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LEARN

BEFORE YOU WATCH THIS SERIES....



What do you know about treaty implementation and how it impacts your life?
What do you want to know?

UNDERSTANDING OUR TREATIES

ALL ABOUT IMPLEMENTATION (PART 1)

Negotiating a modern treaty can take decades, but once the agreement is signed, the ongoing work of implementation work begins.

In this episode, we will explore what implementation is and what it looks like in modern treaty communities.

When you negotiate a claim and you get a claim, that's the first massive step. That's huge, that's historic. Then the real work starts: the implementation.

The implementation process is taking what's in the claim and making it real, making it work on the ground for our people, for our beneficiaries. That's what the implementation is.

ETHEL BLONDIN ANDREW

Beneficiary of the Sahtu Dene and Métis Comprehensive Land Claim Agreement

Former Chair, Sahtu Secretariat Inc.

(Involved in implementing the Sahtu Dene and Métis Land Claim Settlement Act)

WHEN DOES IMPLEMENTATION BEGIN?

Across Canada, First Nations, Inuit and Métis leaders have spent their entire careers negotiating modern treaties.

At the end of that long process comes the effective date. The effective date is the day when the treaty changes from an idea to a fact. Negotiations are over, and it is time to switch to implementation.



WHAT HAPPENS WHEN IMPLEMENTATION BEGINS?

On the effective date, every organization created by the modern treaty comes alive and begins to function.

It takes years to prepare for this day, to ensure all the people, buildings, equipment and finances are in place to run things, but it is still a very busy, sometimes chaotic time.

At the beginning, we went from an Indian Act Band to a, like overnight, became a self-governing First Nation. [As an] Indian Act Band, we may have had very few staff who were working and delivering pretty basic programs and services to the community, and very few. And the next day we're a self-governing First Nation, and we have to build a lands and resources department, a finance department, a governance department, all these different departments and operationalizing them, getting warm human bodies into those positions that are required to make the agreement come alive.

KIM SMARCH

Citizen of Teslin Tlingit, Yukon

Director of Negotiations and Implementation, Teslin Tlingit Council, Yukon



IMPLEMENTATION PLANS

Implementation Plans are used to guide the implementation of a modern treaty.

There's the Final Agreements, the Self-Government Agreements, and then the Implementation Plans for each of the self-governing First Nations, and there's a larger Implementation Plan.

Those Implementation Plans are basically breaking down every major aspect of the Final Agreement and Self-Government Agreement into tasks. It's basically like this book of tasks that we work, sometimes tri-party, sometimes Yukon and the First Nation and sometimes First Nations in tandem, work to get these agreements implemented and get them moving and in place. It's a task list that tells each government what they should be doing, basically.

When we do a review of it, for example, Chapter 22 Economic Development, we're doing a review of that chapter, it calls each party to task. If Yukon Government said they're doing this, they should be doing this, in this chapter. If the First Nations are doing this, they're doing this. If Canada is doing this, they're doing this. It tells us each what we're in charge of and what we're responsible for to implement within those agreements.

SHELBY BLACKJACK

Citizen of Little Salmon/Carmacks First Nation, Yukon
Manager, Implementation, Government of Yukon

WHAT IS IN THE TREATY VS. WHAT IS HAPPENING NOW

Regardless of how carefully the treaty documents were planned, what's happening on the ground is sometimes different from the ideas in the treaty.

So, implementation is not just about doing what the treaty says each side will do, it is also about responding to what is happening right now.

Implementation is often like the interpretation of those provisions and figuring out the best way to do what we said we would do. The relationship piece is really the key. One of the terms that's often used in our world is sort of like the implementers breathe life into the agreements. So, they're the ones making it happen.

And more often than not, we believed something would occur in one way, but it just didn't work that way, so the implementers are figuring out as we go often, and to make sure that we're doing what we said we would do. Often, just getting together and saying, "We said we would do this, but it's not really going to happen that way because of this. So, what if we did it this way?"

ROBIN BRADASCH

Citizen of Kluane First Nation, Yukon
Negotiator, Kluane First Nation Final Agreement, Yukon
Director of Governance, Crown-Indigenous Relations and Northern Affairs

TAKING OVER PROGRAMS AND SERVICES

Self-governing modern treaty organizations have the ability to take over programs and services from the federal, provincial and territorial governments, such as education, family services, and law enforcement.

But sometimes, simply taking them over is not enough, and changes to the programs and services need to be made. This work is all part of the ongoing implementation process.

For me, self-governing means: if it hasn't worked this far, and we've taken down all these programs from the federal government, we're delivering them the same way they delivered them and they're still not working, then maybe it's time to exercise our true self-governing powers and thinking outside of the box and look at creating ways to help or to change this program or that program to truly meet the needs. And those needs, hopefully, as we become healthier and healthier, those needs shift to different areas, to the point of where you don't need those programs, because people are healthy.

