

TREATY COMMISSION

update

*The independent
voice of treaty
making in
British Columbia*

Says Chief Commissioner

First Ministers meeting helpful to negotiations

Despite efforts to improve the lives of aboriginal people, Chief Commissioner Steven Point says many remain poorer, less healthy and less well educated than the general population, and live in substandard housing.

Point, in Kelowna to participate in events around the First Ministers meeting on aboriginal issues, said, "I am

optimistic this leadership summit will lead to some great things."

Assembly of First Nations BC Regional Chief Shawn Atleo, speaking to CTV's Mike Duffy at summit's end, said "It's an important step for our people. I have a great sense of hope. We are talking about real commitments."

The goal of the governments in addressing aboriginal issues is to materially improve the lives of aboriginal people within 10 years through improvements in five areas — health, education, housing, economic opportunity and intergovernmental

relations. The two-day meeting included the prime minister, the leaders of all 13 provinces and territories, and the leaders of First Nation, Inuit and Metis groups.

"What they are doing now with these five pillars nationally, in terms of taking a big stab at the socio-economic conditions of First Nations, is going to have a positive impact on treaty making in British Columbia," said Point.

"By the federal government making this commitment to First Nations, it is going to bring about a change in the environment, it's going to improve our dialogue and it's

Continued on page 8

Yale poised to sign agreement

Yale First Nation will soon sign an agreement in principle to become the seventh First Nation in the advanced stages of treaty negotiations.

Though the fall of the Liberal minority government in Ottawa may delay an official signing ceremony, negotiations

are continuing to bring the parties closer to a final agreement.

Word of the agreement comes just three months after a signing ceremony in Yekooche to formally approve an agreement in principle with the Yekooche Nation.

Continued on page 8



update inside



Keeper of the process

- 2 Yale First Nation partner in Community Forest Licence
- 4 Heiltsuk Nation sees future in Land-Use Plan

- 7 Information workshops for First Nation communities
- 8 Status Report

Yale First Nation

partner in

Community Forest Licence

Local is better when it comes to forest planning says a Yale First Nation forestry expert.

“Local knowledge and local control results in better decisions around forest planning,” said Doug Hansen who leads forestry initiatives for Yale First Nation.

The First Nation is one of three partners in a Community Forest Licence that will provide 34,300 cubic metres — approximately 1,000 logging truckloads — of timber annually. The other partners are the District of Hope and Fraser Valley Regional District Electoral Area B.

This marks a second allocation of timber for Yale First Nation, which earlier signed a provincial forest and range agreement for 20,000 cubic metres of timber over five years.

“With this Community Forest Licence we can meet broader community objectives, have a more meaningful role in forest management and have more benefits. It’s a good thing for all partners,” said Hansen.



Arne Zabell

“We had a good lobbying effort leading to the announcement of the licence by the BC government.”

Electoral Area B Director Arne Zabell says there are several reasons why the partners were successful in securing a Community Forest Licence, including the involvement of Yale First Nation, which is in the advanced stages of treaty negotiations.

“We had a good lobbying effort leading to the announcement of the licence by the BC government.”

Zabell said there is a history of logging in the area. There are a couple of small mills, as well as log house builders that could benefit from the licence. There are also non-timber products — botanicals — that could come from the community forest.

“We are happy to have input into the use of the forest resources and to benefit from them,” said Zabell. “It’s a win for everybody. Yale First Nation is progressive and looking for economic sustainability for its community as we all are.”

Zabell said the partners are now working on setting up a community forest development corporation and a plan for the timber allocation.

Terry Raymond, chair of the Fraser Valley Regional District said, “This is a great opportunity for everybody. It shows what can happen when we work together. This licence is the result of the excellent working relationship between Yale First Nation, Hope and the regional district.”

update

is published by the BC Treaty Commission and distributed to anyone with an interest in treaty negotiations in British Columbia. Please feel free to reprint the material in this newsletter.

If you are not on our mailing list but would like to be, contact us. BC Treaty Commission
203-1155 West Pender Street
Vancouver, BC V6E 2P4

Toll-free 1-800-665-8330
Telephone 604-482-9200
Facsimile 604-482-9222
Email info@bctreaty.net

www.bctreaty.net

Chief Commissioner Applauds Work of UBCM

Efforts to bring local government and First Nations together have won praise for the Union of BC Municipalities at its annual convention.

Chief Commissioner Steven Point told convention delegates the UBCM is doing a tremendous job of promoting dialogue among local governments and First Nations through forums and programs and through the ongoing work of their aboriginal relations committee.

