

Heather Bourassa

Creating the Education That Matters: Enhanced
Engagement with Land Claim Agreements



CONTENTS

- 4 Heather Bourassa Biography
- 6 Introduction
- 7 Problem
- 10 Background
- 10 Policy Options & Analysis
- 15 Recommendations & Implementation
- 17 Conclusion



The Gordon Foundation undertakes research, leadership development and public dialogue so that public policies in Canada reflect a commitment to collaborative stewardship of our freshwater resources and to a people-driven, equitable and evolving North. Our mission is to promote innovative public policies for the North and in fresh water management based on our values of independent thought, protecting the environment, and full participation of indigenous people in the decisions that affect their well-being. Over the past quarter century The Gordon Foundation has invested over \$37 million in a wide variety of northern community initiatives and freshwater protection initiatives.



The Jane Glassco Northern Fellowship is a policy and leadership development program that recognizes leadership potential among northern Canadians who want to address the emerging policy challenges facing the North. The 18-month program is built around four regional gatherings and offers skills training, mentorship and networking opportunities. Through self-directed learning, group work and the collective sharing of knowledge, Fellows will foster a deeper understanding of important contemporary northern issues, and develop the skills and confidence to better articulate and share their ideas and policy research publicly. The Fellowship is intended for northerners between 25 and 35 years of age, who want to build a strong North that benefits all northerners. Through the Fellowship, we hope to foster a bond among the Fellows that will endure throughout their professional lives and support a pan-northern network.



Heather Bourassa is a business owner and active community member of Fort Good Hope. She attended school in Fort Good Hope, Cochrane, and at the Southern Alberta Institute of Technology in Calgary. She has been a co-owner in her family business since 2000. The business is in general contracting, primarily carrying out long-term GNWT contracts.

She is on several boards, including her local Land Corporation Board since 2005, Sahtu Land Use Planning Board since 2012 (chairperson), and the NWT Liquor Licensing Board since 2015. She is a life-long resident of Fort Good Hope and beneficiary of the Sahtu Land Claim Agreement. She is married with two young children. She enjoys time with family and indulging her love of aviation with her private pilot's license and small Cessna aircraft. Living in Fort Good Hope, her family takes advantage of the easy access to the land harvesting wood, and traditional foods.

Heather hopes to contribute to the fellowship with her northern experience and passion for northern issues. She also hopes to gain a broader northern perspective networking with other fellows.

ACKNOWLEDGMENTS

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INTRODUCTION

Fort Good Hope is one of five communities that make up the Sahtu Region in the Northwest Territories. The Sahtu Region signed a land claim agreement, the *Sahtu Dene and Metis Comprehensive Land Claim Agreement (SDMCLCA)*, with the Government of Canada in 1993. From the land claim many institutions were created. The *Agreement* created expectations and obligations for all signing parties: The Government of Canada; the Government of the Northwest Territories; and, the Sahtu Secretariat Incorporated. With the *Agreement*, the Sahtu created a regional co-management system for land management and development with the territorial government. There are 29 chapters in the SDMCLCA, including enrolment, self-government, economic measures, protected areas, arbitration, and implementation.

With modern land claim agreements, First Nations in the Northwest Territories (NWT)

have developed agreements beyond the historical treaties. Four regions have done this by building on Treaty 8 or Treaty 11 and negotiating a comprehensive land claim. The Inuvialuit, the Gwich'in, the Sahtu, and the Tłı̨chǫ have completed such land claim agreements. These agreements provide tools, rights, obligations, and processes for their beneficiaries, but beneficiaries may not realize their full authority.

Current rights include the inherent harvesting/traditional land use rights; requirements for community engagement and Access and Benefits Agreements for projects involving land use; resource royalties; and board appointments and representation through The Sahtu Secretariat Incorporated. Land use decisions are to be made through the Sahtu Land Use Plan, wildlife management through the Sahtu Renewable Resources Board, and resource management through the Sahtu



Land and Water Board. The beneficiaries are active decision makers when it comes to issues affecting the region, such as in legislative changes, economic opportunities, and self-government.

