

**Albert Peter**  
**Presentation at Planning for Success, January 21, 22, 2014**

**The Land Claim Agreement and Linkages to Chapter 11 Land Use Planning**

During my talk, I will focus on two topics: 1) the History of the Land Claim Agreements and their negotiations and 2) the linkages envisioned in the claim between Chapter 11 and the other chapters of the agreement.

**Background**

The 1763 Royal Proclamation recognized the Aboriginal People and their relationship to the Crown. The Proclamation also established the process to enter Treaties with Aboriginal People.

The first formal call for a Treaty was made in 1902 by Chief Jim Boss in a letter to Canada. The next request came in 1973 when the Yukon First Nation Leadership presented a proposal entitled “Together Today for our Children Tomorrow” to Prime Minister Trudeau. This proposal formed the basis for the beginning of many years of negotiation. During the negotiations the Canadian Constitution Act was signed (1982), with section 35 of the Act recognizing the existing Aboriginal and Treaty rights. In the early 1980’s a land claim package was presented to Yukon First Nations but rejected (10 of 12 “Bands” were needed for ratifications).

Over time the negotiations changed from a centrally based approach to a more community based one. The Elders played an important and critical role in the negotiations by providing guidance and wisdom which formed the principals of the Land Claim Agreements and Self Government Agreements. When I was involved in negotiations with the Nacho Nyak Dun, I spend much time away from the community but we always made sure the communities were aware of the decisions that were being made. We held community hall meetings, engaged area residents and community leaders.

In 1993 the first set of agreements were achieved with the signing of the Umbrella Final Agreement (UFA), a framework of 28 Chapters. The implementation of the UFA and four First Nation Agreements began in 1995 following the enactment of Federal and Territorial legislations. By 2005 11 of the 14 First Nations had concluded agreements. White River, Ross River, and Liard First Nation have not concluded land claim agreements and remain as unsettled territory.

## **The UFA**

The spirit and intent of the agreement was to secure recognition and protection of the Aboriginal Rights and Traditional Territories of Yukon Indian People, so that their traditional lifestyle could continue and be sustained into the future.

The agreement acknowledged the principals of sharing the land, and established mechanisms of co-management which enabled direct community participation.

Renewable Resource Councils (RRC) made up of local residents was established to deal with fish and wildlife habitat and management planning. The development assessment process also provides for direct local input, some communities have locally base assessment offices.

The UFA also provided for the development of an implementation plan. The plan outlines the roles and responsibilities of each of the Parties regarding implementation of the agreement.

In order to respond to future events and changes the agreement also established a review process to assess the successful implementation of the agreements. There have been two reviews conducted and reports with recommendations have been tabled to the Parties.

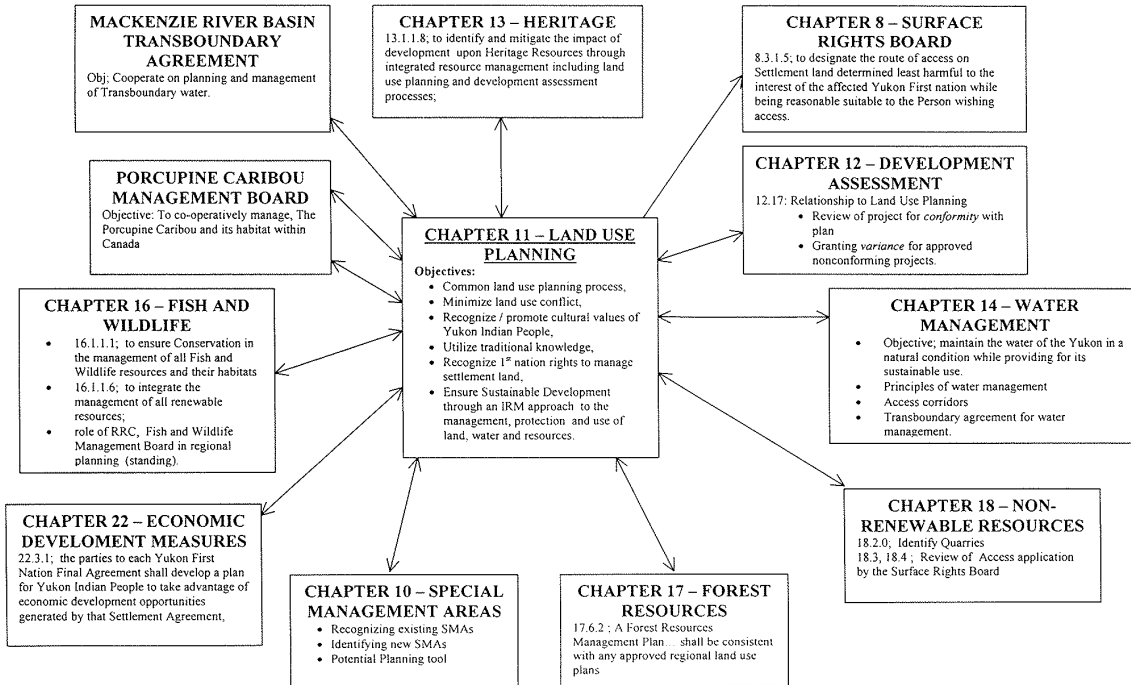
The recognition of First Nation Governments and building a long term relationship was also another important element of the package. This acknowledged the need for co-management of the land and resources on a government to government basis with direct input of the communities.

