

## GOVERNMENT OF YUKON

**GENERAL ADMINISTRATION MANUAL**  
**VOLUME 1: CORPORATE POLICIES – GENERAL**  
**TITLE: FIRST NATION RELATIONS**  
**EFFECTIVE: October 10, 2006**  
**REVISED May 18, 2011**

# Policy 1.12

## 1 SCOPE

### 1.1 Authority

- 1.1.1 This policy is issued under the authority of Cabinet Meeting No. 11-13, dated May 18, 2011. It replaces the initial policy and Framework for First Nation Relations dated January 19, 1995 and revised May 13, 2004 and October 10, 2006.
- 1.1.2 Nothing in this policy limits the prerogative of Cabinet to make decisions on activities of the Government of Yukon about relations with First Nations.
- 1.1.3 This policy may be amended in accordance with GAM 1.1.

### 1.2 Application

This policy applies to:

- 1.2.1 Departments, agencies and Crown corporations of the Government of Yukon and their employees as specified in GAM 1.1.
- 1.2.2 Persons or organizations acting on behalf of Yukon.

### 1.3 Purpose

The purpose of this policy is to provide:

- 1.3.1 The principles and goals of Yukon regarding its relations with First Nations, the Government of Canada and other public governments with roles and responsibilities concerning relations with First Nations.
- 1.3.2 For the development and periodic review of a government-wide First Nation Relations strategy.
- 1.3.3 The roles, responsibilities and decision-making processes to effect internal coordination and consistency in First Nation relations.

## 1.4 Principles

Yukon's relationship with First Nations and its internal decision-making processes about First Nations Relations will be guided and informed by the following principles:

- 1.4.1 Fairness -- Yukon will treat First Nations in an equitable manner, allowing for differences appropriate to the circumstances.
- 1.4.2 Consistency -- Yukon will have a consistent approach across government, allowing for differences appropriate to the circumstances.
- 1.4.3 Cooperation -- Yukon will work with and encourage First Nations and other governments to work cooperatively with one another.
- 1.4.4 Responsibility -- Yukon recognizes and will promote recognition of the jurisdiction, roles and responsibilities of the various governments involved.
- 1.4.5 Coordination -- Yukon's internal processes will enable corporate coordination in decision-making concerning First Nation Relations.

## 1.5 Goals for First Nation Relations

Yukon has the following goals for its relationships with First Nations and other governments involved in First Nation Relations:

- 1.5.1 Cooperative, collaborative working relationships among public and First Nation governments based on respect for and understanding of each government's role, jurisdiction, authority, rights and responsibilities.
- 1.5.2 Implementation of all Yukon First Nation Final and Self-Government Agreements and transboundary agreements.
- 1.5.3 Reconciliation and relationship-building through a range of government activities in accordance with this policy and a First Nation Relations strategy.

## 1.6 Definitions

For the purposes of this policy,

"First Nation" includes:

- A "Yukon First Nation," as defined in the Umbrella Final Agreement, including:
  - Carcross/Tagish First Nation
  - Champagne and Aishihik First Nations
  - Kluane First Nation
  - Kwanlin Dün First Nation
  - Liard First Nation

- Little Salmon/Carmacks First Nation
  - First Nation of Nacho Nyak Dun
  - Ross River Dena Council
  - Selkirk First Nation
  - Ta'an Kwäch'än Council
  - Tr'ondëk Hwëch'in
  - Teslin Tlingit Council
  - Vuntut Gwitchin First Nation or
  - White River First Nation
- transboundary aboriginal groups, as identified in the Umbrella Final Agreement, with or without land claim agreements in effect within the Yukon, and the Inuvialuit of the Western Arctic
  - the Council of Yukon First Nations (CYFN) as a successor organization of the Council for Yukon Indians (CYI), as defined in the Umbrella Final Agreement
  - any organization mandated by a First Nation or any number of First Nations to represent them in governmental matters
  - regional, national or international aboriginal organizations with governmental responsibilities

“First Nation Relations” includes:

- the negotiation and implementation of land claim and self-government agreements and other agreements pertaining to Yukon and First Nations
- program and service arrangements pertaining to Yukon and First Nations
- policies affecting the relationship between Yukon and First Nations
- decision-making frameworks and processes of Yukon pertaining to First Nations
- any other matters relevant to the relationship of Yukon and First Nations

“Yukon” means the Government of Yukon

“Canada” means the Government of Canada

## 1.7 **Background**

- 1.7.1 The governance structure in Yukon is unique as a result of Yukon First Nation Final and Self-Government Agreements, the first of which came into effect on February 14, 1995. The Self-Government Agreements created a new form of First Nation government in Canada and the foundation for a “government-to-government” relationship unlike any other for the eleven First Nations, Canada and Yukon. Three Yukon First Nations which do not have Final or Self-government Agreements have band governance structures pursuant to the federal *Indian Act*. Yukon’s role and responsibilities in the ongoing process of reconciliation between public governments and aboriginal peoples are informed by these circumstances.

