

Modern Treaty Lands

Yukon Example

Quantum

- Approximately 186,000 square miles in Yukon;
- 16,060 square miles for YFNs’;
- 10,000 of which has surface and subsurface ownership;
- 6,000 has surface only with Crown retention of subsurface interests;
- 60 square miles includes old “reserves” and “land set aside” for Indians;

Nature of Tenure

- Treaty or Settlement lands are retained as “aboriginal title equivalent to fee simple”;
- YFNs wanted to retain aboriginal title to all their lands;
- Subsurface estate is owned in fee simple by respective YFNs;

Jurisdictions

- Under the terms of their SGAs, YFNs retain: exclusive jurisdiction over internal matters; paramount concurrent over Citizens in Yukon; paramount concurrent over 16,060 Settlement Lands; and concurrent taxation jurisdiction over Settlement lands and occupants;
- Rest of land is “owned” by the Crown with “administration and management” vested in the Yukon under DTA agreements;
- Three National Parks: AsiKeyi; Kluane; and Vuntut are jointly managed by Canada and respective YFNs;
- Yukon is delegated jurisdiction under the Yukon Act for “provincial” like powers;

Boards

- Surface rights board which resolves land disputes;
- Heritage board advisory and determines heritage resource ownership;
- Salmon subcommittee advises on all salmon matters including TACs;
- Fish and Wildlife Management board advises on all Fish and Wildlife matters to Yukon and YFNs;

Dispute Resolution

- Mediation by agreement unless specifically referred to in the Final Agreement by the Parties;
- Arbitration in limited circumstances;
- Courts;
- YFNs could establish own courts; enforcement and corrections by AJA agreements to enforce customary and/or statutory laws under their respective jurisdictions;

Thank you