Councils: A renewable resources council will be established in each First Nation's traditional territory, with six members, three nominated by the First Nation and three by the minister. The councils are responsible for suggesting management policies for fish and wildlife, planning and managing future conservation areas, suggesting rules for trapping, making recommendations relating to big game outfitting, and otherwise advising the government on renewable resource management issues relating to a specific First Nation's territory.

Fish and Wildlife Management Board: This board is made up of twelve members, selected by the minister, including six selected from a list of names brought forward by the First Nations and six from names brought forward by the government. The board's tasks include making recommendations on fish and wildlife management issues, setting total allowable harvest levels as required, and reviewing all Yukon fish and wildlife harvesting and management plans.

Settlement Land Committees: Established after each First Nation signs the final agreement, the Settlement Land Committees are charged with identifying and measuring the settlement lands selected by the First Nations, setting the boundaries of the Special Management Areas, and determining which settlement lands are to be measured first. The committees consist of a representative of the Surveyor General of Canada, two individuals appointed by the First Nation, and two persons appointed by the government. Much of the work assigned to these committees has been completed or is nearing completion.

Yukon Heritage Resources Board: The ten-member board is made up of an equal number of Yukon First Nations appointees and government appointees, and at least half the members must have expertise in the area of heritage resource management. The board is assigned the task of advising the government on heritage matters, including traditional knowledge and traditional

ways of Yukon First Nations, and recommending laws and regulations governing heritage matters. In addition, First Nations heritage concerns can be addressed through the land use planning and development assessment process and special initiatives to protect First Nations burial sites. There is also 50 per cent Aboriginal membership on the Yukon Geographical Names Board.

This is but a sampling of the boards, councils and commissions that will have the task of implementing the Final Agreement and ensuring that Yukon First Nations retain a prominent place in the future governance of the Yukon Territory. Relatively little public attention has been given to the enhancement of appointed governance structures in the territory, perhaps because the territorial and federal governments will, in most instances, retain final legislative authority. It is likely, however, that the practical workings of the boards, councils and commissions will result in a significant devolution of authority from elected officials to appointed advisory councils. Given the substantial representation of First Nations that is assured on these bodies, Aboriginal people may see the boards, councils and commissions as a primary means of First Nations input into the governance of the Yukon Territory. Given that the federal minister retains final authority, however, First Nations leaders also recognize the imperative to remain active in elected territorial and federal politics.

Should the new structures not work in this fashion, or if their recommendations are routinely ignored by government, it is to be expected that the First Nations will respond negatively, throwing the future operations of the boards, councils and commissions into doubt. In any event, the establishment of these structures under the terms of the land claims settlement has created an important new level of input and administration in the Yukon Territory, one based on a high level of community consultation and substantial First Nations participation. It is evident that the new arrangements promise First Nations substantial input into the management of the Yukon Territory and a significant, if indirect, role in its governance.

Self-Government and Yukon First Nations

One of the principal elements of the Umbrella Final Agreement is an agreement to negotiate self-government with Yukon First Nations. This is the primary example of how the land claims settlement represents a major, but not 'final' stage in the evolution of territorial affairs and governance. The agreement commits the governments of Canada and the Yukon to negotiate

self-government and do so in with reasonable urgency. The avenue for future discussions is very wide, incorporating such diverse areas as education, justice, health care, land use, and resource management. As the negotiations proceed, and as agreements are reached with individual First Nations or on specific programs, a major shift will occur in territorial administration. The transfer of responsibilities and financial resources to meet the needs will greatly empower Yukon First Nations and provide a much higher level of administrative control.

The Umbrella Final Agreement indicates a significant number of powers that the First Nations will be able to negotiate. They include

1. the right to make laws and regulations of a local nature;
2. the right to develop and administer programs in selected areas of responsibility;
3. the right to make appointments to the boards, councils, commissions and committees as required under the settlement agreements;
4. the right to manage lands granted under the settlement agreements;
5. the right to sign contracts, form corporations, borrow money and impose taxes.

In addition, the agreement outlines the areas where First Nations self-government can and will be negotiated. These powers are limited in nature and do not supersede the authority of the federal and territorial government to manage affairs. Areas open for negotiations include

1. constitutions of Yukon First Nations;
2. infrastructure arrangements made for First Nations communities;
3. programs for community development and to address social needs;
4. education and training initiatives;
5. matters relating to communications;
6. programs and initiatives related to Aboriginal culture and language;
7. matters connected to First Nations spiritual beliefs and practices;
8. health programs and services;
9. administration of personnel matters;
10. civil and family affairs;
11. powers of taxation;
12. programs for economic development;
13. policing and justice;

14. relations with other levels of government, including local authorities, the Yukon government and the government of Canada;
15. financial arrangements.

For First Nations to gain control of these responsibilities requires a significant reduction in the role of the Yukon government and the department of Indian affairs. The Umbrella Final Agreement enumerates the areas where First Nations can negotiate for the devolution (or transfer) of specific government services. This list obviously includes government programs related to the items identified above; the agreement specifically outlines a variety of other services, including education (counselling, cross-cultural orientation, hiring of teachers, school curriculum), health and social services (family and child welfare, drug abuse, juvenile offenders, programs for people with physical and mental disabilities), and justice (police, corrections, probation, dispute resolution). Agreements must also be struck for the transfer of financial resources to the individual First Nation, the conditions under which the funds are transferred, and standards of accountability.

