

Forging Linkages & Finding Solutions A BC Treaty Commission Conference for First Nations

Chief Shawn A-in-chut Atleo, Regional Chief, BC Assembly of First Nations First Nations Political Panel – October 30, 2008

Good morning everybody. It's an honour to have been asked by the Treaty Commission – and I thank you Acting Chief Commissioner Wilson and your colleagues – for inviting me to be a part of this panel. It's always an honour to be here with Grand Chief Stewart Phillip and Grand Chief Ed John as one of the seven members of the Leadership Council. Grand Chief Doug Kelly is here, Dan Smith is here, our other colleagues on the Leadership Council.

I wanted to begin this panel with a bit of a reflection on where I think my entry point comes in, where I end up sitting with these gentlemen, being on the Leadership Council, and where we find ourselves at this juncture, an important juncture in my view.

I recall that when the treaty process got initiated I was working for my people, Ahousaht, who are part of Nuu-chah-nulth. I arrived at a conversation in Ahousaht representing our big house. My name, A-in-chut, comes from that big house. Seven generations ago was the last time there was an A-in-chut. It just so happened that the last A-in-chut was there during a war that took place between Ahousaht and a group that no longer is recognized as being in existence. But we still have people with those roots and lineages. In fact, we have people in Nuu-chah-nulth that carry that name.

I begin here because I think that when it comes to the objectives of this conference – and the portions I have attended have been fantastic – and the focus of this panel, I believe relate to a lot of these experiences that many of us bring from our respective territories, whether it's up in the Interior or up in the North and for us on the outer West Coast of Vancouver Island, and it has to do with our relationships with one another.

When the treaty negotiation processes commenced I was asked by our people to ensure that I was stepping forward and working with my father, Dr. Richard Atleo, who at that time held the hereditary chieftainship. One of the first things we had to determine was how it was that the hereditary chiefs were going to work with the elected chief and council that had been in place since my late grandfather's day. He was involved in putting the chief and council system in place. Of course we all know that history we're coming from over the last number of decades.

In villages like Ahousaht and in villages throughout all our territories we know that this is still an ongoing project we have underway. That's our internal relationships, that's reconciling with one another and it's recognizing that we didn't create the conditions under which the *Indian Act* was brought into place. We didn't create the conditions, these were very powerful efforts that resulted in the situation we find ourselves in where we are 203 First Nations in British Columbia but probably more accurately we're 30 different family groups in this province. We're 633 across the country but we're more properly 50-plus family groups or linguistic nations across what is now known as Canada.

I wanted to begin with this because it relates to where we are now and instructs us to a certain extent about where we should think about heading and how to overcome some of the challenges that face us when it comes to the questions that have been posed here at this session.

Ahousaht is one of 14 with Nuuchahnulth, but more accurately Ahousaht is probably one of 40 historic groups that are Nuuchahnulth. So, we arrive at a place where we can't, as my late grandfather instructed me, let go of any of this. It's not in our right to do that.

At times I think there are many of us who carry hereditary traditional responsibilities that end up in elected roles that sometimes feel like we're in the midst of a walking conflict or that we have roles that are diametrically, at times, opposed to one another. Yet we are also at a time when we have to find a way past, over or through what could otherwise be divisive conflict, and find a way for that tension to be about bringing forth the best of our historic principles around governance. We have amongst our people – and we know this very well because we are in the midst of trying to recapture the very best – the brilliance of the historic governance system.

But we also know the kinds of pressures that are out there. The kind of mindsets that exist that suggest that what we had and what we have is not something that should be recognized or held in high regard.

Some of you might have heard the comments that were made by a fellow by the name of Dick Pound, chancellor of McGill University back east, who is involved in the Olympics. He made a comment, "when you talk about only 400 years ago there were only savages here," expressing this notion that our ancestors did not have laws, morals or systems of government. It's a pervasive notion that in the fall of 2008 we are still faced with this.

We're all working hard so that our children and grandchildren – and I know the gentlemen to the left and right of me have grandchildren for whom they're concerned about this issue and my kids, who are now 19 and 21 respectively, – aren't faced with this, but now they're faced with it again. For how many more generations are we going to have these kinds of sentiments still being expressed?

