

TREATY COMMISSION

update

The independent voice of treaty making in British Columbia

First Nations to co-manage parks

First Nations will have a say in managing provincial and national parks recent agreements confirm.

Namgis First Nation will collaboratively manage provincial parks and protected areas within their traditional territory on northern Vancouver Island.

Hul'qumi'num Treaty Group will work with Parks Canada in planning and managing Gulf Islands National Park Reserve.

Namgis Chief Bill Cranmer said, "The agreement is a small but important step towards building a treaty under the BC treaty process.

"I think these types of agreements can be seen as building blocks as we move towards a treaty."

Robert Morales Hul'qumi'num Chief Negotiator said, "The agreement is a significant milestone in building honourable collaborative relationships between the Crown and First Nations people."

Provincial Environment Minister Barry Penner said, "In keeping with the spirit of the New Relationship, the agreement paves the way for future discussions with First Nations and the Province regarding the collaborative management of parks in First Nations' traditional territories.

Aboriginal Affairs and Reconciliation Minister Tom Christensen said, "I am very pleased that this agreement with the Namgis First Nation honours the principles of our New Relationship with First Nations."

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Sliammon resolves territorial issues among neighbouring First Nations

If asked to describe the primary purpose of treaty making in British Columbia, most people would say to reconcile First Nations', Canada's and British Columbia's respective interests, jurisdictions, and use of resources.

Often forgotten is that First Nations, too, must reconcile their interests, jurisdictions and use of resources amongst themselves.

One First Nation in the treaty process resolving issues of shared and overlapping territory is the Sliammon First Nation.

"We're obviously aware it is a requirement of the BC treaty process that we resolve our overlaps prior to final agreement," says Denise Smith, Sliammon First Nation negotiator. "So we've been working on resolving our overlaps.

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Keeper of the process

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Philippines trip

highlights common vision for indigenous people



Commissioner Wilson

Grand Chief George Manuel gave public meaning to the term “the Fourth World” in his 1974 book *The Fourth World: An Indian Reality*.

In his book Manuel defines the Fourth World as “indigenous peoples descended from a country’s aboriginal population and who today are completely or partly deprived of the right to their own territories and its riches.”

Manuel created the term the Fourth World to explain how indigenous people around the world should work together to maintain or gain some degree of sovereignty over their national homelands.

In February, Commissioner Jody Wilson learned just how important this idea of



the Fourth World is today, and how the BC treaty process could be a model for indigenous people around the world.

“I was asked by Indian and Northern Affairs Canada (INAC) to attend a forum on ancestral domain and land claims in the Philippines,” explains Wilson. “There are over 100 distinct indigenous populations in the Philippines and they have ancestral domains that are akin to our traditional territories.”

Those ancestral lands are rich in minerals and natural resources, and companies from around the world come to the Philippines to extract those resources. However, there is no agreement between the indigenous people in the Philippines, the government of the Philippines, or the resource companies as to how ancestral lands should be used or developed.

Indigenous people of the Philippines are not consulted to any great degree, and this has caused conflict and confrontation in the country.

Commissioner Wilson spoke about the Canadian experience in building relationships among First Nations, governments, and third parties to the Forum on Issues on Ancestral Domain and Land Claims hosted by Canadian ambassador Peter Sutherland and to the National Commission on Indigenous Peoples. Indigenous people, government

officials, and resource company officials attended the conferences.

“They were so thirsty for information,” says Wilson. “They were looking for information regarding government-to-government and third party relationships.



“They were amazed there was a process set up where all aboriginal people in our province could voluntarily enter into a treaty process,” she said. “And they were absolutely amazed that government actually sits down on the premise of developing a new relationship.”

Wilson, and fellow presenters Sandra Ginnish and Gail Mitchell of INAC, and Isabella Pain, Labrador Inuit Association land claims negotiator, were questioned extensively about the relationship between Canada’s First Nations and the Canadian government.

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Final barriers the focus of negotiations

The frenetic pace continues for those First Nations in the advanced stages of treaty negotiations and those who soon hope to be.

All six First Nations that have signed agreements in principle since 2003 are focusing on a small number of issues yet to be resolved.

The BC government is seen as ready to conclude all remaining issues to reach agreement, while the new Conservative government may yet reconsider the federal position on outstanding issues.

Pressure is mounting on the federal government to address the final barriers this summer so that conclusive final negotiations can occur this fall. There is pressure, too, to move several more First Nations into final agreement

negotiations. Nqmgis Nation, In-SHUCK-ch Nation and Oweekeno Nation are seen as the next most likely First Nations to sign agreements in principle.

