

TREATY COMMISSION

update

*The independent
voice of treaty
making in
British Columbia*

Lheidli T'enneh First Nation vote to reject treaty

Lheidli T'enneh First Nation members have voted to reject a treaty settlement by a vote of 123 to 111. The treaty required that 50 per cent plus one of all eligible voters must approve the

agreement (138) while the Lheidli T'enneh Community Treaty Council required 70 per cent of those voting to approve the agreement (162). There were 234 votes cast with 273 members eligible to vote.

The Lheidli T'enneh Constitution, setting out the First Nation's self government model, was passed by 52 per cent of the members who cast a vote.

Aboriginal Relations and Reconciliation Minister Michael de Jong said following the vote, "We stand on the cusp, perhaps, of beginning to see some genuine progress with six communities. It's disappointing, but there are six other communities plus an additional number of communities who are approaching the final agreement stage."

He said the government's attention would now shift to other ratification votes in the province.

Tsawwassen First Nation members will vote on their treaty in late July and the Maa-nulth First Nations on Vancouver Island are expected to vote in the fall. The two treaties were initialled in December 2006, thereby setting in motion the ratification process, which starts with the First Nation, moves to the provincial legislature, and ends in the federal parliament.

Sliammon First Nation, Yale First Nation and Yekooche Nation are poised to become the next group of First Nations to conclude treaty negotiations, but no dates have been set for initialling the final agreements.

Other First Nations are making progress in treaty negotiations, but there are indications of delays in the federal government. For instance, yet to be

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Longest serving commissioner *moving on*



Adam

Wilf Adam, the Treaty Commission's longest serving commissioner, has said goodbye after 12 years on the treaty trail.

Adam was raised at Pendleton Bay near what is now Pendleton Bay Provincial Park on Babine Lake. When he was growing up, Adam's own family suffered the dislocation and harsh treatment at the hands of government that was all too common in First Nations communities then. The Adam family was uprooted and moved by government officials to Burns Lake.

For most of his adult life, Adam has been committed to seeing that First Nations get a better deal. After a short stint on the green chain and edger at the Houston Forest Products mill, at the age of 19 Adam became an instructor in the Carrier language for School District 55. He taught Carrier, his first language, to grade eight and nine students and Indian Studies to grade 11 and 12 students.

Adam then became involved in administration, law and business on behalf of his community. He was actively involved in Lake Babine First Nation's administration for 16 years, the last eight of those as chief. He is a co-founder of the Burns Lake Native Law Centre, and a former chair of the Burns Lake Native Development Corporation.

He first stood for election as the First Nations Summit appointee to the Treaty Commission in 1995 and was re-elected five times.

During the release of the Treaty Commission's 2005 Annual Report, Adam said, "For the 11 years I've been at the commission, I feel now that there's an opening, a wide opening, made by the provincial government to create a treaty here in British Columbia.

"The provincial government is very determined to resolve treaties in BC. I wouldn't have been able to say that a couple of years ago."

Peter Lusztig, appointed commissioner by the federal government at the same time as Adam was elected and for eight years Adam's colleague on the Commission, recalls that Adam "was tactful but didn't pull his punches, appreciated political sensitivities, but never lost sight of the need to move things along.

"He quickly earned the respect of all three parties at his tables and it goes without saying that he was a natural at press conferences," said Lusztig. "At commission meetings he was a good listener. He spoke less than most, but said what needed saying. So, consequently, we all paid heed. He never raised his voice, perhaps because he never needed to. On those rare occasions when he couldn't attend Commission meetings, he was sorely missed.

"At a personal level, I felt that Wilf always spoke with candour and from the heart. He is a gentleman who will be missed by the Treaty Commission and the treaty process. However, we must not lose sight of the fact that he gave it his best for 12 taxing years."

Former Chief Commissioner Alec Robertson, who joined the treaty commission one month after Adam in May 1995, said, "Wilf understood the need to get negotiations moving. He was totally focused on making something constructive happen. It's ironic that he survived 12 years in a process where there are no quick solutions.

"I think Wilf can take some satisfaction in the progress that has been made by the Lheidli T'enneh. I think he can leave knowing that he has made a difference (in the treaty process)."

