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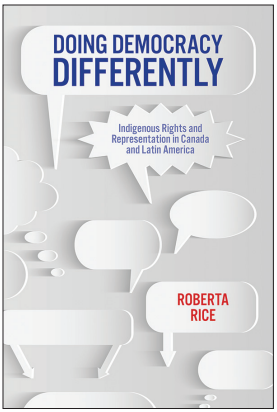

DOING DEMOCRACY DIFFERENTLY: INDIGENOUS RIGHTS AND REPRESENTATION IN CANADA AND LATIN AMERICA

Roberta Rice

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Yukon: Leading the World in Nation-to-Nation Indigenous Self-Government

We want to cut the apron strings and get on with our lives.

—Grand Chief Ruth Massie, Council of Yukon First Nations[1]

It is a common refrain among non-Indigenous Yukoners that the territory's First Nations "got away with murder" in negotiating their extensive powers of autonomy and self-government through the 1990 Umbrella Final Agreement (UFA), and that such a deal will never be seen again. How did Yukon First Nations achieve such a substantial degree of nation-to-nation self-governing powers? What lessons does this case teach us in terms of advancing Indigenous rights to autonomy and self-government? Addressing these questions is the central task of this chapter. The chapter refutes the notion that the achievements of Yukon First Nations are an anomaly, based on conditions of geography or circumstance that cannot be replicated. Instead, I suggest that strategic and effective interest representation on the part of Yukon First Nations played a key role in advancing Indigenous claims. According to Grand Chief Massie, quoted above in the epigraph, settling land claims in the North was not a matter of attaining a "free lunch," but rather the accomplishment of decades of struggle and negotiation with the Canadian government.

The aim of this chapter is to provide instructional lessons on how institutions, in theory and in practice, can be designed or constructed to achieve a nation-to-nation relationship between Indigenous peoples and the state. The Yukon case offers us an important example of a model of self-government

that embodies relations of power alongside the state, as opposed to power within the state (Abele and Prince 2006, 585). In contemporary Yukon, First Nation governments have taken their place alongside the federal and territorial governments (Cameron and White 1995). Critics of the new institutional arrangement abound. While for some observers the deal "goes too far," for others it does not go far enough in terms of guaranteeing the fundamental rights of Indigenous peoples (Charlie 2020). The Yukon is a predominantly non-Indigenous territory. Even among the First Nations, which make up almost one-quarter of the total population of the territory, there are significant differences between linguistic and cultural groupings and in social and political priorities (Rice 2014a). Three of the Yukon's fourteen First Nations—White River First Nation, Liard First Nation, Ross River Dena Council—have yet to conclude land claims and self-government agreements. The Kaska people of Liard First Nation and Ross River Dena Council, for example, take issue with the cede, release, and surrender clause with regard to their traditional territory that is outlined in the UFA, suggesting that the agreement does not offer enough land to meet their cultural needs (Alcantara 2013). In the words of one First Nation government staffer, "The Yukon is a big social experiment; one that has completely changed the relationship between Aboriginal and non-Aboriginal people."[2]

The chapter begins with a brief political history of the Yukon, with a particular emphasis on the role of resource extraction in stimulating Indigenous political organization and mobilization in defence of Indigenous lands. The chapter then turns to the comprehensive land claims process in the territory to advance our understanding of how this historic agreement was reached before analyzing its far-reaching implications for Indigenous-state relations. The politics of self-government in the Yukon is then examined. Self-governing First Nations are involved in a dual political project of building up capacity within their own communities while engaging in territorial party politics to ensure a political climate favourable to their interests. The chapter concludes with a discussion on lessons learned from Yukon First Nations in terms of advancing Indigenous rights to autonomy and self-government in an established democracy.

Resource Extraction and Political Development

Yukon First Nations have had to struggle for control over their lands and livelihoods ever since the Klondike Gold Rush of the 1890s and the expansion