KIM SMARCH

Citizen of Teslin Tlingit, Yukon

Director of Negotiations and Implementation, Teslin Tlingit Council, Yukon



TUNE INTO PART TWO OF THIS EPISODE TO LEARN ALL ABOUT THE IMPLEMENTATION REVIEW PROCESS!

UNDERSTANDING OUR TREATIES

ALL ABOUT IMPLEMENTATION (PART 2)

Welcome to part two of the “All About Implementation” episode!

In part one, we explored what implementation is and what it looks like in modern treaty communities. In part two, we will learn about the implementation review process, and the importance of maintaining the spirit and intent of treaties during implementation.

IMPLEMENTATION REVIEWS

Built into the treaty is a schedule of regular implementation reviews, usually every five years.

These reviews bring everyone back to the table to discuss how things are going and make any necessary adjustments. These regular reviews often include negotiations for additional funding in certain areas, changes in relationships with other governments, or demands that federal, provincial or territorial governments keep certain promises.

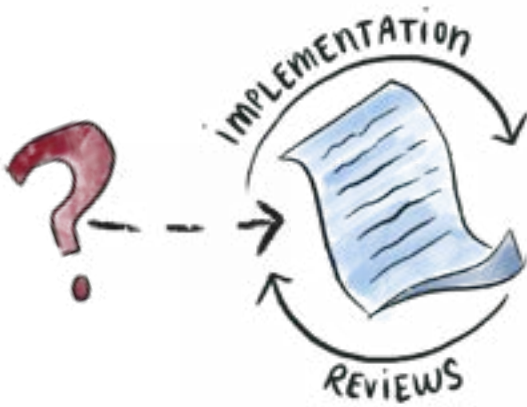


The easy part of treaty is the treaty itself, but we have to implement... say, for example, in BC you have to implement your hydro rights. Well, then you got to go to BC Hydro, negotiate that side agreement. Even though the agreement says you have that right, BC Hydro says, “Not really.” So now, you’ve got to negotiate those side agreements.

FRANK DRAGON

Citizen of the Gwich'in Nation, Northwest Territories

Negotiator, Ka:’yu:’k’t’h’/Che:k’tles7et’h First Nations Financial Fiscal Agreement, Maanulth Final Agreement, British Columbia



DOES THE TREATY PROVIDE ANSWERS TO IMPLEMENTATION QUESTIONS?

At the heart of an implementation review are the treaty documents.

If one side feels the other is not living up to its obligations, the treaty will provide a clear answer, right? Well, sometimes!

Relationship challenges exist everywhere in every relationship, and modern treaties are no different. There are challenges in terms of implementing them and I think a lot of it is interpretation. And as treaties are negotiated and entered into effect, people change, whether it's federal government officials, provincial or territorial officials, or modern treaty officials, not everybody stays in the same position over many, many years that can be required to negotiate and implement a modern treaty. And part of that changing landscape is that views change, interpretations change.

And modern treaties are often written in a way that is open to interpretation, and it allows for the evolution of society and how people evolve. But it also raises questions around what was meant, how things need to be implemented, and that is one of the challenges.

JULIE MUGFORD

Former Senior Director, Modern Treaty Implementation Office, Crown-Indigenous Relations and Northern Affairs Canada

Implementation is often about interpreting an agreement, and often interpreting an agreement that you weren't necessarily around for that negotiation. So, you'll often hear the term spirit and intent. So, often what happens is when the implementers get to a point, they don't necessarily have the same view on what the spirit and intent of the provisions were. So, that can often cause a conflict between what we believe we should be doing to properly implement a provision.

ROBIN BRADASCH

Citizen of Kluane First Nation, Yukon

Negotiator, Kluane First Nation Final Agreement, Yukon

Director of Governance, Crown-Indigenous Relations and Northern Affairs



SPIRIT AND INTENT

Some treaty obligations are very clearly stated, but others can be interpreted in different ways.

That is where the concept of “*spirit and intent*” enters the picture. The “*spirit and intent*” is about the difference between what the treaty says on paper, and what was actually intended by the negotiators. All sides must take spirit and intent into account.

While some people think of a modern treaty as a divorce, it is actually more like a marriage.

And like a real marriage, implementation is the ongoing, long term process of effectively managing the relationships between partners.

I heard before it described as First Nations and Indigenous peoples seeing this as like a marriage, signing a marriage with Canada, where they might've seen it as a divorce where they've signed an agreement and now they don't have to deal with us cause it's all laid out in the agreement.

But in fact, I think that we view it more, like I said, more of a marriage, and this is how we're going to work together to achieve a future that, in my case, that the Sahtu people want to see for their region and their people.

