

Commission Membership

Discussion Leader: Tim Sellars, YG

Facilitators: TBA

Introduction

This section will consider the options for commission composition and the process by which commission nominations occur.

Background

Within the Terms of Reference there is a section that defines the membership of the Commission. The land claim agreements call for the creation of planning commissions with the following composition: 1/3 YFNs nominees, 1/3 YG nominees and 1/3 based on the demographic ratio of Yukon First and non-First Nations in the region. The claims also indicate that the YFN nominees must be agreed upon by all the FNs with traditional territory in the planning region.

Once the composition of the Commission is agreed upon, the next step is to identify, nominate and appoint commission members. The Minister of Energy Mines and Resources receives the nominations from the First Nation(s) and officially creates the Commission through Cabinet approval and Ministerial appointment. Some First Nation land claim agreements state that if there is not agreement on the names for the Commission, the issue is to be forwarded to the Dispute Resolution Board for a decision.

Issues

Several potential issues arise throughout this process:

- the planning region boundaries rarely coincide with the Census Tracts used to indicate the size and nature of the region's population and therefore calculating the demographic ratio can be difficult;
- the affected First Nations must come to agreement on the membership, even if only a small portion of one of the traditional territories is in the planning region. If this agreement is not possible, the Commission is not created;
- The parties may not agree on the nominees forwarded by one another;
- the use of the Dispute Resolution Board would likely require a long time and prolong the establishment period.

Questions for the Break-out Participants

What is the likely demographic ratio of FNs and non-FNs in the remaining planning regions? What are the affected First Nations associated with each region?

What steps would you recommended be taken to ensure that there is agreement within all affected FNs in the region on the composition of the Commission?

What are the options for settling disputes over nominations other than going to the Dispute Resolution Board?