of infrastructure, notably the construction of the Alaska Highway, during the Second World War brought a massive influx of outsiders to the territory (Coates and Morrison 2017). Bordering the state of Alaska to the west, the province of British Columbia to the south, the Northwest Territories to the east, and the Beaufort Sea of the Arctic Ocean to the north, the Yukon is Canada's smallest and westernmost territory. According to the latest census statistics, Yukon is home to 43,118 residents, with more than 78 per cent of them living in the capital city of Whitehorse and its surrounding area.[3] Although some of the Yukon First Nation communities number only in the hundreds in terms of population size, they are modern-day leaders of Indigenous self-government. More than half of Canada's self-governing First Nations are found in the Yukon (Alcantara 2007). The territory's political development has tended to follow on the heels of its economic development. The Yukon, along with the Northwest Territories and Nunavut, comprise nearly 40 per cent of Canada's land mass and contain vast amounts of renewable and non-renewable resources (Cameron and White 1995). The Yukon became a territory of Canada in 1898 with the passage of the Yukon Act. In 1902, Chief Jim Boss (Kishxóot) of the Ta'an Kwäch'än First Nation wrote a letter to the superintendent general of Indian affairs in Ottawa, Canada's capital, in which he stated, "Tell the King very hard, we want something for our Indians because they take our land and our game" (CYFN 2005, 1). The response from Ottawa was a promise that the police would protect his people and their land from intruders. This exchange of letters is regarded as the first attempt at land claim negotiations in the Yukon.[4]

The Indigenous peoples of the Yukon have traditionally relied upon the use of renewable resources in the form of hunting, trapping, and gathering on the land. The extraction of non-renewable resources, such as minerals, oil, and gas, tends to alienate Indigenous people from the land (Cameron and White 1995, 12). Indigenous ownership of and control over subsurface resource rights is especially pertinent in the Canadian case given the country's unusual free-entry claim (or "staking") process. Free-entry tenure under the Quartz Mining Act (2003) gives resource companies the right of entry and access to lands which have mineral potential on a first-come, first-served basis by simply staking a claim (now done electronically through the Mining Recorder's Office). According to Deneault and Sacher (2012), free-entry staking is rooted in colonial policy as a means to settle land. The free-entry approach was developed into law by England in the eighteenth century and

brought by settlers to manage the gold rushes in California and the Yukon. Today, it serves as a means to circumvent the Indigenous consultation process (Cameron 2013). Only the Canadian provinces of Alberta and Prince Edward Island have eliminated free-entry staking. In Ontario, the free-entry principle has been modified such that mining companies are legally required to consult with Indigenous peoples prior to initiating exploration activities (Hart and Hoogeveen 2012). As a general rule, however, very few spaces in Canada are off-limits to free-entry staking, including the territories.

Jurisdiction over land and resources is a contentious issue in the North. Unlike the provinces, which enjoy their own autonomous powers and jurisdictions, the territories fall under the legislative authority of the federal government (Cameron and White 1995). Historically, this has meant that the North was largely governed by federal officials. Since the 1980s, however, major changes have occurred in the governance of the territories. Through the devolution of powers and responsibilities from the federal to the territorial governments, the territories are now accorded many of the privileges associated with provincial status (Alcantara 2013). For instance, each territory has its own premier and legislative assembly, which has the power to enact laws within its territory, and its own public service and court system. Territorial governments also now have jurisdiction over social services, such as health and education, and renewable resources, including forestry and wildlife. In contrast to the provinces, where Crown or public lands are provincially owned, the federal government owns public lands in the territories. As White (2020) has pointed out, this is of critical importance to territorial governance given that, aside from the lands owned by Indigenous peoples through their comprehensive land claims, the territories consist almost entirely of Crown land. On April 1, 2003, the Yukon made history when it became the first Canadian territory to take over land- and resource-management responsibilities through the completion of the Yukon Devolution Transfer Agreement. With the exception of Indigenous settlement lands with subsurface rights, the one major power that the federal government has retained over the territories is ownership of non-renewable resources (White 2020, 22).

The contemporary Indigenous movement in the Yukon can be traced back to the 1973 ruling by the Supreme Court of Canada, known as the Calder decision, that recognized the existence of Indigenous title to land prior to colonization (Belanger 2008; Sabin 2014). In that year, Chief Elijah Smith of Kwanlin Dün First Nation renewed the call for increased control on the part

of First Nations over their territories and governing affairs following the publication of the visionary document entitled *Together Today for Our Children Tomorrow: A Statement of Grievances and an Approach to Settlement* (CYI 1973). Chief Smith, along with a delegation of other Yukon chiefs, travelled to Ottawa to present the document to then prime minister Pierre Trudeau and his minister of Indian affairs. In his speech to the prime minister, Chief Smith stated the following:

> This is the first time the leaders of the Yukon Indian people have come to the capital of Canada. We are here to talk about the future. The only way we feel we can have a future, is to settle our land claim. This be a future that will return to us our lost pride, self-respect, and economic independence. We are not here for a handout. We are here with a plan. (CYFN 2005, ii)

The position of the chiefs represented a significant breakthrough in terms of the conceptualization of self-government in Canada. They asserted the importance of establishing a land base, and thus economic self-sufficiency, before becoming self-governing. According to Belanger and Newhouse (2008, 6), this was the first time in Canada that the link between land and self-government was explicitly made. Together, the chiefs were able to convince the federal government to negotiate a land claim agreement with the Yukon First Nations.