From Ahousaht to Nuuchahnulth, I have the great privilege of now serving a second term as regional chief, again working in an elected role, keeping an eye out for how it is that I support my fellow hereditary chiefs in Ahousaht. We are working with our elected chiefs.

Ten, 11 years ago we signed a protocol between our two respective forms of government that we would work as one, and we have been doing that. But of course we have been doing that outside of any framework that would recognize Hwiihness, which is our term for giving expression to the governance of the hereditary chiefs.

As a regional chief working at the national level, which is where I would mainly like to make comments to this panel, I have observed and learned over the last five years what's going on in these areas across the country and in the international arena. The national chief asked me to be involved when I first arrived in the role – how it is at the Organization of American States – indigenous communities from 34 countries make up the OAS in North, South and Central America. I have had the opportunity to learn how the indigenous people are coming together to ensure their rights are respected and recognized.

I grew up with a father who pursued his education, and the main aspect of history and modern times. He wanted me to be aware that in the mountains of various South American countries it's not uncommon, even up until recently, for indigenous people to be mowed down with guns if they got in the way of land developers. Yet we can see even here in Canada that there are many who have experienced similar things in terms of being displaced from the land and being completely non-recognized.

I have the great privilege, in my role as regional chief, to hold a number of files nationally. The one I wanted to reference is referred to as the Recognition and Implementation of First Nation Governments work. I want to reference this because in January 2004 I started work as regional chief with the Assembly of First Nations. In the summer of 2004 there was a national assembly in Charlottetown at which there was a resolution that I still look back on as being one of the most pivotal or fundamental resolutions in my tenure as regional chief. It was a resolution that was moved and seconded by Ed and Stewart, respectively. It talked about needing to revise the comprehensive claims and policy foundation and inherent rights policy foundation, and to do it in a joint manner.

It was at that time that I thought about our history in BC and where I'd come from – Ahousaht – and knowing the work the Union of BC Indian Chiefs had been doing over the years, the First Nations Summit had been doing over the years, and recognizing that there's a common thread here that has to do with the non-recognition of who we are in a fundamental way. That still is the foundation upon which negotiations are happening, not just in British Columbia but across this entire country.

It's a policy foundation of non-recognition that impacts not only those who want to pursue the negotiation of modern day agreements, but those who are seeking to have 200-year old agreements respected and implemented and enforced. Those who have signed agreements throughout the North that are now involved in the Treaty Coalition (First Nations Land Claim Agreements Coalition) are saying to governments, "We're seeing that the agreements we negotiated are not being implemented with the spirit and intent with which they were intended. "

We hear that from those who have signed recently and we also hear that from those who signed many centuries ago. There's a common theme that leads us back to a national policy framework that's built on this foundation of non-recognition and cuts across all our territories.

What does this mean then for us in BC? We see what's happened most recently, after that resolution in the summer of 2004, that in the spring of 2005 after work on a number of areas – most, I think, focussed on children and families – the crisis that we were experiencing at that time, when the Leadership Accord was signed. Three organizations in the spring of 2005 said, with the instruction of the chiefs, "We have got to find ways to work together. "

The underlying message is that in isolation it's going to be incredibly difficult because collectively we still are only four per cent of the national population. It's extremely challenging to move and shift policy if we're unable to find a way to come together and overcome the differences that we may have and work hard to find the common threads. In my view, the common thread of dealing with non-recognition really has to be something that binds us together. It impacts every single one of our policy files from children and families to all the resource sectors, etc.

Then we talk about being able to work across regions. Most recently our colleagues sat down with the regional chief from Ontario and several grand chiefs, exchanging notes about things like gaming. As Chief Sophie Pierre said we're the only jurisdiction in this country that doesn't have a gaming revenue sharing agreement. We've been learning what Ontario's looks like and how they were organized politically and able to successfully arrive at an agreement. They don't think of it as the panacea, that it's the end all and be all, but nevertheless, they're pleased with where they were able to get. We've also been talking to the Quebec region and we'll be having more conversations with them.

