

Guest Editors' Introduction

David Natcher and Marena Brinkhurst

Welcome to this special issue of the JAED, focusing on the topic of on-reserve property rights and the development and management of on-reserve lands. On-reserve land tenure systems, as well as their reform, have become the topic of considerable debate among scholars, policy-makers and First Nation governments in Canada. At issue is the potential to privatize parcels of collectively held reserve lands and the means available for First Nations to determine their own legal systems for land rights on their reserve lands.

In this special issue, we have assembled a collection of papers that address historical and contemporary questions of land privatization and on-reserve land tenure systems across Canada. We are excited to have this collection facilitated by the JAED given its commitment to sharing lessons from experience and its extensive readership among First Nations leaders and economic development and land management practitioners. We sincerely hope that the contents of this issue will help to inform and inspire further discussions and research on the complex relationship between land tenure and the social and economic development of Aboriginal communities in Canada.

Overview of Special Issue Articles

In our first research article, David Newhouse and Heather Shpuniarsky provide historical and contemporary context of Aboriginal land tenure reforms in Canada and guides us through some of the current debates over proposed changes to on-reserve property rights. Frank Tough then explores two very relevant examples of the

effects of the individualization of lands once held collectively by Native American tribes and the Métis of western Canada. Taking a look at local land management impacts of individual reserve landholdings, guest editor Marena Brinkhurst and her co-authors Joan Phillip and Murray Rutherford share research findings based on the experiences of the Penticton Indian Band in British Columbia. In our forth paper, legal scholar Jamie Baxter examines how some First Nations are designing their own land codes and property law systems on their reserve and treaty lands, offering comparisons of different options using information-cost theory. Focusing on the First Nations Land Management Act (FNLMA), Mary Doidge, Brady James Deaton, and Bethany Woods share findings from their analyses of factors that influence whether a First Nation chooses to adopt the FNLMA Framework Agreement. Marena Brinkhurst and Anke Kessler then share findings from an economic analysis of national data on lawful possessions—a form of individual landholdings on reserves that are formally registered with the federal government—to explore what factors correspond with the use of the lawful possession tenure system. The final paper by Natcher and his colleagues examines the complex relationship between the political stability of First Nation governments in Saskatchewan and corresponding measures of social and economic well-being. This paper, like the others in this special issue, highlights the challenges associated with on-reserve economic development.

Overarching Themes

Several of the papers in this special issue utilize statistical data about First Nations reserve lands, economies, and well-being indicators. A common theme voiced by the authors is the challenges associated with finding and using reliable data. For many First Nations communities, the availability of reliable data is often limited, incomplete or outdated, and with recent changes to the census process these vital socio-economic data may be further restricted. Data on First Nations reserve lands, and the land interests that exist on them, are collected and maintained by Aboriginal Affairs and Northern Development Canada and Natural Resources Canada. While it is possible to access some of these data publicly (from the ministries' websites and from ministry staff directly), the authors agree that there is a need to develop consistent and valid assumptions and operating procedures for using these data more systematically. Given data limitations, the statistical studies in this issue do not claim to be definitive; rather, they represent the forefront of analysis of First Nations' socio-economic status. It is necessary that we continue to

expand data collection and analysis if it is to be of any use in informing future policies.

This collection of papers also demonstrates that while Aboriginal land tenure reform and institutional change has a long history, the reforms now being proposed will undoubtedly have profound and wide-reaching impacts on First Nations individuals and communities, many of which we are still in very early stages of understanding. The papers in this issue also illustrate the enormous diversity and complexity that exists in First Nations land tenure systems today, even without specific consideration of the highly variable customary systems that exist on reserves across the country. This diversity must be accounted for and accommodated in national debates over First Nation land tenure reforms.

It is clear that many questions remain and require further discussion and analysis in order to inform on-reserve land tenure management and potential reforms. This special issue is just one part of an ongoing and growing discussion that we hope will inspire and encourage more researchers and practitioners to explore these questions, collaborate on further research, and share findings and experiences.