Levelling the Playing Field: Comprehensive Land Claims

The Council for Yukon Indians (CYI) was born out of the collective struggle for Indigenous autonomy and self-government. In 1975, the CYI was formally incorporated as a non-governmental organization with an official mandate to negotiate and complete a Yukon land claim on behalf of the fourteen First Nations with the Government of Canada (Jensen 2005). The central goal of the CYI was to secure a land base for Yukon First Nations as a foundation for self-government. It sought to achieve this by aggregating the interests of the First Nations at a regional level in a context in which First Nations have historically maintained distinct identities, as well as a desire for various forms of self-government that reflect this diversity (Cameron and White 1995). To be effective, the CYI had to engage in a mode of interest mediation akin to diplomatic relations between the various First Nations and the federal and

later territorial governments. The outcome of land claim negotiations may be subject to multiple factors, including the relative bargaining strength of the parties involved, the quality of leadership, a favourable political and legal context, and the commercial value of the land in question and its proximity to urban centres (Morse 2008). As Alcantara (2007) has noted, the comprehensive land claims process places Indigenous peoples in a weaker position relative to that of settler governments by forcing them to adopt Western forms of knowledge, discourse, and standards of proof to satisfy formal rules and procedures. A positive outcome depends on the ability of weaker actors (First Nations) to influence the stronger actors (federal and provincial/territorial governments). In the case of the Yukon land claim negotiations, the CYI managed to tip the scales in favour of the First Nations by effectively brokering their interests.

Throughout the 1980s, at the height of the CYI's political authority, the organization counted on more than a hundred employees and an annual budget of approximately $350,000 in core funding from the federal government to support its operations (CYFN 2005, 10). An elected chair and vice-chairs headed the CYI. Each was elected for two-year terms through a territory-wide First Nation vote. A General Assembly composed of First Nation representatives provided the CYI with direction. Land claim negotiations were conducted initially as a two-way exchange between the federal minister of Indian affairs and northern development and the CYI. In 1979, the Yukon Territorial Government became a party to the negotiations when it achieved status as a representative and responsible government and evolved into a "proto-province" with a significant degree of political autonomy (Cameron and White 1995). For its part, the CYI counted on the participation of strong, capable First Nation leaders, such as Dave Joe, in the negotiation process. Joe, the first Indigenous lawyer admitted to the Yukon bar, served as the CYI's chief negotiator from 1977 to 1984 (CYFN 2005). According to Lawrence Joe, executive director for the Champagne and Aishihik First Nations, a relative of Dave Joe, his people have always placed a strong emphasis on education and have invested in "gap students" who have not received enough formal schooling to obtain a government post.[5] The CYI's influence during this period extended to the national level, where it played a key role in the development of provisions in Canada's Constitution Act, 1982, pertaining to Indigenous self-government.

In January 1984, a tentative agreement was reached between the federal government, the territorial government, and the CYI. The agreement provided Yukon First Nations with a settlement of approximately $620 million to be paid over twenty years and 20,000 km^2 of land.[6] However, the agreement contained an extinguishment clause under which First Nations would be required to relinquish existing and possibly existing land rights to their remaining territories. The agreement also proposed a limited form of self-government in which First Nations would sit on boards and committees in an advisory capacity vis-à-vis the Yukon government, but the territorial government would have final say on all matters.[7] The minimal self-governing powers afforded by the agreement contravened the notion of self-government held by First Nations as well as that put forward by the Parliamentary Task Force on Indian Self-Government chaired by Member of Parliament Keith Penner the year prior. The resulting Penner report recommended the recognition of First Nations as a distinct, constitutionally recognized order of government within Canada with a wide range of powers (Belanger and Newhouse 2008). The tentative agreement went before the General Assembly of the CYI in August 1984, where it was rejected by its membership. When the CYI remained firm in its decision not to accept the agreement in the face of continued pressure from the federal government, talks between the two sides broke off. According to former chief of the Teslin Tlingit Council Sam Johnston, a key lesson of the negotiation process was to "read the small print too. And if it's not quite what you want, you wouldn't sign it."[8]