"I know you work closely with the First Nations Summit and First Nations and your efforts contribute greatly to the new relationship we are all seeking."

Point said there are many actions local governments and First Nations can

take to build better relationships, or to build relationships if they aren't already working together.


There are many examples of First Nations working with others to plan their future together, looking at land use and at opportunities for social and economic development, he said. There are many more examples of cooperation and enterprise than was the case when the treaty process started in 1993.

"We know that full participation in the mainstream economy is the way to a sustainable future for First Nations. Through a number of ventures, public and private, there are new opportunities for First Nations."

First Nations with favourable locations are expected to see big benefits, if they are not already major participants in the mainstream economy. Good relationships among First Nations, all levels of government and business are essential to that economic development and to completing treaties, he said.

"We are optimistic that treaties will come. Recent statements by the premier and the prime minister suggest we have reached a changing point.

"The premier has put an end to 134 years of the denial of aboriginal rights and title. There is no turning back."

Point told delegates that treaty negotiations have been, and will continue to be, a catalyst for change. 

Agreements favour First Nations in treaty negotiations

The majority of agreements between local governments and First Nations are with First Nations in the treaty process, according to a handbook produced jointly by the Union of BC Municipalities and Lower Mainland Treaty Advisory Committee.

UBCM Policy Analyst Joanne Gauci said local governments haven't historically had a working relationship with First Nations and recent agreements are useful in setting out a framework for formal communications.

"We are seeing an increase in the number of agreements that formalize the relationship between local governments and First Nations," said Gauci.

Of 24 agreements with First Nations in British Columbia cited in the handbook published in 2005, 21 are with First


Nations in the treaty process. One of the earliest of these is an agreement signed in 1999 between the Central Okanagan Regional District and Westbank First Nation. Two recent agreements, not included in the handbook, are between Maa-nulth First Nations and the Alberni-Clayoquot Regional District, and In-SHUCK-ch Nation and the Fraser Valley Regional District.

There are currently 16 cooperation and communication agreements between local governments and First Nations in BC, and of those, 13 are with First Nations in the treaty process. It's the same story for parks and recreation agreements — the three agreements are with First Nations currently negotiating treaties.

Of three economic development and land use agreements, two are with First Nations in the treaty process including

with the Sliammon Indian Band. There are also two resource management agreements, one between T'sou'ke Nation and the Capital Regional District and the other between Sechelt Indian Band and the Sunshine Coast Regional District. As well, Ditidaht First Nation has a capacity development partnership with the Town of Ladysmith.

The agreements vary in the level of detail from general agreements that open the lines of communications to very specific agreements dealing with parks or other areas of concern to both parties, said Gauci.

"Since we produced the handbook other local governments are taking notice," she said. "We will continue to track and promote these agreements for the benefit of those who have yet to take these steps." 

Heiltsuk Nation sees future

We are the natives of this country. We want all the land we can get. We feel we own the whole of this country, every bit of it. And we ought to have something to say about it. The government has not bought any land from us so far as we know, and we are simply lending this land to the government. We own it all. We will never change our minds in that respect and after we are dead our children will hold the same idea... The British Columbia government is selling the land around us and we do not know that they might sell it all, even including these reserves in time. We consider the government is stealing that land from us. We also understand that it is unlawful for the government to take this land.

Bob Anderson, Heiltsuk First Nation, Royal Commission on Indian Affairs for the Province of British Columbia, 1913

Talk to Chief Ross Wilson, and he will tell you the Heiltsuk Nation has always engaged in land-use planning. But it was the 1913 McKenna-McBride *Royal Commission on Indian Affairs* that initiated his people into land-use planning with non-natives.

Since then, the Heiltsuk have continued to voice their vision for their traditional territory, and today have the Heiltsuk Land-Use Plan (LUP) to guide the community in managing the people and organizations using the land and harvesting resources in the central coast region.

The Heiltsuk community of Bella Bella, while remote by most urban standards, is part of a diverse regional economy that includes fishing, aquaculture, and forestry. Nation members comprise 65% of the population in their traditional territory.

"We were invited to sit as observers in [the provincial government's Central Coast Land and Resource Management planning (CCLRMP)] process," explains Wilson.

"But we soon realized that if we didn't get involved in the process, it was going to pass us by and there would be decisions made without our consent or knowledge."

Heiltsuk joined with several other coastal First Nations in "Turning Point", an initiative to promote First Nation's participation in provincial land-use planning and to help conclude interim measures agreements. Turning Point co-chaired the CCLRMP process.