THESE RESPONSIBILITIES OFFER AN OPPORTUNITY TO DEFINE THE SAHTU AND ITS PEOPLE, BUT EACH ONE IS A COMPLEX RELATIONSHIP AMONG FEDERAL, TERRITORIAL AND CLAIM GOVERNMENTS, LOCAL LEADERSHIP, AND SAHTU RESIDENTS. THE AGREEMENT IS MEANT TO ENHANCE THE REGION, BUT IT IS A RECYCLED COLONIAL STRUCTURE, AND NOT ONE CREATED BY INDIGENOUS GOVERNANCE. AS A RESULT, THIS CREATES INTERPRETATION DIFFICULTIES.

To continue their journey, all of the Sahtu communities (Colville Lake, Fort Good Hope, Tulita, Norman Wells, and Deline) are moving into self-government negotiations or are implementing self-government agreements. These self-government agreements are as complex as the land claims agreement, and their implementation is a new phenomenon for all communities. As in land claims agreements, the roles and responsibilities of the various organizations and the transfer of authorities from one government entity to another are not specified in the self-government agreements; they are merely contemplated.

Those responsible for implementation of the SDMCLCA—The Sahtu Secretariat Incorporated (SSI), the Government of the Northwest Territories (GNWT), and the Government of Canada (GC)—have not published an implementation report since 2014. The priorities for implementation are unclear, with three implementation meetings a year which do not result in widespread reporting. Community leaders are left to

explain the roles and responsibilities of the organizations responsible for implementation but are not involved in their on-going activities. With the resources of governments, there could be more collaborative communications of shared priorities, challenges, and completed priorities.

There is a lack of school curriculum on the land claim agreements, their importance, their implementation, and the roles and responsibilities of organizations created from them. Educators are limited to their own interpretations and experiences. School programs are developed at the territorial level, and most educators are non-beneficiaries which contributes to the difficulty of exposing youth to these implementation priorities and concerns. **How, then, will youth be prepared to be the next generation of decision-makers and to meet their responsibilities in the future?**

PROBLEM

In general, beneficiaries of these agreements are disconnected with what is in place on their behalf. The Sahtu Land Claim was signed 26 years ago, and many of those in leadership at the time have retired, moved, or passed away. This makes it difficult to pass on the intangible and tangible information to land claim beneficiaries. Currently, there is no structured way to pass on information to the beneficiaries. The story of how the land claim agreement was achieved and what it means for the people of the Sahtu is not being taught in elementary, middle or high school. The SDMCLCA is a legal document, and so for those not trained in law it is challenging to understand and remains subject to interpretation by all agreeing parties.



Sahtu Settlement Region in the Northwest Territories

The Sahtu Trust, which was created out of the SDMCLCA, has a structured set of rules that governs how the money is invested and distributed. It is the sole provider of funding to the seven Sahtu Land Corporations. The distributions from the trust come from the interest earned on the principal. This is also a complicated aspect of the Agreement that requires education. Beneficiaries can receive money directly from the trust and through programs from their respective Land Corporation based on permitted activities. The ways in which this money is managed and distributed are not always obvious, and there is no structured system in place to educate beneficiaries about them.

In 2014, the GNWT signed a devolution agreement with the Government of Canada, which resulted in increased authority to make decisions about the way public lands, resources, and waters are managed, and to make decisions about environmental protection. The GNWT needs to remain cognizant of its

obligations mandated within the SDMCLCA while adjusting to its new authorities under Devolution. If government representatives do not understand the legal obligations of the SDMCLCA, then it becomes much more important that the land claims leadership and beneficiaries thoroughly understand their own rights as they currently exist. Besides the land claim agreement, Fort Good Hope, through its Land Corporation, has signed Access and Benefits Agreements. These agreements are with individual companies for access to specific lands (parcels) for the purpose of development or exploration. An example of this would be the Mackenzie Gas Pipeline (MGP). Some of these Access and Benefits Agreements have expired, and some are still in effect. With the same concern as knowing land claim rights, there are also obligations within the benefits agreements which might be overlooked because as a First Nation government, as a community and as a Sahtu people, we are not effectively passing on the spirit and intent of these signed documents.

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BACKGROUND

It is apparent from the amount of current work being done at the Land Claims Agreements Coalition and at The Gordon Foundation that this is a widespread concern.¹

Rick Hardy thoughts on Sahtu:

The Sahtu communities came together to get an agreement. There were some compromises that had to be made to ensure an agreement was reached. It seems to some that they “gave away” too much and did not hold out for the agreement that they wanted. Expected more education.