The rejection of the 1984 tentative agreement by the Council for Yukon Indians was a critical moment in the struggle for self-government. It represented the depth of the CYI's commitment to the type of self-government envisioned by First Nation communities and the unwillingness to waver on the part of Yukon First Nations. The CYI recognized the importance of working with institutional allies and taking advantage of favourable political junctures. When the Yukon section of the New Democratic Party (NDP), Canada's left-of-centre social democratic organization, formed a minority government in 1985 under the leadership of Tony Penikett, an advocate of Indigenous and workers' rights, the CYI seized the opportunity to re-initiate negotiations.[9] In 1988, the Yukon government, the CYI, and the federal government reached a new agreement-in-principle. It provided for $242 million to be paid to First Nations over fifteen years, approximately 25,900 km^2 of land, and the development of a transformational model of self-government. Although

the new agreement provided far less compensation money, the promise of self-government and the additional land base led to its ratification by First Nation communities.[10] After the 1989 territorial elections, the NDP formed a majority government with Penikett as premier, the first Yukon government leader to assume this title.

In 1990, the Umbrella Final Agreement was finalized. It was formally signed by the three parties in 1993. The UFA provided the framework within which each of the fourteen Yukon First Nations could negotiate a First Nation Final Agreement (FNFA) that would include a range of common shared provisions as well as specific provisions unique to each First Nation. The FNFAs are highly significant as they are constitutionally protected legal agreements between the Government of Canada, the Government of Yukon, and individual First Nations that may only be amended with the consent of all three parties (CYFN and YTG 1997). The signing of the individual FNFA marked the conclusion of the treaty-negotiation process for that First Nation. By 1993, four First Nations had reached their final agreements: the First Nation of Na-Cho Nyäk Dun in Mayo, Champagne and Aishihik First Nations in Haines Junction, the Vuntut Gwitchin First Nation in Old Crow, and the Teslin Tlingit Council in Teslin. By 1998, the Little Salmon-Carmacks First Nation in Carmacks, Selkirk First Nation in Pelly Crossing, and Tr'ondëk Hwëch'in First Nation in Dawson City had signed their own agreements and become self-governing First Nations. In 2002, the Ta'an Kwäch'än Council in Whitehorse signed its agreement. In 2003, the Kluane First Nation in Burwash Landing reached its final agreement. By 2005, the Kwanlin Dün First Nation in Whitehorse and the Carcross/Tagish First Nation in Carcross had finalized their agreements. The three remaining First Nations (White River First Nation, Liard First Nation, and Ross River Dena Council) have yet to complete their FNFAs.

Yukon FNFAs set out the tenure and management of settlement land as well as the rules regarding use of non-settlement land. On Category A settlement land, First Nations have ownership of the surface and subsurface. On Category B settlement land, First Nations have only the right to use the surface of the land. While First Nations do not have ownership of subsurface minerals, oil, and gas on Category B land, they do have the right to take and use certain specified substances without payment of royalties (CYFN and YTG 1997, 3). The combined total of Category A settlement lands allocated to First Nation communities is 25,000 km^2, equivalent to 5.4 per cent of Yukon's total land

Table 2.1 Allocation of Yukon First Nation settlement land by square kilometre under the Umbrella Final Agreement (1990)

First Nation	Category A*	Category B**
Carcross/Tagish	1,036.00	518.00
Champagne and Aishihik	1,230.24	1,165.49
Kluane	647.50	259.00
Kwanlin Dün	647.50	388.50
Liard	2,408.69	2,330.99
Little Salmon/Carmacks	1,553.99	1,036.00
Na-Cho Nyäk Dun	2,408.69	2,330.99
Ross River Dena	2,382.79	2,330.99
Selkirk	2,408.69	2,330.99
Ta'an Kwäch'än	388.50	388.50
Teslin Tlingit	1,230.24	1,165.49
Tr'ondëk Hwëch'in	1,553.99	1,036.00
Vuntut Gwitchin	7,744.06	0
White River	259.00	259.00
TOTAL	**25,899.88**	**15,539.93**

*Category A: First Nations have ownership of the surface and subsurface
**Category B: First Nations have ownership of the surface only
Source: Fred (n.d., 4).