- 1.7.2 Amendments to the *Yukon Act*, effective April 1, 2003, pursuant to the Devolution Transfer Agreement, marked a significant advance in the political and constitutional development of Yukon. Just as modern First Nation governments are evolving, so is Yukon as a distinct northern public government within the Canadian federation.
- 1.7.3 The government-to-government relationship will continue to evolve and develop in accordance with the agreements and as the parties decide. Yukon's internal policy and mandate development processes are designed to ensure the full range of government and public interests are taken into consideration prior to negotiating and entering into any new aspect of First Nation Relations.

## 2 ROLES AND RESPONSIBILITIES

### 2.1 **Cabinet:**

Cabinet has responsibility for providing overall direction for relations with First Nations including, but not limited to, approval of:

- Mandates for negotiations
- Policy related to First Nation Relations
- Corporate strategy for First Nation Relations at least once every five years
- Agreements that set new policy with First Nations, including intergovernmental agreements, in accordance with GAM 1.1
- Direction to Ministers and Deputy Ministers about First Nation Relations

### 2.2 **Minister responsible for the Executive Council Office**

- Leads Yukon's relations with First Nations including representation at intergovernmental fora
- Recommends to Cabinet significant changes to policy about relations with First Nations including mandates for negotiation of land claim and self-government agreements and other agreements related to government-to-government relations and/or reconciliation with First Nations
- Recommends to Cabinet the government strategy for First Nation Relations at least once every five years

### 2.3 **Ministers**

- Recommend to Cabinet approval of significant new policy and mandates for development of new departmental or corporate initiatives that affect First Nation Relations
- Advise Cabinet about significant departmental issues related to First Nations

### 2.4 **Deputy Minister of the Executive Council Office (ECO)**

- Provides information, analysis and advice to Minister/Premier on policy and other matters concerning First Nation Relations
- Advises on interdepartmental coordination regarding First Nation Relations

- Advises on the corporate strategy for First Nations Relations at least once every five years
- Issues guidelines on specific aspects of First Nation Relations

### **Land Claims and Implementation Secretariat/First Nation Relations**

- Leads negotiation with First Nations on major aspects of First Nation Relations, in cooperation with affected departments, including agreements about land claims and/or self-government and reconciliation
- Leads Yukon's overall implementation of the Final and Self-Government Agreements and transboundary agreements and advises departments with respect to their specific implementation responsibilities
- Supports departments through provision of information, analysis, advice and, as required, direct participation and assistance in First Nation Relations; interprets agreements and applicable law, policy and mandates
- Works with departments to develop policy and mandates regarding new aspects of First Nation Relations
- Works with departments to coordinate internally regarding First Nation Relations including design and delivery of programs to provide required information, training and education to employees
- Provides policy review of proposed agreements affecting First Nation Relations and makes recommendations whether proposed agreements should be approved or modified; liaises with legal services on legal review of those agreements

#### **2.5 Deputy Minister of Finance**

- Provides analysis, advice and support regarding financial aspects of First Nation Relations including proposed mandates and agreements
- Works with DM of ECO to ensure corporate coordination and consistency in regards to financial aspects of First Nation Relations

#### **2.6 Deputy Minister of Justice**

- Provides analysis, advice and support regarding legal aspects of First Nation Relations including proposed mandates and agreements
- Works with DM of ECO to ensure corporate coordination and consistency in regards to legal aspects of First Nation Relations

#### **2.7 Deputy Ministers/Heads of Crown Corporations**

- Oversee planning and management of departmental participation in applicable aspects of First Nation Relations

- Carry out departmental responsibilities for the implementation of the Final and Self-Government Agreements and transboundary agreements
- Direct development of departmental initiatives relating to First Nation Relations in the context of overall government policy and strategy about First Nation Relations, through coordination with ECO and other affected departments by approved processes
- Advise the Minister about significant departmental issues related to First Nations
- Address capacity, training and education needs of department staff concerning First Nations Relations in cooperation with the Public Service Commission, ECO and other departments
- Ensure mandates for negotiation of agreements and draft agreements with First Nations receive prior review by LCIS-FNR, Justice and Finance in accordance with this policy and other relevant policies in the General Administration and Financial Administration Manuals

## 2.8 **Employees**

- Represent the Yukon's goals, objectives and policies concerning First Nation Relations in accordance with this policy

## **Appendices**

Appendix 1 – Mandate for Yukon Government Infrastructure on First Nation Settlement Land (approved by Cabinet Minute 08-12[2] June 2008)

Appendix 2 – Policy for Exchange of Crown and Settlement Land (approved by Cabinet Minute 10-06 February 25, 2010)

[Link to LCIS-FNR website:](#)

Best Practices: Being a Yukon Government Delegate