



History of the Yukon Land Claim Enrollment Records Held by the Yukon Enrollment Commission and Dispute Resolution Board

Report prepared by Dixie Stevenson

The Yukon Enrollment Commission was established on July 1, 1989, and closed ten years after the Yukon land claims legislation effective date on February 14, 2005. It was the first Umbrella Final Agreement board to be activated and the only UFA board with a set term of existence. Once the Yukon Enrollment Commission was dissolved, the Dispute Resolution Board became responsible for the Yukon land claims enrollment files.

The Yukon Enrollment Commission (YEC) was comprised of three Commissioners appointed by the Minister of the Department of Indian Affairs and Northern Development Canada (DIAND). The Commissioners were nominated by the Parties to the Umbrella Final Agreement (UFA), the Council for Yukon Indians (CYI), and the governments of Canada and Yukon. The staff consisted of one staff member seconded from DIAND and one staff member from the CYI.

The mandate of the YEC is set out under Chapter 3 of the UFA and the Yukon First Nation's Final Agreements.

In 1989, CYI released the fourteen Yukon First Nation land claims enrollment files to the YEC. The CYI enrollment files dated to 1973 and 1974 when enrollment teams traveled to the Yukon communities to provide the opportunity for people to enroll with the Yukon land claim. These enrollment application files were reviewed by the Credentials Committees comprised, mostly, of Yukon First Nation Elders.

In 1989 and 1990 an advertising campaign took place in Canadian & U.S. newspapers to inform about the Yukon land claim enrollment process and the YEC's contact information.

In January 1990, the YEC hosted a training workshop for the 14 Yukon First Nation's Enrollment Coordinators. The YEC provided the enrollment coordinators the opportunity to photocopy a complete set of their First Nation's enrollment files. The YEC Enrollment Policy and Procedure Manual was distributed to the Yukon First Nation enrollment coordinators. The Yukon First Nations appointed individuals to their Enrollment Committees and their first task was to review, amend and approve their 1990 enrollment lists.

The YEC and CYI published and distributed the initial 1990 "Council for Yukon Indians Comprehensive Land Claims Beneficiary Enrollment List." Since then, the Council for Yukon Indians changed their name to Council of Yukon First Nations (CYFN). In August 1991 the YEC published the approved lists from each Yukon First Nation Enrollment Committee.

The YEC administered the funding from Canada to the First Nation Enrollment Committees. As per UFA section 3.5.6, the funding to the committees ceased three years from the date of each Enrollment Committee's inception. Despite the lack of funding, the First Nation Enrollment Committees continued their important work. The Enrollment Committees remained in place until the First Nations took over of the powers and responsibilities of enrollment two years after each final agreement effective date (UFA section 3.9.1).

Upon written request, DIAND provided the Yukon First Nation Status Membership Lists to the YEC. The last status list released to the YEC was in 1994, as that is when Canada's Privacy Act was amended, and the status lists were no longer available to the YEC. This also restricted the flow of status list data to the First Nations preparing their voter ratification lists.

Individuals applying for enrollment with a Yukon First Nation land claims settlement submitted their applications to the YEC or to a Yukon First Nation Enrollment Committee. The applications were reviewed first by an Enrollment Committee and their decisions were forwarded to the YEC. The YEC Commissioners then had final review. There were very few differences in the decisions made by the First Nation Enrollment Committees and the YEC Commissioners.

Birth Certificates or affidavits showing parent/s names were the supporting documents required by the YEC for all enrollment applications. The YEC set time limits for applicants to provide the documents and after the time limit the file was closed.

The collection of documents is important as that supports the validity of individuals enrolled and must be regarded as very confidential records not accessible to anyone without authority.

Once enrollment applications were approved, the individuals were assigned an enrollment ID with one of the Yukon First Nations. If the YEC Commissioners determined that further documentation was required, it was requested from the individual. When an individual did not meet the criteria for enrollment, they were informed and provided with the reasons and the process to appeal that decision. The affiliated Yukon First Nation Enrollment Committees received copies of the correspondence.

Some people have withdrawn their name from the Yukon land claim because they don't agree with the land claim process or they are eligible for another land claim in Canada.

The YEC worked with the Yukon Post Adoption office to ensure adoptive families and legal guardians of children in care were aware of the Yukon land claim enrollment process and, if required, helped to apply. The YEC and the Yukon Family & Children's Services mailed information packages and applications to adoption agencies across Canada and the United States. The Yukon Post Adoption office, on behalf of the YEC, liaised with adoption agencies outside the Yukon because First Nation children were adopted by families across Canada and the world. Most adoptees now have contact with their birth families or their adoptions are open with the families maintaining contact. There are some files remaining closed as the individuals have vetoed contact.

The YEC provided enrollment applications to the Whitehorse General Hospital on an ongoing basis as required. The Yukon First Nations now have their own enrollment forms and may be providing forms to the WGH.

The YEC recommended that a central enrollment or statistics registry office continue after the YEC is discontinued. In October 2000, the Implementation Working Group indicated that they did not support the idea at that time. The recommendation was again provided in the 2003-2004 implementation review report. Without the support of the parties there was no further discussion. The concept of a central stats office was further discussed in 2013 at the CYFN Enrollment Summit. During the 2015 CYFN Enrollment Forum, an Enrollment Reference Manual was discussed, developed and distributed to the First Nations.