area (see table 2.1).[11] Category B settlement lands consist of 15,540 km^2 or 3.2 per cent of the territory's total land area. The Vuntut Gwitchin First Nation, the Yukon's northernmost rural community, received the largest Category A land settlement in the negotiation process (7,744 km^2). It was also one of the first to reach its final agreement. The urban-based First Nations located in the capital city of Whitehorse, Ta'an Kwäch'än and Kwanlin Dün, received comparatively small land allocations (389 km^2 and 648 km^2, respectively) given their proximity to the urban core, and they were some of the last First Nations to finalize their agreements. Although Indigenous title is ceded, released, and surrendered (as opposed to extinguished) on non-settlement land, Yukon First Nations retain considerable subsistence rights to public lands as well as the right of access to their traditional routes (CYFN and YTG 1997, 14). In terms of the Yukon's free-entry staking system, the holder of an existing mineral claim on Category A settlement land that predates the signing of an FNFA has a right of access to exercise mineral rights without the consent of

the First Nation provided that the intervention does not result in significant alteration to the land. New mineral interests on Category A settlement lands, including staking, exploration, and exploitation, are governed by the First Nations.[12]

The UFA also laid out a revenue-sharing arrangement with First Nations for extractive sector operations on their lands. Yukon First Nations receive all of the royalties from any resource development on Category A settlement land. For Category B settlement land, however, the revenue-sharing formula is different. In this case, the resource royalties from subsurface mineral operations go to the Yukon government. The territorial government is required to share the royalties it receives with all First Nations, but only by the amount that exceeds the total amount of royalties received by First Nations from their Category A settlement land (Forrest 2016). This revenue-sharing arrangement has generated considerable discontent among First Nations, who lose out when one First Nation manages to generate more resource royalties than the Yukon government. For instance, the Minto Mine copper-gold mine located on Selkirk First Nation Category A settlement land, which went into operation in 2007, is estimated to have generated close to $5.9 million in resource royalties for the First Nation by 2010 (Prno 2013). Given that the Selkirk First Nation has been earning more in resource royalties than the Yukon government for a number of years, the government has not been sharing its royalties with any First Nation in the territory. This regressive revenue-sharing formula may create institutional incentives for First Nations to consent to new mining projects within their settlement lands. As analysts have noted, there is a correlation between the settlement of comprehensive land claims and an increase in extractive activities in Canada given the exchange of undefined Indigenous rights for formally defined rights and benefits (Aragón 2015; Rodon 2017).

One of the most significant governance innovations to date in terms of restructuring Indigenous-state relations in the Yukon has been the territory's co-management and regulatory system. The co-management boards on land-use planning, wildlife management, and environmental regulation were mandated by the UFA (see table 2.2). The boards are institutions of public government, as opposed to a form of Indigenous self-government, that ensure Indigenous participation in key policy decisions while maintaining government control over the use and management of public lands (Cameron and White 1995). According to White (2020, 4), co-management boards represent

Table 2.2 Yukon land claim boards

Board name	Seats
Environment and Socio-economic Assessment Board	7
Fish and Wildlife Management Board	12
Land Use Planning Council	3
Salmon Sub-committee	10
Surface Rights Board	5
Water Board	9

Source: White (2020, 41).

a compromise between Indigenous peoples' demands for control over matters of crucial importance to their lives and the exercise of state power. The jurisdiction of the boards extends to the entirety of the Yukon (not just to First Nation settlement lands), though their powers are limited to making recommendations to the government minister responsible for that portfolio (Nadasdy 2003). While the boards may only have advisory powers, their decisions are rarely overturned by the government. The participatory resource governance provisions contained within the UFA speak not only to the importance of land and resources for Yukon First Nations, but also to the desire to integrate their interests with those of the general public. Cameron and White (1995, 29) suggest that the completion of the comprehensive land claim has " 'levelled the playing field' for the Yukon's Aboriginal people in that neither governments nor private resource developers can henceforth ignore their confirmed role in the management of the territory's land and resources."