The agreements will come into place by federal and territorial legislation (separate from the laws passed to implement the Umbrella Final Agreement). For their part, Yukon First Nations are required to draft their own constitutions, which will outline such matters as the nature of governance structures, membership in the First Nation, election and meeting procedures, financial management arrangements, the powers and responsibilities of elected officials, the structure and authority of First Nations committees, the relationship between the First Nation and the Council for Yukon Indians (or other territory-wide governing body), and understandings related to the use of settlement lands. The constitutions may recognize and use traditional means of governance and leadership. Most Yukon First Nations have adopted their constitutions, and several have already completed their self-government agreements. While considerable work remains to be done, it is important to emphasize that self-government is a concept of the present, not of the future.

As the individual First Nations finalize their constitutions, become signatories to the Umbrella Final Agreement, and negotiate self-government provisions (the latter is developing as a process rather than an event), the government structures of the Yukon Territory relating to Aboriginal peoples will undergo a fundamental transformation. While this process has been more than 20 years in the making and has been suffused with high and even contradictory

expectations, there is no doubt but that the resolution of the land claims will fundamentally restructure the way the Yukon Territory operates in terms of governance. The new realities are significant — the allocation of settlement lands, the financial empowerment of First Nations, self-government arrangements, and representation of First Nations on territorial boards, councils and commissions — and will assure the Aboriginal peoples of the Yukon Territory that they will have considerable control over future governmental and administrative matters.

It is unlikely that the transition to self-government will unfold as neatly and evenly as the text of the Umbrella Final Agreement would suggest. The individual Yukon First Nations are very different in nature and approach the restructuring of government from significantly different priorities. In communities like Old Crow, priority is placed on matters related to land and control of natural resources. The Champagne-Aishihik band is oriented toward economic development and control of social programs. Across the territory, First Nations are placing very strong emphasis on two central issues: revival and sustainability of language and culture and healing of the communities. There will not be a single pattern of negotiating self-government or of implementing the provisions of the final agreement.

Settling land claims will not resolve all the governmental issues facing Yukon First Nations. In the first instance, Yukon First Nations have to complete the difficult and controversial selection of settlement lands. Negotiations over self-government provisions, if the past is a guide, will not proceed without difficulty, notwithstanding the good will and determination of all parties to the discussions. Further, the troubling financial situation of the federal and territorial governments raises questions about the governments' ability to meet the obligations and expectations defined in the land claim agreements — not the specific sums identified in the settlement, but rather the more imprecise and negotiable costs of self-government, transfer agreements, and the like.

Yukon First Nations find themselves facing a period of considerable opportunity and serious difficulty. The transition from the negotiation process to the implementation phase brings many challenges. The large personnel demands implicit in the settlement agreements — people will be needed to staff expanded operations in the Council for Yukon Indians, individual First Nations, and transferred government programs and to meet the need for representation on territorial and federal boards and committees — will tax the human resources of the First Nations to the limit. This, in turn, means that education and training must receive high priority in the

early stages of implementation (something the Yukon First Nations have recognized, as can be seen through their support for improved elementary, secondary and college programs). Meeting the needs for trained personnel will, however, challenge both the First Nations and the territorial education system in the years to come.

More than 20 years ago, the Yukon First Nations approached the federal government with a detailed demand for the resolution of their outstanding land and compensation entitlements. The intervening years have been difficult ones, exacting a considerable toll on the First Nations and their negotiators, and have been filled with rising expectations and dashed hopes. Although the Umbrella Final Agreement is now in place, a great deal of work remains to be done to resolve outstanding legal, land, financial and governance matters. For more than two decades, Yukon First Nations have argued, passionately and convincingly, that they need to control their own destiny if they are to respond to the continually changing realities of Canada and the Yukon Territory. The next decade will reveal whether the path chosen — a resolution of land claims, the establishment of greater self-government, and the devolution of authority to First Nations and First Nations communities — holds the answers to the many pressing governmental and administrative problems facing Aboriginal peoples in the Yukon Territory.

Assessing the Relationship Between First Nations and the Territorial Government

During research for this project, contact was made with numerous federal and Aboriginal officials. While the following observations are impressionistic, rather than systematic, they are offered here as a counterbalance to the public rhetoric and official enthusiasm about self-government and First Nations issues within the territorial administration.

1. In several government agencies, frontline personnel were not familiar with programs for Aboriginal people. This was seen by some as an indication of the marginality or irrelevance of Aboriginal programming.
2. A number of the people involved with Aboriginal programming offered quite sharply critical comments on the placement of their operation within the civil service.
3. There is tremendous uncertainty in the air, given declining government budgets, the change in administration, the land claims settlement, and an anticipated economic depression. There is a strong sense — with little direct evidence at hand — that Aboriginal programs will be singled out for budget cuts.
4. The coming empowerment of Aboriginal groups has given rise to additional sensitivities

and concerns about non-Aboriginal job security and the prospect of major changes in the operations of government.

