

BREAK-OUT OPTION A: Land and Resources

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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
 - concurrent taxation jurisdiction over settlement lands and occupants.
- The rest of the 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 resolves land disputes.
- Heritage Board is advisory and determines heritage resource ownership.
- Salmon Subcommittee advises on all salmon matters, including Total Allowable Catch
- Fish and Wildlife Management Board advises on all Fish and Wildlife matters to Yukon and YFNs.

Dispute Resolution Mechanisms:

- 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.