The Politics of Self-Governing First Nations

A Self-Government Agreement (SGA) accompanies each of the First Nation Final Agreements. The SGAs are not constitutionally protected documents. The SGA outlines the powers, authorities, and responsibilities of the individual First Nation governments in such areas as taxation, municipal planning, and the management and co-management of land and resources. It also provides for funding in support of program and service delivery at the First Nation level. As Coates and Morrison (2008) point out, the agreements are flexible in the sense that Indigenous authorities are not required to assume any or all of the governing powers available to them, nor are there timelines imposed on the transfer of federal or territorial responsibilities to First

Nation governments. The agreements are also multidirectional, meaning that self-governing First Nations can accept those powers when they deem them appropriate but can also return them to the territorial or federal government if needed. Under the SGA, a First Nation has the power to make and enact laws with respect to their lands and citizens.[13] First Nation law-making powers are not subject to those of the other governments. Describing the negotiation of the UFA, the legal counsel for the Government of Yukon offered the following reflection on the new legal regime:

> When we were negotiating that [the displacement model] we actually thought . . . we, being [the] Yukon Government, is this what we want? Are we willing to take that risk that the First Nations will have laws that we don't like and don't want . . . ? And we just came to the conclusion that . . . that's what happens when you deal with another government. You're not always going to agree. And governments have the right to make laws in respect of their people and in respect of their land that make sense for them, even if it's not what we might want.[14]

The various governments work together through a local body called the Yukon Forum to avoid duplication of services and programs and to ensure that the needs of all of the territory's citizens are met.[15] In matters of federal policy, an intergovernmental forum brings together the minister of Indigenous affairs and northern development along with the Yukon premier and First Nation government leaders. In short, the FNFAs and SGAs are the rules and regulations that now inform Indigenous-state relations in the Yukon.

Self-governing First Nations have their own governing structures. First Nation constitutions establish both the legal and the moral authority to govern in addition to setting out the membership code, governing bodies, and the rights and freedoms of their citizens. While some communities have adopted more liberal democratic institutions and arrangements, others have opted to reintroduce elements of the traditional clan-based system into their governing structures. For example, the Kwanlin Dün First Nation has five separate branches of government: the General Assembly, Elders Council, Youth Council, Judicial Council, and an elected chief and council.[16] The government of the Carcross/Tagish First Nation is structured on a clan system.[17] The constitution of the Ta'an Kwäch'än Council establishes five branches

of government, but also recognizes six traditional families and provides for their representation in the General Assembly, the Board of Directors, and the Youth Council.[18] The cultural foundation of Indigenous governance has sparked heated debate in academic and policy circles. As De la Torre (2010, 224) warns us, culture-based political and decision-making processes may not take into account the economic, gender, educational, and power differences among individuals within communities, or the way in which consensus-building approaches may mask coercive mechanisms that punish those who dissent. In the case of the Yukon, however, the citizens of self-governing First Nations are not precluded from asserting their rights as Canadian citizens.

The achievement of First Nation self-government in the Yukon was the first step in the process of Indigenous empowerment. The successful conclusion of the negotiation process brought to the surface the underlying tension within First Nation communities over the demand for local autonomy and the need for a central governing authority. Yukon First Nations have long preferred a more focused, community-specific approach to self-government, as opposed to the incorporation of multiple communities into a single governance structure (Coates and Morrison 2008, 108). In 1990, after the finalization of the UFA, the General Assembly of the Council for Yukon Indians voted to undertake a series of community consultations to determine the future of the organization. First Nation communities were clear in their message that self-government authorities were to rest with each First Nation. The consultations led to the downsizing and restructuring of the CYI. The chair was reappointed on a temporary basis and the four vice-chair positions were eliminated. A special meeting of the General Assembly in 1994 produced even more resolutions to downsize the organization and transfer much of its power and resources to the individual First Nation governments. The membership felt that a large and powerful central body would stifle the local exercise of power (CYFN 2005, 8). The CYI was reconstituted by its membership as a land claims implementation office. While the achievement of self-government required First Nations to create a collective political identity, their success allowed them to unbundle this political unity in a way that would lead to their emancipation.

In 1995, the CYI reclaimed its role as a political advocacy organization. A new constitution was drafted and put before the General Assembly. The constitution proposed that the organization be renamed the Council of Yukon