The Sahtu Implementation Committee, described in chapter 29 of the *Agreement*, was created to oversee the progress of the agreement’s implementation. This includes reviewing the funding of claimant organizations and reviewing the obligations of each signing party. This committee suffers from turnover in leadership within the region and the government. According to the *Agreement*, it was designed to have an initial 10-year plan and then meetings as needed afterwards. Currently, meetings are scheduled throughout the year in Ottawa, Yellowknife, and a selected Sahtu Community. There does not appear to be any repercussions for items that do not get resolved.

POLICY OPTIONS AND ANALYSIS²

Edwin Erutse, the President of Yamoga Land Corporation, notes:

The issues around putting it together have to do with the human resources, putting people into the positions to monitoring the Claim and obligations. There needs to be more people doing the work and also education on current agreements. How do we make people care? We try to keep it simple, in terms of policy. Treating it like a family.

Brian Davidson, a consultant for SSI, says that in his time supporting the SSI he has not seen the organization focus on education of members on the Sahtu Claim. The SSI has been focused on dealing with the federal and territorial governments in legislation consultations, implementing all aspects of the Claim, and spending energy trying to work together as five separate communities making steps toward self-government. The SSI deals with the implementation committee. There has been no structured development of plain language summaries or other advocacy toward education, mentorship, or regional communications in regards to succession planning. Patricia McNeely, a former District Education Authority member, indicates that the local DEA (school authority) has not developed policies incorporating local governance and leadership history into the

1 See <http://gordonfoundation.ca/resource/treaty-negotiators-of-the-future/> and <http://gordonfoundation.ca/resource/treaty-training-is-vital-for-indigenous-youth>

2 Interviews were conducted with: Ricky Hardy, Former President of Fort Norman Land Corporation, February 14th 2018; Patricia McNeely, Former Kasho Gotine DEA board member, October 25th, 2018; and Brian Davidson, Consultant for Sahtu Region, October 26th, 2018.

1. Status Quo

2. That the signing parties enhance education and awareness of the Agreement by creating and implementing a school curriculum, having employee orientations, and promoting awareness through plain-language publications.

3. That the Sahtu Land Corporations set aside money for land claims education initiatives, mentor the next generation through role-shadowing, and engage a broader audience through the use of modern technologies.

school, and nothing is formalized with the DEA. To deal with this problem, I foresee three policy options:

POLICY OPTION 1

That the status quo be maintained – do not address the concern, keep things the same.

POLICY OPTION 2

That the signing parties enhance education and awareness of the Agreement by creating and implementing a school curriculum, having employee orientations, and promoting awareness through plain-language publications. A partnership should be formed between the GNWT and the Sahtu to deliver high school grades 11 and 12 Northern Studies with relevant content, including an on-line course. There is also a need to develop government orientation that would inform employees of the complexities of land claim agreements and their responsibilities and obligations as government employees under such agreements. There should also be publications of the SDMCLCA in plain language which are then distributed to promote awareness and understanding, such as on the claim itself or

on any other reports that result from it (such as Sahtu Implementation Committee reports).

Challenges for this option are the competing internal and external priorities of government, the creation of an orientation curriculum designed for government employees, the high turnover of government employees, and even the motivation for awareness. Both territorial and federal governments struggle with elections, budget cuts, and department restructurings. As a result, priorities constantly shift. It can be difficult to develop an appropriate orientation curriculum with employees, in a way that fits their needs, and it could be costly to create and implement. Also, there is a high turnover of government employees in the North, either due to moving away or being transferred to other positions, and so it could be hard to manage. It can be difficult to convince government employees that this information is important to them and that it matters to their work, when they don't see themselves being involved long-term or when they believe that they have gotten on fine without it.



SSI AGM in Fort Good Hope

POLICY OPTION 3

That the Sahtu Land Corporations set aside money for land claims education initiatives, mentor the next generation through role-shadowing, and engage a broader audience through the use of modern technologies. Land Corporations can fund education initiatives such as mock land claim negotiations, school projects around land claims, or youth councils that work with their boards of directors. A role-shadowing program can be developed with youth or with interested beneficiaries to learn about the many aspects and activities around the claim, possibly leading to them pursuing that path as a career. Communications between the Land Corporation office and its members can be improved by embracing technology that would connect a corporation with its members both inside and outside of the community.

Fort Good Hope has a capacity issue when it comes to human resources. Many people sit on more than one board or work more than one job. This makes it a challenge to create strategies or develop and implement policies, as people are very busy already. Creating sub-committees with other community members could lessen the workload of elected members and foster better communications and a sense of being involved.