5. Aboriginal people, by contrast, are far from euphoric about changing circumstances; there is, in general, considerable unease about the coming restructuring of government activities.
6. Many people, including Aboriginal people, are not convinced that the communities have the trained personnel necessary to take control of government activities. While this emerges occasionally as an issue of gender — following the concerns some Aboriginal women raised about the 1992 constitutional accord — this is far from uniformly the case. The perceived difficulty rests, instead, with the shortage of adequately trained or skilled individuals, and the realization that the transfer of powers will place initial demands on a group of Aboriginal leaders that is already stretched to the absolute maximum.
7. The financial situation of the federal government and the Yukon territorial administration has made people very concerned about new and substantial initiatives. This is projected in two ways: enthusiasm for the prospect of a massive influx of federal dollars into the Yukon to offset the current economic difficulties, and concern that the money will not flow indefinitely and may not be secure.
8. The empowerment of Aboriginal people in the Yukon has been accomplished, so some non-Aboriginals are saying, at the expense of non-Aboriginal people. There is concern that the growing authority of Aboriginal people will result in a backlash. Importantly, there is also very strong evidence in the Yukon of considerable — the magnitude as yet undefined — support for increasing the authority of First Nations and settling Aboriginal land claims.

The administrative structures and processes to this point illustrate the important transitions that have occurred in the Yukon Territory over the past few decades. Major concerns remain, and the evolutionary process will no doubt continue, although financial and political uncertainties raise questions about the survival of individual programs and the general direction of government. As well, the recent settlement of the Council for Yukon Indians' land claim promises a further restructuring of the role of territorial governance relating to Aboriginal peoples.

The Future of First Nations/Yukon Territorial Government Relations

In years past, the Yukon Territory was very much at the mercy of federal politicians and civil servants. With political control resting thousands of miles away in Ottawa, territorial officials and citizens experienced persistent difficulties in attempting to shape federal policies to suit northern realities. Under this structure, which lasted until the 1970s, Yukoners lacked the basic elements of responsible government and thus had only minimal ability to create government structures and programs that responded to regional needs. Aboriginal people in the Yukon were trapped in a double bind. Like other Yukon residents, they existed in a political framework oriented around federal decision-making structures that rarely took regional requirements into account. At the time, their unique legal and constitutional status meant that the First Nations lacked even the limited powers of representation and governance available to non-Aboriginal Yukoners.

These structures created a situation in which the highly restricted Yukon territorial government rarely addressed issues of central concern to Aboriginal people and in which the First Nations were expected to deal directly with federal representatives, principally those of the department of Indian affairs and the Royal Canadian Mounted Police, in their relationships with government. The development and implementation of government policy in the Yukon Territory therefore followed two disparate streams: one controlled by the federal government but with local input designed to serve the needs of the non-Aboriginal population, and a second, likewise controlled by federal authorities, charged with the task of applying national Indian policy in the far northwest corner of the country. Intersections between these political and administrative structures were rare, thus ensuring that Aboriginal requirements figured prominently in territorial politics only on occasion. Through this period, and because of these structures, the Yukon Territory was among the most dependant of all of Canada's political jurisdictions. Yukoners — Aboriginal and non-Aboriginal alike — had only infrequent opportunities to challenge or change policies or procedures and contributed very little to the reconceptualization of national political arrangements.

Beginning in the early 1970s, with the empowerment of Yukon First Nations through the land claims process and more active participation in territorial and federal politics, a radically different reality quickly emerged. The bestowing of responsible government — albeit tenuously — in 1979 gave the Yukon Territory a new level of self-determination and created a local forum for

the debate and resolution of territorial issues. The hand of the federal government remained ever-present, and the budgetary controls exerted from Ottawa remained a crucial influence in territorial affairs. But as time passed, Yukoners gained greater and greater control over their own affairs (although the region's reliance on federal transfer payments remained clearly evident). The resolution of the Council for Yukon Indians land claim in the early 1990s brought new structures to the previously bifurcated political system, adding Aboriginal governments as a potent political and administrative force.

The Yukon Territory is no longer a political backwater or colony controlled, however loosely, by a distant civil service. The attainment of responsible government, combined with the settling of the Yukon land claims, has recast the very foundations of territorial governance, giving Yukon First Nations greater control over their own affairs and substantial influence over the general governance of the territory. The transition in governmental structures is, however, very much a work in progress, with major issues still to be resolved and with time needed to see how the new arrangements work out in practice. Given the continuing national debate about First Nations relations with governments, the Yukon has become an important model for constitutional change, the empowerment of Aboriginal peoples, and the development of shared jurisdictions between national and regional governments, Aboriginal and non-Aboriginal peoples, and elected and traditional governments.

There is an understandable tendency to see the evolution of territorial governance as a model for other arrangements. It is vital to recognize, however, that northern examples, however exciting and empowering, may not be of direct relevance for other regions and jurisdictions. While these legislative and administrative arrangements will be of obvious interest, there are reasons for caution in seeing northern arrangements as models for southern or national policies. The Yukon situation is worthy of general consideration and contains a variety of examples that are of more general relevance. At the same time, the comparative approach (and therefore the expectations regarding the transferability of the Yukon situation to the national level) has important limitations. Explanations for this include the following:

1. The unique constitutional status of the northern territories gives the federal government a freer hand in dealing with Aboriginal issues.
2. The absence of previous treaties in the territories (with the complex exception of Treaty 11) has given northern Aboriginal peoples a greater claim on federal attentions.

