

# NORTHERN CLAIMS BOARDS

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# OVERVIEW

- QUESTIONS OF IMPORTANCE TO CLAIMS GOVTS AND ORGANIZATIONS ARE OF INTEREST TO ACADEMICS
- ONLY INCLUDES CLAIMS BOARDS IN THE TERRITORIAL NORTH
- CLAIMS BOARDS REPRESENT A FUNDAMENTAL COMPROMISE BETWEEN ABORIGINAL ORGANIZATIONS AND PUBLIC GOVERNMENTS

# TOPICS

TYPES OF BOARDS

CLAIMS BOARDS ARE NOT CO-MANAGEMENT BOARDS

FUNDING

APPOINTMENTS

PROCESSES

INDEPENDENCE

GOVT RESPONSE TO BOARD RECOMMENDATIONS

BOARD POWER AND INFLUENCE

TK/IQ

BOARDS AS COLONIZERS

OVERALL CONCLUSIONS

# TYPES OF BOARDS

WILDLIFE MANAGEMENT BOARDS (NWMB)

LAND USE PLANNING (GLUPB)

ENVIRONMENTAL REGULATION

- 1) ENVIRONMENTAL ASSESSMENT (YESSAB)
- 2) LICENSING (MVLWB)

SURFACE RIGHTS (NSRT)

ARBITRATION BOARDS (?)

# CO-MANAGEMENT?

CLAIMS BOARDS ARE NOT CO-MANAGEMENT BOARDS  
(EXCEPT IN ISR)

CLAIMS BOARDS DO USE CO-MANAGEMENT LANGUAGE  
AND TRY TO FOLLOW CO-MANAGEMENT SPIRIT

# FUNDING

FUNDING IS CRITICALLY IMPORTANT

- 1) FUNDING FOR CORE OPERATIONS
- 2) FUNDING FOR UNPREDICTABLE DEVELOPMENTS – HEARINGS
- 3) CONDITIONS OF FUNDING
  - \* ROLL OVER OF EXCESS FUNDS TO NEXT YEAR?
  - \* REQUIREMENT TO RETURN UNSPENT FUNDS?

## **RESEARCH QUESTIONS:**

- 1) HOW ADEQUATE ARE FUNDING LEVELS AND FUNDING PROCESSES?
- 2) IF INADEQUATE, WHAT OPTIONS ARE AVAILABLE?

# APPOINTMENTS

## RESEARCH QUESTIONS:

- 1) WHO APPOINTS BOARD MEMBERS? ON WHAT BASIS?
- 2) WHO APPOINTS BOARD CHAIRS? ON WHAT BASIS?
- 3) HOW REPRESENTATIVE ARE BOARD MEMBERS?  
ABORIGINAL/NON-ABORIGINAL  
WOMEN  
PUBLIC SERVANTS
- 4) HOW COMPETENT ARE BOARD MEMBERS?
- 5) WHAT CAN BE DONE ABOUT LONG DELAYS IN MAKING APPOINTMENTS?

# PROCESSES

## RESEARCH QUESTIONS:

- 1) WHO CAN BE INVOLVED IN BOARD PROCESSES? WHO MUST BE INVOLVED?
- 2) WHO ACTUALLY IS INVOLVED?
- 3) ARE BOARD PROCESSES OPEN AND TRANSPARENT?
- 4) ARE BOARD PROCESSES WELCOMING OR INTIMIDATING?
- 5) ARE ABORIGINAL LANGUAGES USED (ROUTINELY? OCCASIONALLY? RARELY?)
- 6) IS INTERVENOR FUNDING AVAILABLE?



# INDEPENDENCE

## RESEARCH QUESTIONS:

- 1) HOW INDEPENDENT ARE BOARD MEMBERS FROM THE PARTIES  
(PUBLIC AND ABORIGINAL GOVTS) THAT APPOINTED/NOMINATED THEM?
- 2) DO GOVT FUNDING ARRANGEMENTS THREATEN BOARD INDEPENDENCE?
- 3) CAN/DOES GOVT UNILATERALLY MAKE FUNDAMENTAL CHANGES TO BOARDS?  
(CASE OF THE MACKENZIE VALLEY LAND AND WATER BOARDS)