HEATHER BOURASSA

Beneficiary of the Sahtu Dene and Métis Comprehensive Land Claim Agreement

Chair, Sahtu Land Use Planning Board, Sahtu Region

Jane Glassco Northern Fellowship, 4th Cohort

Modern treaties are important because they impact your relationship and the relationship of your Indigenous Nation-ship or your Indigenous Nation with the State. So, by State, I mean the country, Canada, its federal, its provincial, its territorial governments. All of those governments and that entirety of who Canada is and you and your Indigenous Nation have a relationship. And once you sign a modern treaty, it impacts that relationship and how you deal with each other.

DANIEL T'SELEIE

Negotiator, K'ahsho Got'ine Self-Government Negotiations, Fort Good Hope, Northwest Territories

IMPLEMENTATION IS CHALLENGING WORK, BUT THE IMPACTS ARE SIGNIFICANT. IN THE NEXT TWO EPISODES, WE WILL LOOK AT THE IMPACTS OF MODERN TREATY IMPLEMENTATION AND WHY YOUNG PEOPLE NEED TO GET INVOLVED IN THIS WORK.

UNDERSTANDING OUR TREATIES

IMPACTS OF IMPLEMENTATION

You might be wondering: “Does the treaty really change anything?” The answer is yes, but it takes time. In this episode, we will look at a couple of key changes you will notice.

MORE JOBS

One change that comes with modern treaty implementation is an increase in the number and variety of jobs available.

Modern treaty governments and related organizations are larger than the band councils and Inuit organizations they replace, because they do much more – and that work creates jobs in treaty communities. And the opportunities are in more than just government.

Every modern treaty has an economic development organization or department. This organization starts businesses, and partners with existing businesses for the benefit of treaty members. It can also help with training and employment programs and business start up assistance. So, you might see a local gas station, construction business or even an airline start up or be purchased by your treaty development corporation.

I look at the economic opportunities that have been seized by First Nations and how that has significantly, I think, increased the amount of business development and economic development and job creation in the Yukon. And I think a lot of that stems from the agreements.

STEPHEN MILLS

Citizen of Vuntut Gwitchin First Nation, Yukon
Deputy Minister, Government of Yukon

When I hear people say, there's no jobs at home — there's all kinds of jobs, other people are filling them. If you train yourself, and if you prepare yourself and you prepare your young people for leadership and for...and I've seen young people take over. I can use the example of the Sahtu Secretariat. A lot of our people are working there. And they work in enrollment, they work in the whole environmental issues, they work in management of the institution of SSI, they also work in land management, they work in negotiations of self-government.

ETHEL BLONDIN ANDREW

Beneficiary of the Sahtu Dene and Métis Comprehensive Land Claim Agreement

Former Chair, Sahtu Secretariat Inc.

(Involved in implementing the Sahtu Dene and Métis Land Claim Settlement Act)

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LEGISLATIVE ASSEMBLY
STAFF

MORE LOCAL CONTROL



Another change that comes about with modern treaty implementation is an increase in local control.

A modern treaty takes control from the federal, provincial and territorial governments, and brings it back to treaty members.

Modern treaties, in my view, are a means for attaining a level of self-determination. And by self-determination, I mean having the ability to have control over your own decision-making. Modern treaties provide Indigenous governments with the ability to prioritize the needs and interests of their citizens at a different level than what band councils' governance structures can provide. This is very important, especially in the context of Canada, as across the nation, we do have various Indigenous groups that have their own style of governance, that have their own culture and traditional practices.

MARLISA BROWN

Citizen of the Gwich'in Nation, Northwest Territories
Jane Glassco Northern Fellowship, 5th Cohort

They set out the rules of engagement. It's no longer the same old, same old. This is a different ball game than 1921. We now have modern leadership who have the tools by which to handle their land, their financial resources, their wildlife management, environmental issues.

ETHEL BLONDIN ANDREW

Beneficiary of the Sahtu Dene and Métis Comprehensive Land Claim Agreement

Former Chair, Sahtu Secretariat Inc.

(Involved in implementing the Sahtu Dene and Métis Land Claim Settlement Act)

When I think about the Nunavut Land Claim Agreement and how it's created a territory for our homelands, I think about how we're going to be able to protect our land and how we're going to be able to hunt. The next seven generations are going to be able to experience seal hunting, polar bear hunting, and providing for their families in a traditional way while incorporating the modern world.

TAMARA TAKPANNIE

Urban Inuk, Family comes from Iqaluit, Nunavut
Participant, 2020 National Treaty Simulation



THE IMPACT OF MODERN TREATIES AND THEIR IMPLEMENTATION IS HUGE, SO IT IS IMPORTANT FOR YOUNG PEOPLE TO GET INVOLVED IN THEIR TREATIES AND HAVE A SAY IN THE FUTURE DIRECTION OF IMPLEMENTATION. TUNE IN TO THE NEXT EPISODE TO FIND OUT HOW YOU CAN GET INVOLVED!