3. The dominant government culture and economy of the northern territories, combined with the general transience of non-Aboriginal residents, has made the non-Aboriginal population more receptive to initiatives in the area of Aboriginal empowerment than is generally the case in southern jurisdictions. There are still pockets, strong pockets, of non-Aboriginal opposition to the transfer of authority to First Nations, but the situation is more favourable toward First Nations self-government than, for example, in British Columbia.
4. The relatively small size and transient nature of the non-Aboriginal population stands in sharp contrast to situations in southern regions, where the non-Aboriginal population greatly outnumbers the Aboriginal population.
5. Many of the elements of self-government in the North cover areas of limited interest to non-Aboriginal people. Co-management of renewable resources, for example, is far easier to accomplish in the Old Crow region and in the North generally than in southern districts (unless other issues, like oil exploration or mining, are also involved).
6. The small size of northern populations effectively limits or restricts the financial impact of self-government initiatives; similar arrangements will be much more difficult to achieve in more densely populated areas.
7. There are comparatively few third-party interests at play in the Yukon Territory, and several of those in place are also heavily reliant on government support for their continued existence. This conjunction of government, Aboriginal and third-party interests does not exist in most other parts of the country. Those third-party interests that do exist, such as the influential lobby for non-renewable resource development, carry considerable weight in the territory and merit attention.

It is obvious that the current processes — devolution of responsibilities from the federal to the territorial government, implementation of land claims settlements, and the move toward self-government — will result in greater empowerment of Yukon First Nations. After many years of struggle, the developments of the recent past suggest that an important new era in First Nations government has arrived in the Yukon Territory. The process of implementing self-government, a concept surrounded by conflicting meanings and tremendous optimism but linked to a number of serious potential difficulties, represents the next major challenge for Yukon

First Nations and for the government of the Yukon Territory.

In facing this challenge, a number of important barriers and possibilities have developed:

1. There is an uneven relationship in human and financial resources between the territorial government and the First Nations. More than 20 years of pressing for the resolution of land claims and demands for greater autonomy have taxed the resources of the Yukon First Nations to the limit. The task of implementing the land claims settlement and self-government and of staffing the new boards, committees and commissions set up to ensure First Nations representation in territorial affairs will fall to a very small, already overburdened group of Aboriginal leaders. Efforts are being made, particularly through Yukon College, to provide the necessary training for First Nations people, but there is an urgent need for adequate resources in this vital area.
2. Yukon First Nations people have a very fine sense of history and historical grievance, and this will not disappear in the wake of a series of highly publicized signings of agreements and transfer arrangements. The legacy of the First Nations/non-Aboriginal encounter in the Yukon, as elsewhere, is at best uneven. The expression of non-Aboriginal frustrations with land claims settlements and self-government agreements, even if by a minority in the territory, serves as a reminder that the present gains were hard won and could easily be lost.
3. An additional force is at work in the territory — the effort by some First Nations groups to re-establish or to reinvigorate traditional structures of decision making and governance — that will intersect with the move toward greater self-government. Yukon First Nations have put the preservation and enhancement of their culture and language at the forefront of a long list of priorities, and many groups see traditional systems of governance as being key to these efforts. The shift toward such structures will, almost inevitably, create some difficulties within First Nations communities and may lead to expressions of concern by non-Aboriginal people.
4. Major economic developments, not directly related to matters of governance and administration, could easily upset the delicate and difficult work of the past two decades. Experience in the Yukon (the Klondike Gold Rush, Second World War construction projects, and the resource boom of the 1960s) has demonstrated that major development projects can swiftly alter social, economic and political dynamics in a sparsely populated,

relatively isolated region. Already a minority in their homeland, Yukon First Nations could discover their relative position weakened further by a sizeable influx of population. Further, the identification of highly desirable resources or projects might well result in the relegation of Aboriginal issues to a lesser spot on the territorial priority list.

5. The Yukon Territory is a small place, and individual personalities and issues count for a great deal. It is difficult and at times inappropriate to speak of the Yukon in broad and sweeping terms. Elections are won and lost on personal matters. The small size of the territorial population means that political and administrative issues receive intense scrutiny. It is important to keep the territory's relatively small size, and therefore the intensity of its public life, in mind when considering the prospects for major social and political change.
6. Some of the most dynamic forces for change in the territory are found at the community level and, consequently, receive relatively little attention. First Nations initiatives for health reform, changes in social policy, new directions in the justice system and the like can often be traced to the efforts of a small group in a single community. Aboriginal women and women's organizations, in particular, have played a vital role in getting such issues onto the political agenda and in ensuring that community-based solutions are identified for dealing with the problems. One important outgrowth of the shift to greater self-government is the prospect of significantly empowering these community-based activists.
7. The future role of the Council for Yukon Indians is as yet unclear. The organization has played a vital role over the past decades in placing First Nations issues on the territorial agenda and in ensuring that Aboriginal needs were addressed by the territorial government. The land claims settlements significantly empower individual First Nations, however, while leaving a substantial role for a central or co-ordinating organization. In the past, as with the Inuvialuit settlement, the resolution of land claims has often precipitated substantial changes, involving both individuals and institutions, in the operations of Aboriginal political systems. The proliferation of boards and committees with assured Aboriginal representation will further reduce the direct role of the Council for Yukon Indians as the primary voice of Yukon First Nations.
8. The implementation of the land claim settlements, a complex process involving the

federal and territorial governments, the Council for Yukon Indians and the Yukon First Nations, will require a great deal of attention over the coming years. The potential for acrimony and tensions arising out of the discussions is very high, particularly given the changes in individuals and political priorities.