At the same time, the Heiltsuk realized the BC land and resource management planning process was an opportunity to clarify the direction the First Nation wanted to go by developing its own land-use plan for roughly 16,000 square kilometres of traditional territory. The Heiltsuk conducted interviews and asked members about their economic and cultural activities on the land. From these interviews, the Heiltsuk established general management directions, designation of protected areas and key policy statements to guide resource activity. There are 56 planning units in total and 8000 square kilometres of protected area.

Just as importantly, the CCLRMP process provided the Heiltsuk with new avenues for discussing land-use with the BC government and neighbouring First Nations.

e in Land-Use Plan

“We’ve sat with our neighbours and said if we don’t come to a resolution on designation of our overlap, BC will implement their process,” says Wilson. “And we’ve sat with BC and told them how we want to govern our territory.”

The approach has paid off in spades. The Turning Point nations achieved consensus on designation of land in territorial overlaps, and Heiltsuk and BC are close to initialing a collaborative agreement that would see the Heiltsuk LUP and the BC CCLRMP implemented cooperatively.

The Heiltsuk plan is a solid building block for moving forward on a mutually acceptable plan and recognizes both the First Nation’s interests and the interests of other stakeholders, including the provincial government,” said Gordon Goodman, A/Director, Coast Completion, Ministry of Agriculture and Lands. “The plan is a

significant step in the relationship between the Heiltsuk and the BC government and the content of the plan works well with the LRMP (Land and Resource Management Plan) process.


The Heiltsuk Land-Use Plan (LUP) represents a change in the approach to economic development in First Nation’s traditional territory.

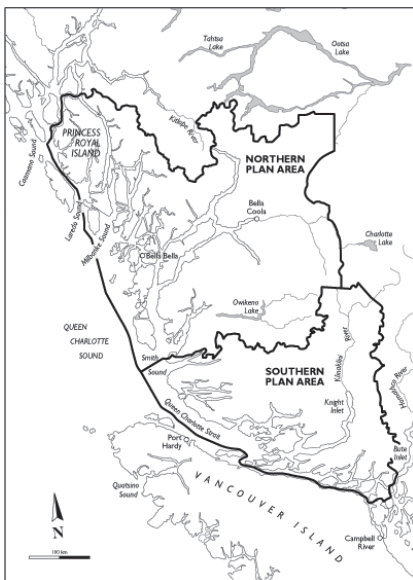
“It’s all too often that BC has been implementing — to give an example — tenure in our territory without our consent or consultation or accommodation,” says Wilson. “This land-use plan will give BC a bureaucratic process for them to follow to prevent anything like that from happening.”

Similarly, the Heiltsuk LUP gives notice to industry the Heiltsuk now expect to benefit from the activities in their region.

“We want big business coming and doing business with the Heiltsuk,” says Willson. “If you do not have rules or regulations, it doesn’t matter if you have every resource in the world, business will not want to deal with you.”

The Heiltsuk are developing those rules and regulations, and that means certainty for BC and certainty for industry wanting to do business in Heiltsuk territory.

“We all live in this global village and we’ve always said that we want to come to a resolution,” says Wilson. “We can live and work together to achieve social and economic sustainability for all.” 



Heiltsuk Land-Use Plan Details

Key Policy Statements:

- > Manage referrals for consultation
- > Implement ecosystem-based management
- > Pursue salmon aquaculture
- > Harvest cedar in a sustainable way
- > Reject off-shore oil and gas
- > Manage protected Areas

General Management Objectives:

- > Protect and preserve cultural heritage
- > Protect and preserve plants, forests, and wildlife biodiversity
- > Protect and preserve hunting and trapping
- > Protect and preserve intertidal and fresh water and the resources from them
- > Promote tourism
- > Develop minerals and energy in an environmentally sustainable way
- > Protect and preserve wilderness.

What was said

Tom Christensen, Minister of Aboriginal Relations and Reconciliation

BC Assembly of First Nations, 2nd BC Regional Chiefs Assembly, October 18, 2005

"Certainly, the ministry's mandate is to continue, in earnest, the negotiation of treaties and other agreements with First Nations and I want there to be no mistake that this work remains a critical part of what the provincial government is committed to. Our commitment has not wavered with respect to moving forward and coming to treaty arrangements with First Nations in British Columbia as well as other sustainable agreements that reconcile Aboriginal rights and title."