First Nations (CYFN). It also advanced a bold new organizational vision. The CYFN would become a governing body whose power and authority would be derived from those of its members (CYFN 2010). In other words, based on its delegated authority, the CYFN would enjoy a government-to-government relationship with the federal and territorial governments.[19] The political structure of the CYFN was reorganized around the office of the grand chief, who would be elected by the members of the General Assembly for a three-year term to act as the leader and spokesperson for the organization. Eleven of the Yukon's fourteen First Nations accepted and signed the new constitution. Three First Nations refused to become members of the CYFN: the Kwanlin Dün First Nation, Liard First Nation, and the Ross River Dena Council. The Kwanlin Dün First Nation has assumed its own political representational role, while the Liard First Nation and the Ross River Dena Council generally seek representation through the Kaska Dena Council, a body that advances the interests of the Kaska Dena people (MacDonald 2005). More recently, the Vuntut Gwitchin First Nation decided to withdraw from the CYFN, with a representative from the Vuntut Gwitchin First Nation Government stating that "They [CYFN] have nothing to offer us. Vuntut is a self-governing nation. We can do things on our own."[20] At times, the CYFN coordinates with the Yukon government in matters pertaining to the implementation of the UFA. It also acts as an ambassador, representing the Yukon First Nations at the national and international levels.

Party politics is a prominent feature of life in the Yukon. In contrast to Nunavut and the Northwest Territories, where territorial governments follow a more traditional structure of governance that precludes political parties, the Yukon has a parliamentary system with three major parties and a vigorous form of responsible government (Alcantara 2013). According to Darius Elias, a First Nation member of the Legislative Assembly (MLA) for the Liberal Party, in his community of Old Crow, as in much of the Yukon, Indigenous voters tend to vote for the person, not the party.[21] Ongoing tensions between the self-governing First Nations and the Yukon government over such issues as the provision of social services, land-use planning and consultation, and resource and power sharing has drawn Yukon First Nations into territorial party politics. As Grand Chief Ruth Massie of the CYFN has noted, the implementation of land claims and self-government agreements is aided by having Indigenous people and their allies in the Yukon Legislative Assembly.[22] Given the small population sizes of and large geographic distances between

communities in the Yukon, it is clear that neither the First Nation governments nor the territorial government has the resources or the capacity to provide programs and services on their own (Cameron and White 1995, 33). For the foreseeable future, the advancement of First Nation autonomy and self-government in the Yukon depends on a productive interplay between Indigenous and public governments.

Conclusion

This chapter has attempted to explain how Yukon First Nations achieved an important measure of autonomy and self-government through the comprehensive land claims process. Conventional explanations have emphasized the favourable political and legal context, the availability of institutional allies, and the geographic remoteness of the First Nation communities involved as key factors in the successful negotiation process. In addition to these structural and institutional factors, I have suggested that the actors themselves made a difference to the outcome through their strategy of interest representation. The strength of the Yukon First Nations has been their collective political voice and vision with respect to the demand for territory and autonomy. The Council for Yukon Indians played a central role in relaying this message to the federal government. It worked to create a strong collective political identity that would further First Nation interests in the negotiation process without undermining community-specific goals and priorities. Important democratic outcomes of the twenty-year negotiation process include persuading the federal government to shift its policy to better accommodate the needs of the Yukon First Nations in such areas as subsurface land rights and in obtaining the model of self-government envisioned by the communities (CYFN 2005). The CYI accomplished its mandate. It has been an effective mediator on behalf of First Nation communities. Nevertheless, its capacity to unify the interests of the Yukon's fourteen First Nations and to serve as a locus for the centralization of authority has worked against the organization in the post-1995 period. First Nation unity was not intended to come at the expense of individual community interests and identities. The creation of a central authority was always envisioned as a stepping stone along the path to community empowerment.

There is much that can be learned from studying the Yukon case. A principal lesson in the achievement of a nation-to-nation-type relationship between Indigenous peoples and the state is that party politics and Indigenous

autonomy can be mutually reinforcing when Indigenous peoples are in positions of power. Indigenous members of the Yukon Legislative Assembly whom I interviewed indicated that they entered politics in part to ensure that the government works to advance the interests of Indigenous peoples and to serve in the implementation of land claim and self-government legislation. A second lesson that can be drawn from this case is the important role that Indigenous ownership and control over surface and subsurface resources play in successful experiments in autonomy and self-government. As outlined by the Yukon chiefs in their visionary plan for land claim and self-government negotiations with Ottawa, *Together Today for Our Children Tomorrow*, both economic and political rights are central for advancing Indigenous agendas. Finally, the Yukon case demonstrates that improving Indigenous-state relations requires trust and a willingness to work together and share responsibilities on the part of Indigenous and settler governments as the former build up their internal governing capacity. There is a new order of government in the Yukon that must be respected by the territorial and federal governments. To conclude with the words of former chief of Carcross/Tagish First Nation, Doris McLean, "I think the best thing that happened to us First Nations of the Yukon was self-government."[23]