The Land Claims Agreements must be viewed as a complete package with the linkages between various chapters that bind the process of planning together in order to meet the full obligations contained within the agreement.

## **Linkages**

- 1) Between the UFA chapters (chart 1)
- 2) Between the Parties (chart 2)

**Chapter 11, the UFA and Other Related Agreements**

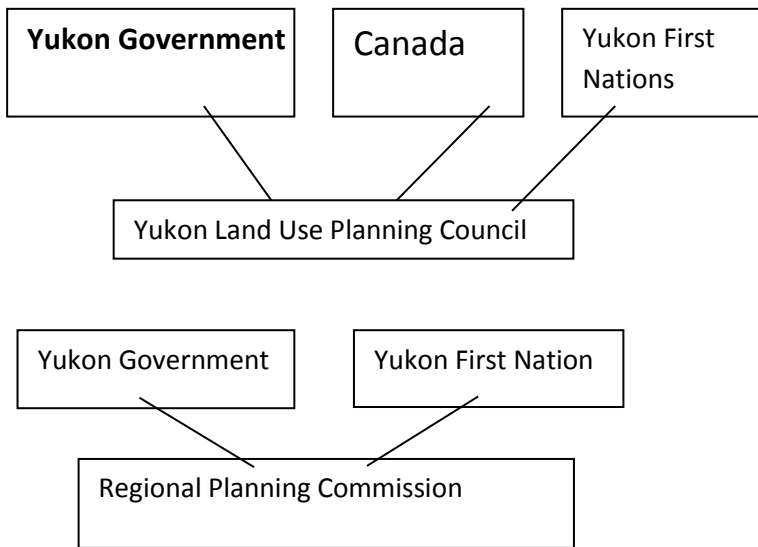


## Key Points Associated with UFA Chapters (Chart 1):

1. Chapter 11 was to pull together the other Chapters, with Sustainable Development as the main goal. Protection of heritage resources is also an important goal. Intended to be a shared responsibility between YG and YFNs, with the establishment of co-management mechanisms: RRC, RLUPC, DAP, Heritage, Water Board
2. Integration with Development Assessment Chapter (12) crucial to mitigating impacts of land use. This includes commissions having standing in DAP chapter, plan conformity checks, variance
3. Forest Management Plans (Chapter 17) are to be consistent with Chapter 11
4. Quarries are identified in Chapter 18
5. Chapter 16 – Fish and Wildlife: Management of Harvesting mostly Chapter 16 but habitat and land use planning are closely linked, RRC have standing within regional planning processes
6. Chapter 10 – SMA: existing SMAs need to be considered by the planning body, new SMA consistent with Chapter 11
7. Chapter 8 Surface Rights: identifies access routes in the regions

## Chart 2 Relationship Between the Parties

Treaty Signed between Three Parties: YLUPC made up of nominees from all. After Devolution in 2003, only Yukon Government and Yukon First Nations nominate to the Commissions



### Final Remarks

The Commission are Dependent on the Parties for funding and their timelines, information about land uses, resources and for information about government policy and direction. They are also dependent on the Parties for Plan approval and implementation.

The Commission are arms length in their operations but need to find efficiencies for the plan production because of the finite funding that was agreed to. This implementation funding amount, however, was not well thought out and was a “take it or leave it” proposition.

Chapter 11 and all implementation work needs to reflect the spirit and intent of the land claim agreements and this needs to be recognized when addressing any uncertainty in the regional planning processes that are done under Chapter 11. Implementation review periods (5 and 10 year reviews) offer an opportunity to clarify implementation uncertainties.