

Making Modern Treaties Work – LCAC  
BREAKOUT 1D: Implementation Organizations:  
Committees & Co-Management Boards

**Moderator: Chief Councillor George Moore (Email [George.Moore@gingolx.net](mailto:George.Moore@gingolx.net))**

**PANELIST 2: Kirk Cameron, President, NorthSense Management Consulting (Email [kirk@kirkcameron.ca](mailto:kirk@kirkcameron.ca))**

- Mr. Cameron works in the area of governance. His presentation will include reference to the book by Graham White. He works with implementation organizations and with the Committees and co-management boards.
- Focus, is in the Yukon region, some Nunavut and NWT. Appointments to the board are federally appointed.
- In this presentation, he discusses boards /bodies within Yukon context as outlined in PPT.
- Northern peoples want as much control and management of their lands. He talks about the interplay between the bodies, with the Yukon context and FPT's.
- Boards are all-different in structure and mandate, depends on individuals who created the structure at the time, and when the system was constructed.
- Success of implementation is connected to the direct work in the communities, and the capacity is unique to the Yukon. Another factor is the independence of the bodies. The Public Policy reach has a lot to say over decisions in Yukon.
- FN wanted control over their lands and real decision-making. Yukon pushed hard and have unique structures that have no direct decision making. Co-management boards have power thru influence except Yukon Water Board. They are in the business of influence and not actual control.
- Yukon Environmental and Socio-economic Assessment Board (YESAB) is a new instrument of Decision Bodies who approve projects. This tool does not give full power however, it will give decision bodies room to consider your findings to build into licensing process. Real control is in the agreements. This is a unique model.
- Implementation is not able to start until they are done with the regulatory process and until it moves through the decision bodies first. There are sets of regulations to observe. Modern land claims start with the decision bodies, then the regulatory work can be done.
- In regards to Renewable Resource Councils:
  - o Boards and Councils are different players, involves different mandates. The individuals who are appointed to the bodies has an impact on the outcome of success. FN in Yukon, it is the people that go to meetings that make things happen. The Federal and Territorial and bodies influence success.
  - o Key people in right place contributes to success. Engagement with work plans also contribute to success
- Let us drive decisions to community level. There is a dominance from Whitehorse.
- Capacity building needs more money.
- In addition, Knowledge Keepers are in demand, not enough of them, more than need for money. Knowledge Keepers are foundational to the process.
- Housing is a factor in capacity.
- The Independence of his role is not influenced by political party.

- Appointments are strong connection to community, the topic and Yukon in general.
- Reach is massive, for example the Yukon sub-committee has discussions with US bodies.
- In the decision-making process of these bodies a real challenge is to reconcile both the Traditional knowledge with western science and make them both work within the decision making process.

**PANELIST 3: Dakota Erutse, Board Member and Vice-Chair, Sahtu Land Use Planning Board (Email [erutse@sdmclca.org](mailto:erutse@sdmclca.org))**

- He will speak in the implementation of modern treaties and his interpretation of how to read one.
- Story is analogy of a Farmer and an Old Lady. The Farmer can defend his land with a gun. However, the Old Lady has no weapons and is told the Queen will protect her land. The Old Lady is puzzled and says the Queen does not live or trap around here. I have never seen the Queen walking around the lands here. The point is that Colonialism is of alien control and power, removed from decency and common sense. Life or death.
- Look directly at situation to feed our analysis on colonialism. It does not answer the questions. Law making process is impersonal and dis-personal.
- Interpretation differs between people - subjective truths/modern treaties.
- Sahtu Dene is a modern treaty, as compared to a land claim agreement.
- For interpretation we require reason and empathy. Boards are creatures of government, fundamental lack of knowledge of listening to people on the land, the beneficiary. Inherent unfairness between farmer and old Dene lady.
- Terms beckon the economy and do not beckon traditional ways of economy. No cultural understanding. They have not extinguished or given up lands.
- Dene and Metis work the land, hunt and trap, camps, collect wood, cultural monuments still exist.
- Economic pressures have seeped into North. When confronted with colonial pressures, some people have chosen to be pragmatic.
- I am living with a land claims agreement negotiated before me. It supports the bodies.
- We need the voice of Indigenous peoples in processes.
- The inclusion for rights of people to have a say in rights.
- Colonial analysis that tell me I am part of the problem, I understand modern treaties. Suggest humanize agreements a little bit.

**Closing by George Moore,**

- Thank you to the speakers. Encourage delegates to ask questions.

**Questions:**

1. This is more of a comment and not a question. I was coauthor with Elijah 15 years. At table we were being told - no you can't do this or that. Now I am taking part in implementation and success is based on implementation. Treaty success. Chapter 11, Yukon FN Treaties, which use this model can be affected by changes.
  - Voids in chapter, then the government interprets it in their own way.

- I.e. land use plans – use – is too narrow.
- FN say land relationship plan rather than use.
- Use simple words but wide in context.
- Supplemented by succession legislation in YK is Spirit and Intent, which backs up the treaty.
- Dec. 1, 2017 recognize spirit and intent of treaty to practice reconciliation in modern time. The treaties need to be interpreted as a whole.
- There is no definition of Traditional Knowledge or ecological knowledge, the references say knowledge and experience of the people.
- Treaty preamble says economic and spiritual of people of land. Our way. Treaty says way of life. Has a lot of inclusion.
- Co-management bodies are incomplete because Yukon treaties are incomplete, people are doing programs not in treaties.
- The wording doesn't give consideration for 11 out of 15.
- Ch. 11- the boards do not represent their nominating parties; board needs to be a neutral body.
- What is co-management equal representation? Need to have same balance. Government should put their representative as FN.
- Agreements are constitutionally protected.
- If both parties need to decide to delete the commission, then who takes their pace? The parties. Is that a conflict giving recommendations to yourself?
- Treaty context is described in western knowledge format.
- CH 11 provides for committees subject to approval of plans by a management process.
- Relationship is very important. What is true co-management?
  - Co-management is too narrow.
  - Interplay of relationships between bodies makes for better outcome. Social license from community is in face of project from beginning to end. YESA plans are not started, YESA to rely on land use plans in CH 12.
  - Outcomes involve community.
- Successor legislation is given teeth. The council shall give responses to parties. Idea of correlational management of boards. Management function of boards carried out by boards; the substance belongs to boards.
- It is more about the relationship between the parties than the entity.
- The treaties are shared by all the people. We need to focus on the language in the Agreement.
- The Original People of the land must have a say in the decisions.