



Yukon Supreme Court rule in favour of the Teslin Tlingit Council

For immediate Release

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Teslin (Yukon) – The Yukon Supreme Court has ruled in favour of the Teslin Tlingit Council (TTC) regarding their claim that the Government of Canada has not respected the terms of their Agreements when negotiating the renewal of their Financial Transfer Agreement (FTA).

The TTC Final Agreement and Self-Government Agreement require a Financial Transfer Agreement to be negotiated within time frames and based upon specific provisions and the honour of the Crown. On December 18, 2017, the TTC filed a petition against the Government of Canada relating to the failed Financial Transfer Agreement renewal negotiations.

Chief Justice Veale found in a decision released January 15, 2019 that Canada has failed to negotiate honourably as required by the Self Government Agreement with TTC. The Court singled out the failure to provide funding for all TTC citizens, which the Judge found was a legal and constitutional obligation in which Canada had failed. Canada has been funding TTC, and other YFN's only on the basis of Indian status and not citizenship. The court noted that "Canada has continuously failed to negotiate pursuant to its legal obligation since 2010".

The Court's declaration requires Canada to address the demographic issue and complete a new FTA negotiation prior to March 31, 2019.

The Court also ruled that the national collaborative fiscal policy process cannot trump the constitutional legal obligation of Canada to "negotiate honourably pursuant to the Final Agreement and ss. 16.1 and 16.3 of the Self – Government Agreement."



“We are happy with the Court’s decision. The guidance received by the Court will assist all negotiating parties. Everyone wins. We now have clarity for negotiating our FTAs. It will take some time to review the ruling and put in place the mechanism to ensure that our Agreements are properly interpreted and implemented,” stated Naa Sháade Háni Richard Sidney. “We can now move forward on negotiating an FTA that is fair and equitable for our people.”

What this means in real terms at the community level is it will address the shortfalls that the TTC has been dealing with since they signed their Agreements in 1993 and will now be able to meet the needs of its growing population, authorities and responsibilities. Nationally, it means our country is moving towards fiscal reconciliation in a realistic manner.

For more information contact:

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