Current Chief Commissioner Steven Point also commented on Adam's contribution to the treaty process. "We will miss his judgment, considerable experience and his dedication. His tables were well served by him".

Commissioner Jody Wilson, twice on the First Nations Summit ballot with Adam, "valued working with such a caring person who clearly understands the aspirations of First Nation people and is so willing to help them realize their aspirations.

"He was always very supportive of me and he encouraged the staff. He will be missed."

Wilf and wife Barbara have five children, three boys and two girls: Donovan, 11; Mackenzie, 6; Leila, 5; Athanase, 3; and Perry, seven months. Their home is in Burns Lake. 📍

First Nation leaders

elect two commissioners

First Nations leaders voted decisively to return Commissioner Jody Wilson to the Treaty Commission for a third, two-year term.

Commissioner Wilson was elected on the first ballot from the eight candidates vying for the two appointments to the Treaty Commission.



Wilson



Phillips

Robert Phillips was elected on the third ballot to a first term as a commissioner. He is a member of the Northern Secwepemc te Qelmukw (Shuswap) of the Canim Lake First Nation. He holds a Bachelor of Arts degree from the University College of the Fraser Valley. Phillips has served as chief negotiator and self government director at the Northern Shuswap Tribal Council since 1998. He has a background in aboriginal justice and economic development. Phillips is married with three children.

Commenting on the appointments, Hupacasath First Nation Chief Judith Sayers, a member of the First Nations Summit's political executive said, "First Nations engaged in the BC treaty negotiations process look forward to a positive working relationship with both Ms. Wilson and Mr. Phillips.

"The role of these two individuals is extremely important to all First Nations who are striving to negotiate fair, equitable and timely treaties under the British Columbia treaty negotiation process," she said. "During this critical point in the treaty negotiation process it is imperative that strong individuals be charged with the responsibility of upholding the mandate of the BCTC as keepers of the process."

Commissioner Wilson is a member of the We Wai Kai First Nation on Vancouver Island. She holds a Law degree as well as a B.A. in Political Science and History from UBC. She was a practising member of the BC Bar from 2000 to 2003 including two years as a Provincial Crown Prosecutor. ☉

Lheidli T'enneh First Nation vote to reject treaty

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signed by Indian Affairs Minister Jim Prentice is the framework agreement for Hupacasath First Nation, and the In-SHUCK-ch Nation Agreement-in-Principle. The First Nation and the BC Government endorsed the In-SHUCK-ch agreement in October 2006.

Sechelt Indian Band is looking at new developments in treaty making to determine if there is a basis for resuming tripartite negotiations with the governments of Canada and British Columbia. The Treaty Commission is chairing the tripartite, exploratory meetings.

There are currently 58 First Nations participating in the BC treaty process arranged as 48 negotiating bodies.

Shared territory issues and territorial disputes among First Nations are increasingly a focus. Meetings among

Stage 5 First Nations and their First Nation neighbours are taking place. Also increasing in number are meetings involving the Crown and First Nations, arising from the Crown's duty to consult and accommodate First Nations. The Treaty Commission is playing a role in facilitating both sets of meetings. ☉

update

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Nazko: Building a

“We are trying to piece back together our culture, our language, our economy and most important of all our community so that we can leave footprints on this earth that our children will be proud to walk in.”

Chief Delores Alex, Nazko First Nation, January 25, 2007

Ask Chief Delores Alex why the Nazko First Nation entered the BC treaty process, and she will tell you she doesn't know.

When Alex was elected chief in December 2002, she knew very little about the treaty process. Like many Nazko members, she felt there wasn't a lot of information on their treaty negotiations.

Under her leadership, however, the Nazko First Nation has established a process for the entire community to participate in treaty negotiations. Treaty coordinators Laurell Crocker and Bernice Cremo have played an important part in the transformation.

“I have been here four years this July and [when I started] the understanding of the treaty process was very minimal — I would say almost non-existent,” says Crocker. “Since we started working and the chief has been [in office] we have really taken the treaty seriously.”

Since then, the three women, working together, have had one goal: “To educate the people along with ourselves,” says Alex.

