



“Spirit and Intent” in Modern Treaty Implementation: Measuring Economic Success and Treaty Objectives

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I. Project Foundations: What We Hope to Address

There is a significant difference between how government vs. non-partisan and Indigenous bodies frame successful approaches to modern treaty implementation. The goals of treaty implementation are described in somewhat similar terms – namely, (re)conciliation and new intergovernmental relationships. However, Canada describes an approach to meeting those goals based largely on fulfilling legal obligations within treaties, while Indigenous groups and non-partisan entities critique this approach as harmful and “narrow,” and instead advocate for an approach focused on holistic interpretation and honoring the “spirit and intent” of agreements¹.

Indigenous advocacy groups and independent political bodies have been calling on Canada to honour the “spirit and intent” for almost two decades. However, Canada does not mention “spirit and intent” in any publication, until 2018. Despite its significance, there is no clear definition of “spirit and intent” – especially not at the community level. Consequently, it is absent in implementation assessment practices, performance indicators, guiding approaches, and on-the-ground work plans. This study seeks to respond to this gap, and to center Indigenous voices in doing so.

II. Guiding Questions: What We Hope to Answer

- How do citizens of the First Nation of Na-Cho Nyak Dun define or understand the phrasing “spirit and intent”?
- What does “spirit and intent” look like in implementation of Chapter 22?²
- What does compliance with “spirit and intent” look like for citizens of Na-Cho Nyak Dun?

III. Project Objectives: What We Hope to Achieve

- Characterize citizen’s understanding and experiences of “spirit and intent” within the landscape of Yukon modern day treaties
- Develop a NND understanding of “spirit and intent”
- Develop performance indicators that measure compliance with a NND understanding of the phrasing “spirit and intent,” and for incorporation into the tools used to measure and monitor the implementation of Chapter 22.

I. Project Methodology: Proposed Steps of Action

This project is to be conducted in a 4-phase process³:

Phase 1: Community Consultation and Focus Group Meetings

Phase 2: Choosing our Sample and Conducting Interviews

Phase 3: Analysis and Validation

Phase 4: Presentation of Findings

If you have any questions or feedback, or would like to participate please do not hesitate to reach out! ☺
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¹ The disparity in the framing of implementation approaches is present regardless of whether there is a Liberal or Conservative federal government.

²Chapter 22, pertaining to economic development measures, has been identified as a priority by the First Nation of Na-Cho Nyak Dun.

³ This research is built upon the principles of OCAP, and on the priorities of supporting community self-reliance capacity, strengthening community level knowledge, and supporting a community-led and defined research approach.