IMPLEMENTATION AND YOU

I feel very lucky to live in my home community and to be a part of the implementation of my land claim and to see the negotiation of our self-government unfolding while I'm around. It means to me that my future and the future of my children is more in my hands. As a beneficiary, I have more control over what will happen in my community and in my area.

HEATHER BOURASSA

Beneficiary of the Sahtu Dene and Métis Comprehensive Land Claim Agreement

Chair, Sahtu Land Use Planning Board, Sahtu Region

Jane Glassco Northern Fellowship, 4th Cohort

After learning about modern treaty implementation and the challenges and changes that come along with it, let's dig into the importance of young people getting involved in the implementation of their modern treaties.

I have a responsibility to be engaged with my First Nation. We are a democratic system. I have a responsibility and an obligation to my children and their children to be involved and to have a say in what's going on, to include myself, to keep myself up on what's going on within our government and having a say.

KIM SMARCH

Citizen of Teslin Tlingit, Yukon

Director of Negotiations and Implementation, Teslin Tlingit Council, Yukon

Learning about and taking part in the implementation process will help youth find and create new paths for their futures.

Modern treaties impact the lives of Indigenous youth in many ways. The first is that implementation of the treaties, in my opinion, have provided opportunities in communities where Indigenous youth may not have to face the same challenges that the previous generations have had to.

STEPHEN MILLS

Citizen of Vuntut Gwitchin First Nation, Yukon

Deputy Minister, Government of Yukon

If implementation sounds dull or boring right now, keep digging and learning about your treaty and what is being implemented.

There are many different areas of your life that are touched by the treaty and its implementation, some aspect of this work will overlap with the things you care about and may even inspire new interests.

Implementation is super interesting. Like once you crack open that book and you start realizing, it's not a bunch of words, it's actually words about the fish, and words about the water, and the moose, and the caribou, and economic development. Like once you realize that it's actual pinpointed things that you care about, then it gets really interesting.

SHEENA JOHNS

Citizen of Carcross/Tagish First Nation, Yukon

Acting Director of Governance, Carcross/Tagish First Nation, Yukon

Participant, 2020 National Treaty Simulation

Elders and others who are now implementing treaties will not be around forever.

Soon, the next generation will be in charge, and those who are implementing want young people to be involved and start learning the ropes now.



Young members of modern treaty organizations need to start preparing for when they will take over the implementation work.

If anyone who is negotiating a modern-day treaty or who has, have recognized that if you don't have someone to pick up the mantle or the torch after the treaty is signed and implemented, you are going to have an abysmal failure of the treaty.

JASON MADDEN

Citizen of the Métis Nation of Ontario
Co-managing Partner of Pape Salter Teillet LLP

I think it's really important for young people to learn that, that spirit and intent from those who were involved in order to make sure that they steward that forward, because that vision wasn't just for my generation or even the younger generations that are alive today, but even further into the future.

If we, as young people are not continuing to learn and transmit that spirit intent, then there's a really big chance that, that spirit intent could get lost. And we won't understand why it was we wanted this in the first place. I think there's a huge need for young people to be involved in their communities. And I think there's no right way to do that or no one way to do that. I think there's a lot of different ways that young people can get involved in modern treaty implementation.

KRIS STATNYK

Citizen of Vuntut Gwitchin First Nation, Yukon
Lawyer and Advisor

If you look for ways to get involved in your modern treaty's implementation, you will probably find more opportunities than you anticipated.

Of course, implementing modern day treaties are also daunting and overwhelming, but it has always been the young people that are going to implement and take them to the next level. So, one, you're seeing young people come in with a better sense of self and identity by virtue of those treaties providing a level of protection. But two, also some of them you see entire modern-day treaty civil services being developed that are operated, run by women, young people, in ways that you've never seen before.

JASON MADDEN

Citizen of the Métis Nation of Ontario
Co-managing Partner of Pape Salter Teillet LLP

I would tell youth to ask questions and to get involved. To go as far as they want to with their education and look into it and create new streams if they don't exist yet. Ask their elders questions, because we are losing our elders at an alarming rate and that knowledge is going with them, which is scary. We need more researchers, Indigenous researchers from the communities and preserve that knowledge and share it.

SHELBY BLACKJACK

Citizen of Little Salmon/Carmacks First Nation, Yukon
Manager, Implementation, Government of Yukon

**TUNE INTO THE NEXT SERIES,
"THE MODERN TREATY CAREER
GUIDE," TO FIND OUT MORE ABOUT
THE EMPLOYMENT OPTIONS AND
OPPORTUNITIES THAT COME FROM
YOUR MODERN TREATY.**