“We started off teaching treaty school 101,” explains Crocker. From there the treaty team established elder and youth advisory committees and identified family representatives interested in the treaty process to encourage widespread community participation in treaty negotiations.

“We have just been working and working and working with the community and the community representatives so that they have an understanding of the treaty,” says Crocker. “And now they've started participating.”

What started as a handful of interested elders and family representatives has grown into a large group of committed elders, family representatives and youth. Treaty negotiation sessions at the band office regularly fill the downstairs hall. In January nearly 50 band members turned out to observe a negotiation session.

The effect on the community has been dramatic.

“What I found was that as we discussed topics it was just like we started building a foundation of understanding,” says Crocker. “This process has been a bridge for the community to examine itself, to look at the bad things, the good things and say where do we need to go, where do we need to be in a hundred years from now. It really has been a process by which people have started to think about the future and think about what is going to happen to the kids. What is going to happen to their territory, to their resources, to their language, to their culture?”

Nazko comprises approximately 300 members with traditional territory extending from northwest of Quesnel to the south of Prince George. It is an area rich in natural resources.

In the early 1980s, Nazko entered the forestry business with ongoing contract work for forest company Slocan Forest Products. In 1997, Nazko Forest

future, together

Management Ltd. branched-out into its own parallel operation, acquiring a small forest licence through a community-owned company.

In the past 18 months, Nazko has completed a traditional land-use study, started a health program, and initiated a community planning process. Each process was started because of some community concern, and each is helping Nazko move closer to a treaty.

For example, the Nazko traditional land-use study arose from the community's concerns over the considerable amount of resource activity in the traditional territory. Community members wanted the band office to be able to deal with referrals by explaining to government and industry how they have traditionally used the land and how this determines for Nazko what activity is acceptable and where.

The project has been a huge success.

"One thing that we have done is use our elders as consultants and have the community members do the work because they know," says Crocker. "I don't think we could have done a traditional use study if we had brought in outside consultants to do the work. It's about asking people what they know, and they know."

"People are looking forward and saying, 'wow, we can do this'," continues Crocker.

"I think the enthusiasm level — and I noticed even the sense of community — is so much stronger than four years ago. It is amazing to me."

— Crocker

"Before, I don't think people even thought about planning past tomorrow," adds Alex. "Right now they are thinking 50 years, 100 years."

One person who can attest to the level of change in the community is Terrence Paul. He's seen a lot — as a chief, band councillor, deputy negotiator, chief negotiator, treaty coordinator and band member for Nazko First Nation.

"We were quite a divided community for many years," says Paul. "We were just going from band election to band election to band election."

"But at this last election what I saw was that people didn't want to see what has grown in the past four years to be lost again," continues Paul. "It was the quietest band election I have ever attended in Nazko. I mean quiet."

Paul's explanation for Nazko's new-found unity is simple.

"At some point, the Nazko administration office was probably the only and the highest form of economic development in our community," says Paul.

"One of the big things that I have really seen change is here at the administration level where the council and the treaty team and the staff, they have taken on the idea that they are building a future rather than administering government funding, government grant money.

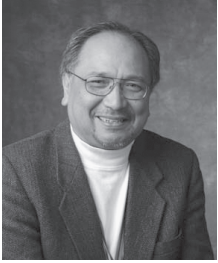
"This is not just an administration office to administer funding, this is now a place where we can look forward with hope and building our future.

"We have a fully staffed treaty team upholding the treaty process and they are doing a great job so far and things are moving forward and people are participating. I am really happy with the turnout to the meetings, the turnout of the elders and the youth and family representatives. The treaty process has a positive outlook," says Paul.

Ask the chief why Nazko has stayed in the treaty process under her leadership and she will tell you it's because the treaty process has provided a bridge for the Nazko to evaluate collectively not only their shortcomings, but their strengths. ☉

Steven Point reflects

on two years as chief commissioner



Point

Q: You've spent most of your working life in the field of "native rights". How has being chief commissioner added to that experience?

A: The best thing that has happened to me as chief commissioner is the education I've received about the BC treaty process. I've been studying treaty making since law school, but to actually get into the negotiating room and listen to negotiators and understand what is going on from their perspective — that has been a real education.