The Yukon Territory has the potential to develop into a model for the incorporation of indigenous concerns within a regional political system controlled democratically by a non-Aboriginal majority. But it is a model of limited application elsewhere in the country. While the territorial experience shows that it is possible to seek accommodations and compromises — and the final settlement of the Council for Yukon Indians land claims is perhaps the best example of this — much of the explanation for the success of this enterprise rests with the unique legislative and financial structure of the Yukon territorial government. Without the direct influence from, and on, the federal government, many of the administrative arrangements undertaken in the Yukon would likely not have been possible. Similarly, the unusual level of financial support for territorial administration, again derived largely from the federal government, has permitted the Yukon government to move in a variety of innovative and creative ways to respond to the needs of all territorial residents, but particularly those of the First Nations.

The Yukon Territory faces a very difficult future, one that is likely to be radically different from its immediate past. The focus will now shift from negotiating land claims to implementing a land claims agreement, a process that might well lead to substantial disappointment as Aboriginal groups attempt to meet the extremely high expectations focused on the settlement. Further, the current financial situation of the federal government throws into doubt the 30-year pattern of national generosity to a disadvantaged region; it is unlikely that transfer payments will continue at their present and former scale in the years to come. Add to this the current weakened state of the territorial mining economy and the potential out-migration of a significant portion of the non-Aboriginal population. In combination, the pressures to change from an administrative structure that has benefited from an abundance of financial and human resources to one based on scarcity and competition for a potential shrinking pot threaten the security of the path identified for the Yukon Territory and the First Nations in the region.

The Aboriginal and non-Aboriginal people of the Yukon Territory have already overcome the primary hurdle, however; they have established an assumption of partnership and mutual

respect and have agreed that, administratively and socially, they will have a joint future in the Yukon. This may well be the greatest accomplishment of the past 20 years. In the late 1960s, only a few territorial leaders attached much seriousness to Aboriginal protests and demands; the early years of the land claims process brought out deeply entrenched hostilities. While remnants of the ill-will and misunderstanding remain, non-Aboriginal Yukoners have generally agreed that Aboriginal people have a legitimate and important place in the governance of the territory, and Aboriginal people have generally accepted the need to work closely with non-Aboriginal interests and the territorial government to achieve common goals. In later years, this will likely be seen as the primary accomplishment of the post-1970 period and the principal legacy of the land claims process and self-government negotiations.

The final comments must, however, be ones of caution. There is a tendency in Canada, among both Aboriginal and non-Aboriginal people, to see the settlement of land claims and the achievement of self-government as a panacea. Antidotes seldom live up to their billing, and there should be more concern about the current preoccupation with these twin 'solutions' to the difficulties and needs of Aboriginal people than is currently being expressed. Let there be no mistake about the point here. Self-government is a good idea, if only because the First Nations could not do worse than has been accomplished by existing government structures. And the settlement of land claims will finally right, at least in part, a generations-old wrong and establish a better foundation for future relations. But these elements are only palliatives — partial solutions to complex problems — that are in the process of being saddled with expectations they may not be able to meet.

It is vital, therefore, that efforts to address constitutional, legal and legislative relationships between Aboriginal and non-Aboriginal people, in the Yukon and elsewhere, be placed in a broader social, cultural and economic context. It is unlikely that there will be a quick and decisive resolution to the difficulties of the relationships between Aboriginal and non-Aboriginal people. It is unlikely, given the country's current fiscal condition, that the transfer of authority to First Nations will always be matched by the allocation of the necessary financial resources. And there is the overriding concern that many non-Aboriginal people, and perhaps governments themselves, see the resolution of land claims and self-government demands as a 'once and for all' solution to the problems facing First Nations. These possibilities — and one hopes that they are not proven correct — must be factored into the equation if there is to be a

lasting and mutually beneficial restructuring of the relationship between Aboriginal and non-Aboriginal people in Canada. The Yukon Territory has, within the context of its culture, demography, economic situation and legislative arrangements, accomplished a great deal toward establishing a partnership based on mutual understanding and respect; it is vital to recognize, however, that the greatest work may well lie ahead.

Recommendations

As discussed in the previous section, the possibilities and problems facing First Nations in the Yukon are, for the most part, unique to the Yukon Territory. The territory's distinct historical, constitutional, governmental, financial and administrative status created an unusual set of circumstances and conditions that are not replicated elsewhere in the country. When reflecting on the research conducted for this study, however, particularly the interviews with First Nations and non-Aboriginal Yukoners, several recommendations of broader potential importance emerged.