The YEC's rationalization for a central enrollment or statistics registry office is that it would stream-line the process when data is required for the planning of programs, services and funding. A central office could assist when enrollment staff at the First Nation level is not available due to other commitments or the position is vacant. The central office would confirm individuals are enrolled with only one Yukon First Nation, especially when an individual has birth ties to more than one Yukon First Nation. The office would be governed by the Yukon First Nations with the enrollment authority remaining with the First Nations.

A challenge over the years, has been the high turnover of enrollment staff at the First Nation level. Between the years 1990 and 2008 there were 108 different enrollment coordinators with the First Nations. Two First Nations retained the same enrollment coordinators during that time span. The YEC providing re-training. Usually, training was not passed on from one enrollment coordinator to the other. Some of the enrollment coordinators returned to the job when they were between other employment or during breaks from college and university. A couple people stated they didn't like the work and only took the job until something better came along.

Another area of concern is that some people are affiliated with two First Nations by having land claims enrollment with one First Nation and status registration membership with another. This was largely created because of the two different cultures. The original 1973 land claims enrollment process followed the Yukon First Nation tradition, that children are enrolled with the maternal lineage. Prior to 1985, Canada's Indian Act status membership were registered with the paternal lineage.

First Nations have notified individuals to encourage and request that they complete the forms to be affiliated with only one First Nation. This is still an outstanding issue because some individuals have declined or there was a freeze on transfers or their transfer applications were rejected.

The Yukon land claim settlement agreements have built in clauses that the enrollment lists are to be provided to government. Over the years, it was discovered that the enrollment lists were being made available to various government departments who stated they needed access to these lists for various reasons. The YEC recommended that the First Nations provide lists of names only or to include policy outlining privacy and access if confidential personal enrollment information is turned over to government.

The settlement agreements do not have built in clauses that Yukon First Nation status lists must be provided to the First Nation governments. Privacy and access to information legislation at the First Nation level is required so that First Nations and Canada may negotiate access to the status lists and to protect the confidentiality of the sensitive information.

"Privacy is like a non-renewable resource...Once it's gone, it never comes back."

Gerald Neary , Privacy Commission Director, Canada 1997

The Yukon Dispute Resolution Board inherits the Yukon Enrollment Commission's Records

On February 14, 2005, the YEC was dissolved and delivered the enrollment files and office contents to the Dispute Resolution Board (DRB), as per UFA section 3.10.4. This was the end of a centralized enrollment office working and liaising with the Yukon First Nations.

Due to the large volume of enrollment files and office contents the DRB moved into the space occupied by the YEC. Prior to 2005, the DRB did not have commercial office space and was housed within the homes of the chair in Whitehorse and the executive director living on Vancouver Island.

During the transition time, the DRB retained two YEC Commissioners as consultants. The YEC office coordinator continued employment under the direction of the DRB to manage the offices and complete the ongoing file reviews.

The DRB became responsible for the confidentiality and long term safe storage of the enrollment files. The DRB Enrollment Access Policy approves access to the enrollment files in the event of an appeal and access to the Yukon First Nations to duplicate their records.

Appeals of an enrollment application decision can be initiated by an individual, a Yukon First Nation, CYFN, the governments of Canada or Yukon. Once the Yukon First Nation internal review or appeal processes have been exhausted and it is still not resolved, the enrollment appeal can then proceed to the DRB's appeal process. The chair of the DRB will appoint an arbitrator to hear, determine and provide appropriate remedies.

ENROLLMENT FILE REVIEW
Yukon Enrollment Commission - Yukon Dispute Resolution Board
 #249 - 11 Nisutlin Dr. Whitehorse, Y.T. Y1A 3S4
and the
Yukon First Nation Enrollment Offices

Yukon First Nation	Enrollment File Review
Carcross Tagish First Nation	COMPLETED 2006
Champagne & Aishihik First Nations	COMPLETED 2004 & 2005
First Nation of Nacho Nyak Dun	COMPLETED 2007
Kluane First Nation	COMPLETED 2005
Kwanlin Dun First Nation	COMPLETED 2006 & 2007
Liard First Nation	did not participate
Little Salmon Carmacks First Nation	COMPLETED 2006
Ross River Dena Council	did not participate
Selkirk First Nation	COMPLETED 2005 & 2006
Ta'an Kwach'an Council	COMPLETED 2004 & 2006
Teslin Tlingit Council	COMPLETED 2006
Tr'ondek Hwech'in	COMPLETED 2006
Vuntut Gwitch'in First Nation	COMPLETED 2006
White River First Nation	COMPLETED 2004

The final Yukon land claims enrollment file review was completed with the Yukon First Nation Enrollment Coordinators transporting their enrollment files to the Yukon Enrollment Commission office. The files were reviewed page by page to ensure the Yukon Enrollment Commission and the Yukon First Nation enrollment files reflected the same documents.

The Yukon Enrollment Commission (YEC) began the enrollment file reviews in 2004 and the Dispute Resolution Board (DRB) completed the task in 2007.

In February 2005, the YEC closed and delivered the enrollment files to the DRB as per UFA section 3.10.4. The closing of the YEC was the end of a central enrollment office working with the Yukon First Nation Enrollment Offices. The

The file reviews were the last complete set of enrollment files provided by 12 Yukon First Nations to the DRB. Liard and Ross River did not participate as they were no longer negotiating their settlement agreements. Since then a few of the First Nations have sporadically provided enrollment files to the DRB except for one First Nation that continues to provide copies of their enrollment files.

The DRB is responsible for the safe confidential storage of the enrollment files and doesn't function as a central enrollment office.