"Our government's hope is that the New Relationship will find its home in jointly designed consultation and



Tom Christensen, Minister of Aboriginal Relations and Reconciliation (left) and Sue Barnes, Parliamentary Secretary for Indian and Northern Affairs Canada (right) join Allan Joseph, Chief of the Yekooche First Nation, to sign the Yekooche Agreement in Principle in Yekooche north of Fort St. James. The signing was witnessed by (standing, left to right) Lorne Brownsey, Provincial Deputy Minister, Curtis Joseph, Yekooche Councillor and Eric Denhoff, Chief Federal Negotiator.

accommodation arrangements over land and resources and social policy to meet the needs of Aboriginal people."


Yekooche First Nation Agreement-in-Principle Signing, August 22, 2005, Yekooche

"I've been asked to focus on three particular areas — aboriginal relations, reconciliation, and negotiations — and all of those are focused on delivering economic benefits from land and resource decisions to First Nations.

"We're to develop a new consultation and accommodation framework that's based on recognition and respect of aboriginal rights and title.

"And to work with aboriginal organizations to achieve the social and economic goals that First Nations have set for themselves and in doing all of that work to emphasize reconciliation as a process that acknowledges the past and builds a shared future.

"British Columbia's future belongs to all British Columbians, aboriginal and non-aboriginal alike and we have an opportunity to take a leadership role in Canada in bringing aboriginal and non-aboriginal people together to create a better future for all of us.

"We certainly know that British Columbia will only fulfill its true potential when First Nations and aboriginal people are full partners in the province's social and economic development." 

Comings and goings *Recent changes at the Treaty Commission*


Kristina Wray joined the Treaty Commission as a treaty advisor in October 2005. Previously, Wray was employed with the Federal Treaty Negotiation office and working at a number of treaty tables on Vancouver Island. Wray holds a Bachelor of Arts (1994) and Masters of Arts (2001) from Simon Fraser University where she directed her studies on issues of social justice and human rights. Wray is currently completing required courses for a Certificate in Conflict Resolution from the Justice Institute of BC, with a joint specialization in Negotiation and Mediation.

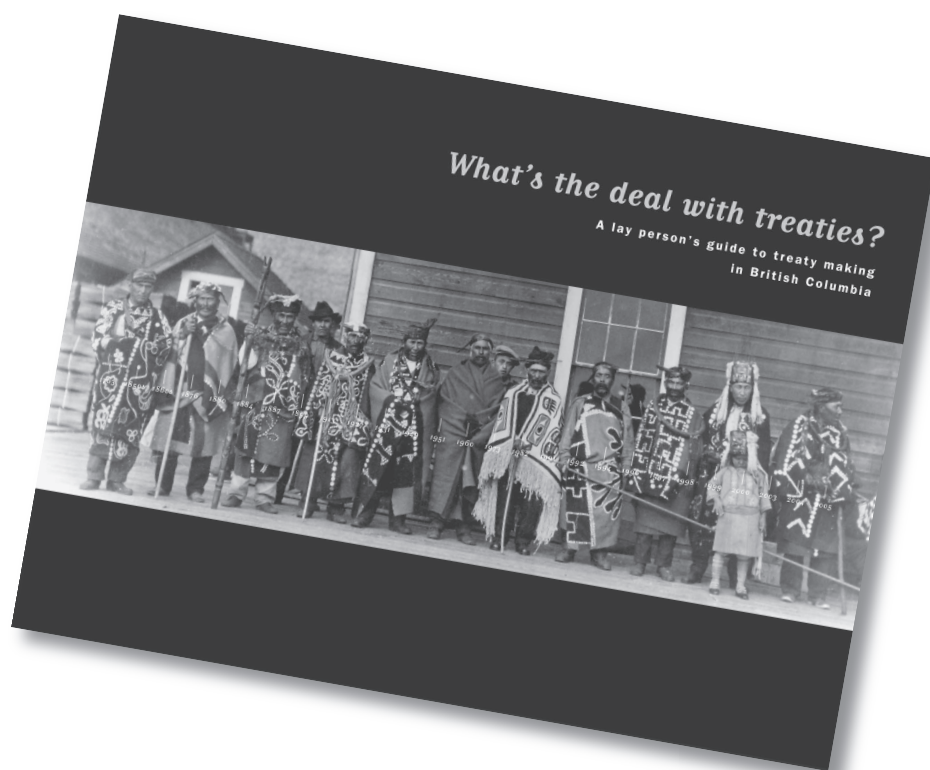
Isabel Budke, who left the Treaty Commission in September 2005 to pursue other career opportunities, is currently working on contract at Indian and Northern Affairs Canada in the area of community planning. She is continuing to assist the Treaty Commission with the Sliammon Indian Band intergovernmental community planning pilot project. Budke, who joined the Treaty Commission in January 2001 as a Treaty Advisor, holds a Masters in Resource Management from Simon Fraser University.