1. The primacy that Yukon First Nations have attached to language and culture must be noted. First Nations, in the Yukon and elsewhere, recognize the importance of language and traditional practices in assuring the cultural survival of their people. This theme is easily lost in the detail of administration and legislation, but it is central to First Nations.
2. Steps must be taken to equalize the working relationships between First Nations and governments (territorial and federal). Governments have substantial resources and hundreds of employees available to them. First Nations, particularly small groups like those in the Yukon, have only a handful of skilled negotiators or administrators and limited financial resources. This imbalance exacts an exceptional toll on the individuals and, by extension, the First Nations. The structure and operations of negotiations and First Nations/government discussions must be altered to reflect better the personal and collective capacity of the First Nations involved in the process. Failure to make such changes will ensure that the current generation of leaders will suffer through the same hardships and pain as those who went before them. The imbalance in human and fiscal resources must be addressed as a matter of priority.
3. Although the move toward self-government is surrounded by much optimism, there is a need for greater certainty about long-term financial arrangements. The current structures, which are based on relatively short-term fiscal understandings and are subject to change

resulting from shifts in government policy or changes in government, leave the long-term sustainability of self-government initiatives in doubt. Steps should be taken to ensure the stability of First Nations financing and to eliminate, to the greatest degree possible, uncertainty about funding arrangements.

4. The Yukon land claims process, which dragged on for many years, at considerable cost to all participants, has clearly indicated the need for several priorities in the subsequent resolution of Aboriginal rights issues:
 - Speed, but not haste, is important. The length of the negotiations and the many different demands and problems on the table added to the complexity of the Yukon situation and only further delayed a final resolution. Timelines could be set for the resolution of major and minor issues, with all sides in the negotiations encouraged to abide by the decisions.
 - Openness is highly desirable. While there will be some items that must, of necessity, be discussed in private, the mere fact of secrecy adds to the uncertainty surrounding First Nations/government negotiations. Open discussion of the issues surrounding Yukon land claims and self-government helped develop a strong sentiment in the territory in favour of resolution of these matters.
 - Non-Aboriginal people have a stake in the resolution of First Nation issues, and it is best if they are kept fully informed about progress. There is a temptation, and indeed a rationale, for keeping some discussions within the context of the First Nations and the government and not consulting with or informing non-Aboriginal constituencies. The Yukon experience suggests that the involvement of non-Aboriginal people, organizations or constituencies is an important element in securing general acceptance of any final arrangement.
5. Steps should be taken to ensure that the public is informed that self-government, which holds much promise as a solution to the difficulties facing First Nations, may not produce immediate results. The legacy of colonialism will not be overturned in a single year or even a decade; the development of procedures, programs and activities will take most First Nations a considerable amount of time. The self-government initiative already carries the burden of excessive expectations; it should not have to carry public desire for instantaneous solutions to the social, economic, cultural and political problems facing

First Nations.

6. Additional educational opportunities, including post-secondary programs for First Nations people likely to be involved in self-government programs, are absolutely essential. The Yukon has taken some important strides in this direction, working primarily with Yukon College, but there is local recognition that more has to be done. First Nations leadership is, as indicated above, taxed to the limit. Self-government, the resolution of land claims and the establishment of new government committees will only add to the burden. It is vitally important that major educational initiatives be undertaken, and very soon, to prepare First Nations people for the many important tasks that lie ahead. These educational initiatives will have to be culturally sensitive, however, and may emerge best through partnerships between individual First Nations and existing post-secondary institutions.
7. Employment equity programs within governments should be examined closely to ascertain their effectiveness and utility. While the initiative has much to recommend it, employment equity programs run into considerable difficulty, including opposition from non-Aboriginal employees and candidates for positions, competition with First Nations groups for qualified people, and often a failure to follow up with the creation of appropriate working environments. The growing emphasis on self-government will increase the demand in First Nations communities for qualified, professional workers. The continuation of employment equity programs under such conditions may simply expand competition for the relatively small number of qualified First Nations professionals available for work. First Nations should be consulted very closely on any decision relative to employment equity programs, but these initiatives should be examined in light of the changing employment needs of the First Nations.
8. Yukon governments, current and past, and the Council for Yukon Indians have set an impressive standard with their approach to informing the public about their activities. They have done so by way of videos, easily accessible documents, public service announcements, materials produced in Aboriginal languages, public forums, cassette tapes, etc. These commendable practices are well suited to public information campaigns related to First Nations issues and could easily be replicated for other constituencies.
9. Governments should be urged to avoid a proliferation of programs designed to meet the

needs of First Nations people. Elected governments have a tendency to create new programs, at least in part for the publicity value of being seen to take action. This often results in overlap and duplication (as in the case of federal and territorial economic development initiatives), which in turn create confusion, raise costs, and discourage potential applicants. A major effort to streamline programs designed for or available to First Nations people could be very beneficial.

10. A major lesson emerging from the Yukon situation is that conditions and intergroup relations improved significantly when residents (Aboriginal and non-Aboriginal) stopped viewing First Nations as a 'problem' and instead became interested in the potential contributions of First Nations people. The Yukon passed through these stages between 1970 and 1985. By the latter date, discussion focused on the need to preserve the richness of indigenous languages and cultures, the elders' knowledge of the land and its resources, the potential financial benefits that would accompany a land claims settlement, the great interest of visitors in First Nations cultures, and the value of an Aboriginal/non-Aboriginal consensus on the future direction for the Yukon. The shift in emphasis from 'problem' to 'potential' did much to create a improved atmosphere for First Nations in the Yukon Territory. The rest of the country would do well to replicate this process and situation.

