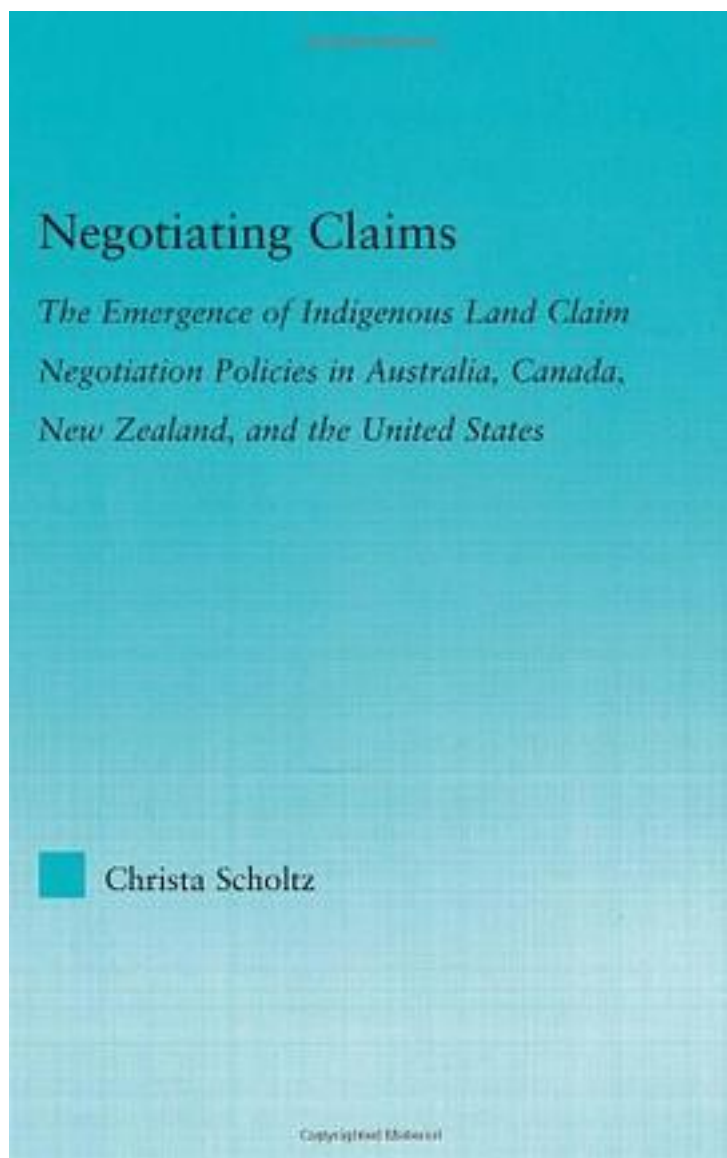


# Negotiating Claims



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Why do governments choose to negotiate indigenous land claims rather than resolve claims through some other means? Christa Scholtz explores why a government would choose to implement a negotiation policy, where it commits itself to a long-run strategy of over a number of claims and over a significant amount of time. The negotiation outcome is interesting because it policymakers have decided: that they will recognize indigenous special land and political rights campaigns by enshrining the principle of indigenous consent in the policy process; and that they will not divorce themselves politically from unpopular settlements by delegating their decision making power to courts or arbitrators. Scholtz argues that negotiation policies emerge when indigenous people marginalize politically prior to significant judicial determinations on land rights, and not after judicial change alone. This study links collective action and judicial change to clearly explain the emergence of new policy institutions.

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