

# Glossary

## for *Land Back: A Yellowhead Institute Red Paper*

### A

#### Aboriginal Title

Lands not surrendered in a treaty are eligible to be considered Aboriginal title lands. If a community can convince a court it has occupied and used lands continuously, they might get a title declaration. Title should mean First Nations own the land but the Supreme Court says that title is merely an interest in the land that it is (a) collectively by members of an Indigenous nation; (b) cannot be sold, transferred, or surrendered to any party except to the Crown; and (c) precedes the assertion of colonial or Crown sovereignty.

#### Aggregate licenses

The written permission to operate a pit where sand and gravel are extracted, or to operate a quarry where solid bedrock resources such as limestone and granite are mined.

#### Appellants

Parties that appeal the decision of a lower court.

### B

#### Base Erosion and Profit Sharing (BEPS)

Tactics that corporations use to hide profits so they don't have to pay taxes. BEPS strategies take advantage of loopholes and weak legislation to move their profits from column A to column B, etc

### C

#### Capitalism

Capitalism is a racist, patriarchal, and colonial economic system based on the exploitation of land and labour and results in massive inequalities in society and environmental devastation.

#### Civil Claim

A formal complaint from a citizen or community who seeks either the protection or enforcement of a right or the fixing of a wrong during a disagreement with another party. Civil claims can initiate a legal proceeding.

#### Crown Land

Land that is held collectively by Canadians and managed most often by provinces. Crown lands, by most interpretations, should really be First Nation lands.

#### Cultural Genocide

The attempted destruction of a group's culture. Cultural genocide may involve such acts as language bans, a prohibition on creative acts of expression, educational reform to promote assimilation, or a physical attack on cultural institutions such as libraries, monuments, or the land.

#### Cumulative Effects Assessment (CEA)

An examination of the environmental effects caused by human activities (usually a specific project). The examination considers natural and "artificial" changes to the environment.

### E

#### Epistemic

A specific tradition of knowledge: how it is defined, generated and passed on. Epistemic is used in *Land Back* to refer to Indigenous knowledge systems.

#### Equity Stakes

A percentage of value or ownership, most often in a company. Equity stakes can refer to the number of shares of stock owned.

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# H

## Historic Treaties

Treaties signed by the Crown and various First Nations between 1701 and 1923. They include the Peace and Friendship Treaties (1701-1760), the Douglas Treaties (1850-1854), and the Numbered Treaties (1871-1921), among others.

# I

## Impact and Benefit Agreements (IBAs)

Negotiated agreements between Indigenous people and, most often, a company, to provide benefits to communities in exchange for negative impacts on Aboriginal rights or traditional territory.

## Injunction

A court order, directing someone or some group to stop an action (like a blockade).

# J

## Judicial Review

A court examination of the actions, processes and rationale of administrative decision-makers. Basically, was a decision on, say, a resource project, fair and reasonable? Judicial review is often an attempt to reverse a decision.

## Jurisprudence

Not law itself, but the origins of law, theories on the application of law, hypothetical legal scenarios, and so on. Basically jurisprudence can fill the gaps in how law should be interpreted and applied.

# M

## Man Camps

Temporary dwellings for which the population is mostly male labourers on large-scale resource development projects.

## Modern treaties

Negotiated agreements between the Crown and an Indigenous treaty organization through the comprehensive land claim policy. These treaties are often accompanied by self-government agreements.

## Moral precepts

Directions or orders of a moral nature; rules that relate to the conduct of good or bad, right or wrong, and to the principles of good or bad, right or wrong.

# P

## Patriarchy

The institutionalization of male privilege and power in society, at the expense of women and gender non-conforming individuals.

## Permitting System

A regulatory regime that governs the issuance, management, and revocation of permits for the use of land, the operation of an enterprise, or other regulated activity in the public sphere.

## Prima Facie

A Latin term that means at first glance or on the surface. In building a fact or a body of evidence, *Prima facie* indicates the importance of a first impression.

## Proprietary Interests

The rights, the beneficial entitlements, or the stakes in ownership, of a property owner.

## Property Law

The law governing the ownership of things. Any given proprietary rights and obligations will clarify what may be owned and who may be an owner.

## Public Lands

See Crown Lands.

# R

## Repository

An underground facility constructed for the permanent deposit of mining and/or radioactive waste.

## Resource Revenue Sharing (RRS)

The distribution of a government (or company) revenues to communities affected by developments in their territory.

## Restitution

Land back.

# S

## Self-Determination

The right and ability for communities and nations to freely pursue their political, social, economic, and cultural paths into the future.

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## Stumpage Fees

Land owners, in most cases the Crown, will charge a stumpage fee to those harvesting timber, based on criteria that include tree species and volume of the harvest.

## Subcontracting

Perform work, render services, or provide materials on a contract basis to another contractor.

## Subsidiary

A small corporation that belongs to and is mostly controlled by a large corporation.

## Sui Generis

A Latin term that means unique or of its own kind. Often applied to a rights analysis of Aboriginal rights and title.

# T

## Tax Assets

When a company overpays its taxes with the intent of lessening its future tax liabilities.

## Technocratic Bureaucracy

Bureaucrats who have technical knowledge and skills relating to a specific issue or file, who then effectively govern that issue. While framed as rational and neutral, technocratic bureaucracy can be political and undemocratic.

## Transfer Payment Agreement (TPA)

Agreements for payment or for the transfer of goods, services, or other assets, between the Government of Canada and a third party. Federal transfer payments include contribution agreements to First Nations.

## Transmission Corridors

A strip of land designated for an electric transmission line. In a regulatory review, the transmission corridor is the broader area of study along the transmission line, whereas the transmission route is the actual tract of land being planned for construction and use of the transmission line.

## Two-Spirit

An adjective that describes gender identity and expression as fluid and beyond strictly male or female. Two-Spirit tends to be a pan-Indigenous term, but not all gender non-conforming individuals identify as Two-Spirit.

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