Notes

Appendix 1 Sources for the Study

The following people were interviewed and/or provided other contributions to the study:

Guy Cocquyt, Acting Regional Manager, Community and Business Development Office,
Department of Economic Development

Brian Kitchen, Department of Health and Social Services

Gay Hanson, Deputy Minister, Department of Health and Social Services

Dietmar Tramm, Council for Yukon Indians

Dorothy Schiller, Director of Health Programs, Department of Health and Social Services

Betsy Jackson, Health Director, Council for Yukon Indians

Gerald Isaac, Director, Aboriginal Language Service, Executive Council Office

Betty Metcalfe, Aboriginal Language Service, Executive Council Office

Tim Brady, Youth Services, Social Services Branch, Department of Health and Social Services

Mike McCann, Director of Social Services, Social Services Branch, Department of Health and
Social Services

Jo-Anne Johnson, Programme Coordinator, Yukon Native Languages Centre, Yukon College

Aaron Senkpiel, Dean of Arts and Science, Yukon College

Sheila Rose, Director of Curriculum Development, Department of Education

Elaine McLeod, Curriculum Division, Department of Education

Louise Profit-LeBlanc, Native Heritage Advisor, Heritage Branch, Department of Tourism

Ruth Gotthardt, Territorial Archaeologist, Heritage Branch, Department of Tourism

Peter Milner, Director, Sports and Recreation Branch, Department of Community and
Transportation Services

Pat Byers, Director of Corporate Services and Employment Equity, Employment Equity Branch,
Public Service Commission

Mark Wedge, Yukon Indian Development Corporation

Appendix 2

Chronology of Major Events in First Nations/ Government Relations in the Yukon Territory^{lxii}

16 August 1897	Yukon Judicial District established.
13 June 1898	<i>Yukon Territory Act</i> given Royal Assent. Yukon Territory established.
15 May 1902	Yukon Territory given representation in the House of Commons.
20 July 1908	Yukon Act amended to provide for a wholly elected council.
24 May 1918	Yukon Act amended to abolish the elected territorial council. This authority was not exercised.
3 April 1919	The Yukon Act amended to reduced the number of elected territorial councillors from ten to three. Women granted the right to vote in territorial elections.
26 April 1937	Announcement that British Columbia and the federal government had agreed that B.C. would annex the Yukon Territory. Agreement never implemented.
April 1957	Responsibility for most health programs transferred from the territorial government to the federal government.
17 June 1970	Establishment of an executive committee (included two elected members of the territorial council, one assistant commissioner and the commissioner, as chair).
29 November 1970	First executive committee sworn in.
January 1973	Yukon Native Brotherhood completed is land claims submission, published as <i>Together Today for Our Children Tomorrow</i> .
6 April 1973	Federal government establishes a land claims negotiating team.
17 July 1973	Yukon Native Brotherhood asks the federal government to stop allocation of lands pending a settlement of Native land claims (rejected in November).
December 1975	Yukon territorial government proposed the transfer of all Yukon lands to the control of the territorial government (in a document called <i>Meaningful Government for all Yukoners</i>). Proposal rejected in June 1976.
9 July 1976	Federal opposition leader Joe Clark promises to make the Yukon a province within his first term in office.
20 November 1978	First territorial election run entirely by the Yukon government.
26 February 1979	Memorandum of understanding signed between the federal and territorial governments, ensuring that the Yukon government would be represented in land claims negotiations.
9 October 1979	Jake Epp, Minister of Indian Affairs and Northern Development, issued new letters of instruction to Commissioner Ione Christensen, thereby granting the Yukon territorial legislature responsible government. Commissioner Christensen resigned in protest.
18 November 1981	Yukon Legislative Assembly passed a resolution supporting the

26 November 1982	inclusion of Aboriginal rights in the constitution. John Munro, Minister of Indian Affairs and Northern Development, announced that the federal government would enshrine responsible government by way of amendments to the Yukon Act after Aboriginal land claims had been settled.
16 December 1982	Agreement announced on the financial compensation to be awarded as part of the Yukon land claims settlement.
17 April 1984	Federal cabinet approved the Yukon Aboriginal land claims agreement in principle.
1 June 1984	Inuvialuit approve, by vote, the COPE Agreement with the federal government, resolving the Inuit land claims in the Mackenzie Delta (and involving portions of northern British Columbia).
3 August 1984	Council of Yukon Indians asks for a renegotiation of the agreement in principle.
20 December 1984	Federal government announces that the failure to reach an understanding on the final elements of the land claims agreement in principle meant that the settlement was no longer valid.
9 May 1985	Federal government signs a three-year formula financing arrangement for the Yukon government.
30 April 1987	Federal and provincial governments agree to the Meech Lake Accord. Yukon government is strongly critical of the agreement, which would limit the ability of the Yukon to progress to provincial status.
28 April 1988	Federal and Yukon governments sign an agreement providing funding for the promotion of French and Aboriginal languages in the Yukon.
8 November 1988	Federal government, Yukon government and Council for Yukon Indians reach agreement on outstanding issues surrounding the land claims settlement.
31 March 1990	Ratification of the Umbrella Final Agreement by the Council for Yukon Indians.