4th edition set for *popular book*

The Treaty Commission is printing a fourth edition of its most popular publication *What's the deal with treaties?*

The first edition was distributed as part of an educational kit for high schools, which also contains the video of the same name. For each edition the Treaty Commission has produced 5,000 copies for a total of 20,000 copies.

The fourth edition has a number of updates to reflect changes that have occurred in the treaty process since the third edition printing in 2003. Then, just one First Nation was in final agreement negotiations and today there are six First Nations that have reached that stage. Also notable are a number of court decisions favouring First Nations including the Supreme Court decisions in *Haida* and *Taku*. 



Information workshops for First Nation communities

An information workshop, hard hitting in its assessment of First Nations history over the past 150 years and laying out a course for the future through treaties, is getting good reviews in First Nation communities.

"I knew nothing about the treaty process," said one participant. "All of the information presented was valuable." Exit surveys show most participants gave the workshop high marks.


Created and delivered by Treaty Advisor Bev Sellars, a former band chief and lawyer, the workshop is now being

refined to meet the specific information needs of people in First Nation communities.

The workshop covers the contributions of aboriginal people with highlights from 15,000 years of inventions and innovations; examines attempts at displacement and assimilation; the way out through treaty negotiations; and the process for involving First Nations and their members.

It will be the First Nations members that ratify agreements signed through the

BC treaty process. As the BC Claims Task Force noted, it is essential that they have good information.

The Wet'suwet'en Nation and Hul'qumi'num Treaty Group were the first to bring the Treaty Commission workshops to their communities. Sellars spoke to Wet'suwet'en members at workshop sessions in Moricetown, Hagwilget, Smithers, Houston and Vancouver and to Hul'qumi'num members at the Cowichan treaty office in Duncan. 

Status

REPORT

There are 57 First Nations participating in the BC treaty process at 46 negotiation tables.

6 First Nations in Stage 5

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

41 First Nations in Stage 4

Carcross/Tagish First Nation
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
Gitksan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nation
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Council
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket Treaty Council
Kwakiutl Nation (in suspension)
Laich-Kwil-Tach K'omoks
Tlowitsis Council of Chiefs

Lake Babine Nation
Musqueam Nation
'Namgis 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 Nation
Tseil-Waututh Nation
Westbank First Nation

Wet'suwet'en Nation
Yale First Nation

2 First Nations in Stage 3

Cheslatta Carrier Nation
Squamish Nation

8 First Nations in Stage 2

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


First Ministers meeting...

Continued from front cover

going to bring about a more positive environment in which negotiations can be fruitful," said the chief commissioner.

The Treaty Commission takes the view that these new measures, agreed to by the prime minister and premiers will ease the transition to self government and self-sufficiency for First Nations, said Point.

"Any new measures that recognize aboriginal rights and provide benefits will take some of the pressure off treaty negotiators to solve all the problems," said Point.

Point and commissioners Jack Weisgerber and Jody Wilson were guests on the CBC radio program Almanac broadcasting from the First Ministers meeting in Kelowna. 

Yale poised to sign agreement

Continued from front cover

Yekooche is a remote community 70 km northwest of Fort St. James in north central BC. The agreement provides approximately 5,960 hectares of land in addition to four current reserves totalling 379.8 hectares, as well as a \$6.5 million cash settlement.


"Today we stand together and celebrate a historical event for the community and commit to work towards a modern-day treaty that will materially improve the lives of people in the region for generations to come," said Tom Christensen, Minister of Aboriginal Relations and Reconciliation, at the ceremony in August.

For the three First Nations closest to a treaty — Lheidli T'enneh Band, Maa-nulth First Nations and Sliammon Indian Band

— intense negotiations are continuing amid more frequent information sharing among First Nations and joint negotiating sessions.

In addition to unresolved fish and governance issues, negotiators are facing the difficult task of resolving funding arrangements, including taxation and ongoing cash transfers.

According to a media report, First Nation negotiators are seeking secure funding and tax arrangements and say federal proposals that do not link own source revenue deductions to improvements in quality of life indicators are inconsistent with pledges made by the Prime Minister at the recent summit in Kelowna.

The Prime Minister committed to materially improving the lives of aboriginal people in the areas of health, education, housing, and economic opportunity within the next five to 10 years. 



Merging past and present, the Treaty Commission symbol represents the three Principals in modern-day treaty making — the governments of Canada and British Columbia and First Nations. Pointing in an upward and forward direction, the symbol implies a "coming together" pivotal to successful negotiations and treaty making.