I also note that there are other processes happening across the country, like in Nova Scotia, a process that's referred to as a made-in-Nova Scotia process. When I look at this from a national perspective, I get a sense

that even if we are working in isolation between regions, are we then able to achieve the policy shifts at a national level that we so desperately need for our people?

I'll leave that and table this as one of the questions for consideration for this delegation: how can we and the Treaty Commission and the Leadership Council come together to tackle these fundamental policy issues that we deal with across the country? We know that we can achieve joint policy success.

It was BC that was the principal impetus behind pursuing the specific claims resolution. So now we have a law, Bill C-30, that was jointly developed – and I was honoured to be co-chair on that task force – with a man from the prime minister's office. So there is now an independent tribunal in place.

How can we take advantage of Senator St. Germaine's recent report on treaty implementation? I told the senator, "I think you're focussing on an important aspect here, looking at the issues around the implementation of treaties, because if you don't have a treaty yet, and if you're pursuing one, what does the implementation process look like? Right now we know there isn't a framework at a national level that would support full treaty implementation based on what we would understand the spirit and intent of these agreements to be." I wanted to reflect on that.

We still have this policy basis at a national level. It's a mandate that exists through the Assembly of First Nations that was strongly supported by the chiefs in assembly in March of 2005. It was a national report that talked about joint policy development. It was a national report that said the government is in a conflict of interest; they are both judge and jury when it comes to resolving outstanding land question issues with our people.

So Bill C-30 was an exercise in joint policy review. It was not without its challenges because while we've had joint policy development exercises in the past, we have yet to be tackling some of these major policy issues on a national basis. Policy issues like the non-recognition and the extinguishment policies that the federal government still insists on.

We find ourselves today on the heels of major developments like the apology, something that the national chief had been working hard and pursuing. We're sitting here on the heels of the passage of the UN Declaration, which I'd been involved in a number of years ago – and most recently Grand Chief Ed John was involved in – in a significant way. These are major, major developments.

Stateside we may have the election of the first African American president, who I believe has expressed a strong commitment to tribal nations down there. I don't know if it comes with a willingness to sign on to the UN Declaration. Maybe Ed has more information about where Barack Obama sits on that particular point. Then we could reduce that isolation of Canada being one of four right now to being one of three who haven't signed it.

Lastly, the Hul'qumi'num are as we speak returning from – if they haven't returned from – Washington, DC where they're filing a human rights complaint with the Organization of American States. They're filing a human rights complaint with an organization that normally just receives complaints from countries like Nicaragua or Columbia. You can add Canada to the list of countries that Indigenous peoples are going to the Organization of American States with complaints about. They're saying Canada has failed to deal with, in this case, a railway grant on Vancouver Island, resulting in the privatization of the entire southeast quarter of the Island.

It brings us to this moment here, to what we have been talking about over the last several days. I was honoured to participate in the economic development session with Sophie. As we talked about in that

session, in February 23rd to the 25th, I will be hosting a chief's assembly on economic development and the environment. Our working title – *Rebuilding Our Economies and Repairing the Environment* – was in fact inspired by Sophie. To continue on this track, we know what's happened in the federal election – we have another Conservative minority. We also know that we're heading into a provincial election and municipal elections.

Working together we can impact elections. Working together, not only within our own regions but between regions, in my view, we can impact national policy as well. If we're divided and if governments see that we're unable, on key policy issues, to stand together, then we're going to be easy pickings. The government knows, and we share that notion, that over 40 court cases have been in our favour. When court cases go the government's way, they're implemented the next day. But we also know that the kinds of policy shifts that we're trying to achieve, they're sea change. They're not minor, they're a sea change. It should also be understood that these things are going to take time, but are going to be more difficult if we don't find a way to continue to work together.

I know my colleagues will have things to talk about on a regional basis, whether it's our provincial recognition act pursuits, etc., but those are my thoughts because that's my point of entry as an Ahousaht member, who has served on the Nuuchahnulth Tribal Council executive and who is now honoured to be serving as regional chief, one of seven on the Leadership Council and one of three organizations.

I look forward to this conversation and to working with everyone in this room. I really appreciate the commitment that is there to make this a better world for our kids. That's what it's about. Thank You.