Q: What have you learned?

A: This first year I spent trying getting to know what was going on and, most importantly, discarding old assumptions. The second year was an awakening, realizing there really is more work that needs to be done, especially in the area of communications.

Q: How has the Treaty Commission sought to address these communications needs?

A: We have to find ways of building communication bridges where we can. The commission has to reach out and try and find other ways of partnering with groups to get things done. We don't have the resources inside the commission to do all that needs to be done.

Q: Why is communications so important to the treaty process?

A: I really see the benefit in communicating with people, especially about the larger issues of why we're negotiating treaties, what we hope to accomplish at the treaty table, what the costs of treaties might be, and what the benefits of treaties might be so that people at the end of the day feel like they know what's going on — so it's not a surprise at the end of the process.

Q: There are many people who think we aren't going to get treaties. How do you respond to the naysayer?

A: I have always thought treaties are doable. The whole role of the Commission is evolving into one of trying to get people to stay on the same page, to have an appreciation that things are tough and maybe it's been a long haul, but believing that treaties are doable. The first three treaties have just been initialled. There's a lot of interest at the community level, at some of the tables at least, to move forward. We're gradually going to build more momentum as more groups see that someone is getting to the end game and that it is okay to do so and that the sky hasn't fallen.

Q: What accomplishments are you proud of?

A: I think the (Royal BC) museum project was a surprising success for the commission. To me it really represents a milestone in cooperation between us and other agencies. We can form a partnership with another agency and still do something that is incredibly important. The events we arranged

around the province for First Nation leaders and neighbouring municipal leaders have been a success. Projects with the Nisga'a, including the Nisga'a film project, that has financial support from the provincial and federal governments, are helpful to share their experience with a treaty. There have been others, too: the Talking Circles initiative and our efforts in support of comprehensive community planning for First Nations.

Q: Where does the Treaty Commission go from here?

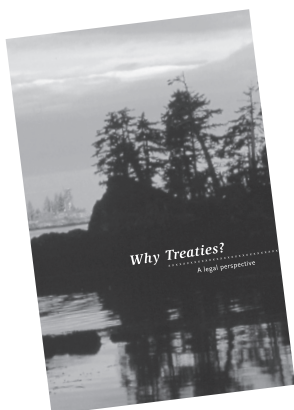
A: I really see a greater need to help build confidence in the process through communications, by getting people better informed about what is happening. And so I have actively sought meetings with different representatives to get their perspectives. I've been going out to the communities, going out to any organization that would talk to us. I spent a lot of time on the road in the last six months of 2006.

I think some of the larger negotiating issues are beginning to loom their heads now. Issues like the constitutional status of treaty lands and tax exemption under the Indian Act. I think the Treaty Commission's role is going to evolve into, 'Let's talk about these issues then. Let's take the elephant out of the closet and encourage dialogue on issues like this'.

The Treaty Commission is developing a model for resolving overlaps. There is a huge need to resolve overlaps as more treaties get finalized. I would like to see this model up and running this year, if possible.

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New booklet cites recent court decisions



The significance of recent aboriginal court cases and their impact on treaty making are explored in a new booklet from the Treaty Commission.

Why Treaties? identifies the compelling legal reasons for treaty making, and includes synopses of recent court decisions including *Haida*, *Taku*, *Bernard Marshall* and *Miskisew Cree* as well as of previous landmark judgments. ☉

Museum launches First Peoples film

First Peoples of British Columbia, a six-minute, large-format multimedia presentation celebrating BC First Nations runs 10 times a day on the two-storey, three dimensional map in the Royal BC Museum lobby.

The multimedia presentation is the product of a partnership between the Treaty Commission and the Royal BC Museum. Produced by David Douglas

and Diane Roberts of Salt Spring Island's West Eagle Films, the project was eight months in development, and was supported financially by the Ministry of Aboriginal Relations and Reconciliation and Indian and Northern Affairs Canada.