Appendix 3
Selected Territorial Statistics
relating to
First Nations People in the Yukon Territory^{lxiii}

Educational Attainment

1. Percentage of population, age 15-64, with less than 9 years of education, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	25	10	11	5
Canada	34	14	21	10

2. Percentage of population, age 15-64, with secondary education, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	36	44	46	37
Canada	42	49	47	44

3. Percentage of population, age 15-64, with some post-secondary education, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	17	18	18	15
Canada	10	15	10	12

4. Percentage of population, age 15-64, with a post-secondary certificate/diploma, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	20	22	21	30
Canada	12	18	16	22

5. Percentage of population, age 15-64, with a university degree, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	—	—	—	13
Canada	1	4	3	12

Employment Status

6. Percentage of population age 15+ who were employed, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	37	42	43	72
Canada	31	47	43	61

7. Percentage of population age 15+ who were unemployed, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	30	23	24	12
Canada	14	14	14	10

8. Percentage of population age 15+ who were not in the labour force, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	30	34	33	18
Canada	54	39	43	32

9. Labour force participation of population age 15+, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	67	65	66	82
Canada	45	61	57	68

10. Unemployment rate of population age 15+, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	45	35	35	12
Canada	31	23	25	10

11. Percentage of Aboriginal population age 15+ reporting barriers to employment, 1991

Few or no jobs:

	On- Reserve	Off- Reserve	Total Aboriginal
Yukon	73	66	67
Canada	75	61	66

Being Aboriginal:

	On- Reserve	Off- Reserve	Total Aboriginal
Yukon	18	15	15
Canada	22	26	16

Income

12. Percentage distribution by income group, population age 15+, Yukon Territory, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Under \$2000	21	21	21	10
\$2,000-9,999	37	28	29	17
\$10,000-19,999	33	25	25	19
\$20,000-39,999	9	19	18	30
\$40,000+	—	7	7	24

13. Percentage distribution by income group, population age 15+, Canada, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Under \$2000	29	24	25	14
\$2,000-9,999	36	26	30	20
\$10,000-19,999	22	23	23	22
\$20,000-39,999	12	20	18	28
\$40,000+	2	7	5	15

Social Assistance

14. Percentage of Aboriginal population age 15+ receiving social assistance, 1991

	On- Reserve	Off- Reserve	Total Aboriginal
Yukon	23	21	21
Canada	42	25	29

Post-Secondary Training Allowances

15. Percentage of Aboriginal population age 15+ receiving a post-secondary allowance, 1991

	On- Reserve	Off- Reserve	Total Aboriginal
Yukon	-	7	7
Canada	5	6	5

Business Ownership

16. Percentage of Aboriginal population age 15+ that owned a business, 1991

	On- Reserve	Off- Reserve	Total Aboriginal	Total Population
Yukon	5	7	7	9
Canada	3	5	5	7

Aboriginal Mobility

17. Percentage of Aboriginal population age 15+ who moved at least once in previous twelve months

	On- Reserve	Off- Reserve	Total Aboriginal
Yukon	9	14	14
Canada	9	17	15

ⁱSee, for example, Ken Coates, *Best Left as Indians: Native-White Relations in the Yukon Territory, 1840-1973* (Montreal: McGill-Queen's University Press, 1991); Ken Coates with W.R. Morrison, "So Far From Power: The Politics of the Yukon Territory", in *Politics in the Provinces: Social Change and Canada's Provincial Governments*, ed. K. Brownley and M. Howlett (Toronto: Copp Clark Pitman, 1992); Ken Coates with W.R. Morrison, "In Whose Best Interest?: The Federal Government and the Native People of Yukon, 1946-1991", in *Rebirth: Political, Economic, and Social Development in First Nations* (Toronto & Oxford: Dundurn Press, 1993); Ken Coates with Judith Powell, *The Modern North: People, Politics and the Rejection of Colonialism* (Toronto: James Lorimer, 1989); Ken Coates, ed., *Aboriginal Land Claims in Canada: A Regional Perspective* (Toronto: Copp Clark Pitman, 1992).

ⁱⁱOn the history of the Yukon, see Ken Coates and W.R. Morrison, *Land of the Midnight Sun: A History of the Yukon Territory* (Edmonton: Hurtig, 1988); Coates and Powell, *The Modern North* (cited in note); Coates and Morrison, "So Far From Power" (cited in note); David Morrison, *The Politics of the Yukon Territory, 1898-1909* (Toronto: University of Toronto Press, 1968). On political milestones, see Stephen Smyth, *The Yukon's Constitutional Foundations*, volume 1, *The Yukon Chronology* (Whitehorse: Northern Directories, 1991); Kirk Cameron and Graham Gomme, *The Yukon's Constitutional Foundations*, volume 2, *A Compendium of Documents Relating to the Constitutional Development of the Yukon Territory* (Whitehorse: Northern Directories, 1991).

ⁱⁱⁱLewis Thomas, *The Struggle for Responsible Government in the North-West Territories, 1870-97*, second edition (Toronto: University of Toronto Press, 1978), p. 267.

^{iv}Quoted in Thomas (cited in note), p. 272.

^vThis process is described in Ken Coates and W.R. Morrison, *The Sinking of the Princess Sophia* (Toronto: Oxford University Press, 1990).

^{vi}Ken Coates and Bill Morrison, "The Yukon at War", *Beaver* (October/November 1989).

^{vii}Ken Coates and W.R. Morrison, *The Alaska Highway in World War II* (Toronto: University of Toronto Press, 1992).

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^{xii}G. Schmitz and J. Stillborn, "Political Change North of 60" (Ottawa: Library of Parliament, Research Branch, 1992).

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^{lxiii} Source: 1991 Aboriginal Peoples Survey, prepared by the Research Directorate, Royal Commission on Aboriginal Peoples, October 1993.