# GOVT RESPONSE TO BOARD RECOMMENDATIONS

THERE IS A WIDE RANGE OF PROCESSES BY WHICH BOARDS MAKE RECOMMENDATIONS TO GOVT AND FOR GOVT RESPONSES

## **RESEARCH QUESTIONS:**

- 1) WHAT PROPORTION OF BOARD RECOMMENDATIONS ARE
  - \* APPROVED?
  - \* MODIFIED?
  - \* REJECTED?
- 2) WHAT SORT OF RECOMMENDATIONS ARE MOST LIKELY TO BE REJECTED OR MODIFIED?
- 3) WHAT APPEAL MECHANISMS ARE AVAILABLE WHEN RECOMMENDATIONS ARE REJECTED OR MODIFIED? HOW EFFECTIVE ARE THEY?

# BOARD POWER AND INFLUENCE

## RESEARCH QUESTIONS:

- 1) WHAT CAN BOARDS DECIDE ON THEIR OWN?
  
- 2) WHAT IS THE PROCESS FOR MINISTERIAL (FEDERAL AND/OR TERRITORIAL) APPROVAL/MODIFICATION/REJECTION OF BOARD RECOMMENDATIONS?
  - \* NEGATIVE OPTION?
  - \* TIMELINES?
  - \* FORMAL PROCESSES/APPEALS?

# TK/IQ

MOST BOARDS HAVE AN EXPLICIT COMMITMENT TO USE AND RESPECT TK/IQ.

## **RESEARCH QUESTIONS:**

- 1) WHAT DOES THE CLAIM/LEGISLATION SAY ABOUT USING TK/IQ?
- 2) WHAT IS THE REALITY OF BOARD USE OF TK/IQ?
- 3) HOW CAN BOARDS ENHANCE THEIR USE OF TK/IQ?

# BOARDS AS COLONIZING AGENTS?

“IT WOULD BE DIFFICULT TO CONCEIVE A MORE INSIDIOUS FORM OF CULTURAL ASSIMILATION THAN CO-MANAGEMENT AS CURRENTLY PRACTICED IN NORTHERN CANADA” (MARC STEVENSON)

“ABORIGINAL PEOPLES’ PARTICIPATION IN STATE-SPONSORED PROJECTS OF CO-MANAGEMENT HAS SERVED TO DISEMPOWER THEM BY CREATING VIRTUALLY INSURMONTABLE BARRIERS TO THE INCLUSION OF THEIR VALUES, UNDERSTANDINGS, KNOWLEDGE AND INSTITUTIONS INTO THESE PROCESSES.” (MARC STEVENSON)

“RATHER THAN EMPOWERING LOCAL ABORIGINAL COMMUNITIES ... CO-MANAGEMENT MAY ACTUALLY BE PREVENTING THE KIND OF CHANGE PROPONENTS DESIRE. INDEED, CO-MANAGEMENT MAY ACTUALLY BE SERVING TO EXTEND STATE POWER INTO THE VERY COMMUNITIES THAT IT IS SUPPOSEDLY EMPOWERING ... TO PARTICIPATE IN CO-MANAGEMENT ... [ABORIGINAL PEOPLE] HAVE HAD TO ACCEPT THE RULES AND ASSUMPTIONS OF THE STATE MANAGEMENT GAME.” (PAUL NADASDY)

## **RESEARCH QUESTION:**

FOR ABORIGINAL PEOPLES, DO THE BENEFITS OF CLAIMS BOARDS OUTWEIGH THE EFFECTS OF BECOMING ENMESHED IN THE “STATE MANAGEMENT GAME”?

# OVERALL RESEARCH QUESTIONS

- 1) HOW EFFECTIVE ARE CLAIMS BOARDS AT INCLUDING ABORIGINAL PEOPLES, THEIR GOVTS, THEIR PERSPECTIVES AND THEIR PREFERENCES IN KEY WILDLIFE AND ENVIRONMENTAL DECISION-MAKING PRCESSES?
- 2) WHAT DISTINGUISHES EFFECTIVE FROM INEFFECTIVE BOARDS?
- 3) WHAT CAN BE DONE TO IMPROVE BOARD EFFECTIVENESS?
  - \* LEGISLATION
  - \* FUNDING
  - \* INTERNAL PROCESSES
  - \* GOVT ATTITUDES