First Peoples of British Columbia may be viewed daily, free of charge, in the Royal BC Museum lobby. ☉

Nisga'a journey captured on video

The Nisga'a nation journey to a treaty and beyond is the subject of a new video by filmmakers John Bassett and Rosalind Farber.

The duo began filming in 2003, and after numerous visits to Nisga'a territory, is set to release the one-hour documentary program this spring. The program includes interviews with Frank Calder and Rod Robinson, both now deceased, as well as other leaders and individuals throughout the Nisga'a communities. The filmmakers document the history of the Nisga'a and their journey that culminated with the first modern treaty in British Columbia.

Bassett is a career filmmaker with a long list of credits and awards, including the United Nations Environmental Award for the documentary *A Planet for the Taking*, which aired on *The Nature of Things* hosted by David Suzuki.

Farber had a 40-year career with the CBC as a film researcher, film program officer, network planning film officer and then producer of *MAN ALIVE* and *Take 30*.

The Treaty Commission, Indian and Northern Affairs Canada and the BC Ministry of Aboriginal Relations and Reconciliation recently confirmed financial support for the video project. ☉

What's the deal with Treaties? now on DVD

The video *What's the deal with Treaties?* created for use in secondary school studies, is now available on DVD to individuals or organizations upon request. The 22-minute video explains why treaty making is unfinished business in BC. ☉

New look, content for website

Responding to the evolving information needs of its users, the Treaty Commission has re-launched www.bctreaty.net. The site, constantly updated with new information, now includes:

- > An integrated navigation structure
- > New video and PowerPoint presentations
- > More information on the issues in negotiations
- > An expanded negotiation section to keep visitors up-to-date on the treaty process
- > And an expanded maps section (expected to launch in late spring).

The new site remains the one-stop shop for treaty information, but places that information where users need and want it. ☉

Status

REPORT

There are 58 First Nations participating in the BC treaty process. Because some First Nations negotiate at a common table, there are 48 sets of negotiations. There are 40 First Nations in Stage 4 agreement-in-principle negotiations and seven First Nations in Stage 5 negotiations to finalize a treaty. Of the 198 Indian Act bands in British Columbia, 120 bands, or 60%, are represented in the BC treaty process.

7 First Nations in Stage 5

Lheidli T'enneh Band
Maa-nulth First Nations
Sechelt Indian Band
Sliammon Indian Band
Tsawwassen First Nation
Yekooche Nation
Yale First Nation

40 First Nations in Stage 4

Carcross/Tagish First Nation
Northern Shuswap Tribal
Council Society (formerly
Cariboo Tribal Council)
Carrier Sekani Tribal Council
Champagne and Aishihik
First Nations
Da'naxda'xw Awaetlatla
Nation

Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala'Nakwaxda'xw
Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Nation
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket
Treaty Council
Kwakiutl Nation
(in suspension)

Laich-Kwil-Tach K'omoks
Council of Chiefs
Lake Babine Nation
Musqueam Nation
'Nqmgis Nation
Nazko Indian Band
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:Lo Nation
Taku River Tlingit First Nation
Te'Mexw Treaty Association
Teslin Tlingit Council
Tlatlasikwala Nation
Tsay Keh Dene Band
Tsimshian First Nations

Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation

5 First Nations in Stage 3

Cheslatta Carrier Nation
Hupacasath First Nation
K'omoks First Nation
Squamish Nation
Thlowitsis First Nation

6 First Nations in Stage 2

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Council of the Haida Nation
Liard First Nation
McLeod Lake Indian Band
Ross River Dena Council

Steven Point reflects

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And we've got to help first Nations think about governance. What's that going to look like in the end game? How will First Nations of even 300–400 people exercise their jurisdiction over, say, child welfare from a cost-effective perspective. Implementation of jurisdiction should inform negotiations along the way. What are the right tools and what finances do you need? Up till now, it's been a bit the other way around — negotiations have been informing implementation. ☉

New booklet for First Nations members

The rights and responsibilities of First Nation members in treaty making are set out in a new guide from the Treaty Commission.

The guide is a how-to manual for individual First Nations people who want to participate in the treaty negotiation process. It sets out the actions First Nations people can take in each stage of treaty negotiations. Commonly asked questions are also addressed. ☉