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RECOMMENDATIONS AND IMPLEMENTATION

My policy recommendation is a combination of policy options 2 and 3: All parties to the Treaties—that is, the federal and territorial governments, as well as the Sahtu peoples—should share in the resourcing of initiatives toward education, mentorship, and awareness about the SDMCLCA. All parties should be promoting the claim and the responsibilities of the decision-makers whenever possible.

These recommendations are simple to put into action.

POLICY OPTION 1

Status Quo:

I recommend not following this policy option. To continue with the status quo is not a viable option for a bright future.

POLICY OPTION 2

For the governments of the Northwest Territories and Canada:

The governments should invest in a formalized orientation for government employees who will be working with claimant groups. There are many changes in the NWT with updating legislation, devolution, land claim negotiations, and on-going strategies and frameworks that would allow for improved knowledge and understanding. Having an orientation may give employees confidence in their role and may help them build relationships with appropriate land claim organizations, recognizing the claimant organizations as equal members in the decision-making process. The GNWT has the School of Community Government

and has Executive and Indigenous Affairs which could be the appropriate department to develop modules for an orientation.

POLICY OPTION 3

For the Sahtu Land Corporations and Community Leadership:

The local District Education Authorities have authority under the NWT *Education Act* to develop policies that are locally relevant. This authority has not been exercised, with only one policy in place to date: a cold weather policy.

MUCH WORK IS NEEDED TO ESTABLISH A HEALTHY BALANCE BETWEEN OUR RESPONSIBILITIES UNDER THE CLAIM AND OUR RESPONSIBILITIES UNDER A STANDARD EDUCATION CURRICULUM. OUR YOUTH NEED TO BE AS EDUCATED AS THEIR GOVERNMENT PEERS WHILE BEING VERSED IN OUR OWN NEEDS AND ROLES.

The DEA can create policies of including local leaders in school projects, assemblies, and DEA regular meetings. The Dene Kede class (former Slavey Class) is a subject that all students are enrolled in until grade 9. This class has a flexible curriculum and it can include local knowledge, traditions, and history, alongside the language.

The SSI leadership should put more pressure on the GNWT, either through the Sahtu Implementation Committee or through direct communication, to complete the Northern Studies 20 and 30 curricula. This is already one of the on-going implementation priorities, but it has not moved from the idea stage since conception.

The Land Corporations created under the SDMCLCA have a percentage of their trust distribution designated for “permitted activities” annually. The Land Corporations can create policies that ensure education about the Agreement is included in the scope of permitted activities. This would allow those seeking funding to actually do their part in spreading awareness and recognition around the Agreement. Also, those benefiting would have more appreciation of where this money comes from, reinforcing the ties to the Agreement. There needs to be better communication between the different agencies created by the land claim in order to coordinate funding and resources. This can happen by creating committees or working groups that include each of the co-management boards. These committees or working groups can find common ground and support each other in their respective roles. They can share information and have a unified approach to funding challenges.

Local Land Corporations should include community members and youth as a priority through sub-committees. Allowing for non-elected members to sit on committees means there is more input into decisions and policy development. It also means there would be more communication between members and leadership. Another method of including members would be to use modern technology (apps, websites, etc.) to interact with members living in the community and elsewhere.

CONCLUSION

The lack of knowledge and education on land claims is a widespread concern, particularly for the Sahtu Region. The solutions seem simple. It is a matter of connecting the dots. All parties should do more to communicate and invest resources in education. With the first land claim being signed in 1984 (the *Inuvialuit Final Agreement*), this is a relatively new phenomenon in the NWT. So much is happening in the North. Leaders in Fort Good Hope are constantly faced with the needs of the community, such as housing, employment, mental health, education, the high cost of living, and justice. While it is asking a lot of people to also focus more attention on these agreements,

I firmly believe that if beneficiaries of land claims felt connected and engaged with their modern treaty, it would have a ripple effect on their self-esteem and their sense of identity, and it would ensure a more proactive leadership. This in turn would promote greater youth involvement in terms of claims implementation and stewardship, and would prepare youth for the leadership roles into which they will inevitably be thrust. If the region wants to see positive changes, we will need to establish these goals at some point in time. Why not work towards these goals now?



Drum dance at the SSI AGM in Fort Good Hope

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