"A significant milestone occurred when the parties agreed on the lands that would be the focus of upcoming negotiations."

In its June newsletter, the In-SHUCK-ch Nation characterizes their agreement-in-principle negotiations as "essentially finished."

The land and cash offer made to the In-SHUCK-ch earlier this year includes a total of 14,979 hectares of land and \$21 million.

Commissioner Michael Harcourt has been impressed with recent progress in the Wuikinuxv negotiations.

The parties at the Nqmgis First Nation table have done most of the work needed to get an agreement, said commissioner Jack Weisgerber. "A significant milestone occurred when the parties agreed on the lands that would be the focus of upcoming negotiations."

Two First Nations, Hupacasath First Nation and Tlowitsis Nation have taken a step closer to substantive negotiations when the parties at their tables met the readiness requirements to move into Stage 3. ☉

Roundtable on First Nation-Local Government Relations

Building relations between municipalities and First Nation neighbours is indispensable to creating a healthier and more prosperous region.

That was the message delivered by Harold Calla, Finance Officer of the Squamish First Nation, and Rick Beauchamp, Director of Administrative Services with the District of West Vancouver, at the second meeting of the Lower Mainland Roundtable on First Nation-Local Government Relations.

Calla and Beauchamp made a joint presentation to the Roundtable on their

experience in master service agreement negotiations, relationship building, and recent initiatives involving all North Shore communities.

Their presentation spoke to the importance of dialogue and of planning together.

Goals of the master service agreement negotiations between the Squamish Nation and the District of West Vancouver are:

- Joint planning on the North Shore.
- Long term comprehensive community plans.
- Developing standards of best practices.

The Roundtable is a forum for the Lower Mainland Treaty Advisory Committee (LMTAC), the Greater Vancouver Regional District, and Tswwassen, Musqueam, Squamish, Tsleil-Waututh and Katzie First Nations to build new relationships and exchange information on regional issues. The forum was proposed in July 2005 by the LMTAC, and is facilitated by the Treaty Commission.

Future Roundtable meeting dates are being planned for the fall. ☉

Chief Commissioner Point visits

Sami hear BC

“A broader perspective is better.” That’s the view of Chief Commissioner Steven Point following a recent visit with the Sami in Finland.

Sami elders, the Sami Research Office of the University of Lapland, and the environmental non-government organization Snowchange, invited Chief Commissioner Point and his wife Gwen to speak on the history of aboriginal rights in Canada and treaty making in British Columbia.

The Points addressed the Conservation of Arctic Flora and Fauna meeting of the Arctic Council in northern Finland, as well as the Indigenous Rights seminar in Rovaniemi Finland.

The Sami are the indigenous peoples of Norway, Sweden, Finland and Russia, and one of the largest indigenous groups in Europe. Their ancestral lands encompass parts of northern Sweden, Norway, Finland and the Kola Peninsula of Russia.

Like indigenous people in Canada and around the world, the Sami of Finland are struggling to resolve outstanding issues of aboriginal rights and title.



“What the Sami are fighting for is recognition of their rights to the land,” explains Chief Commissioner Point. “The Sami have rights to land, waters and traditional sources of livelihood that are not recognized in Finnish law. And the Finnish government holds Sami traditional territory as the equivalent of Crown land.”

In the last 30 years, the Sami of Finland have done much to improve their position and rights in Finland. The Sami have elected a Sami Parliament since 1973. The Parliament presents initiatives and proposals and prepares opinions for Finnish authorities. In 1991 the Sami Parliament was granted the constitutional right to address the Finnish



Parliament on issues of importance to the Sami. And in 1994, Finland amended its Constitution to guarantee the right of the Sami as an indigenous people to maintain and develop their language and culture.

“But the land issue was never addressed specifically,” says Point. “The Government of Finland and the Sami people are only now wrapping their minds around what kind of land rights exist for the Sami people.”

The Sami and the Finnish government have looked to the BC treaty process as a model to help in resolving the Sami’s outstanding land claim issues in Finland.

experience with treaty making

“They don’t have a formal mechanism that allows them to sit down and formally negotiate treaties,” says Point. “They are interested in the BC treaty process because it is centred around the issue of aboriginal rights to land and they are looking for ways and means of resolving that issue.”

Ultimately, both conferences were an opportunity for Point to share with an international audience Canada and BC’s experiences in addressing the issue of aboriginal rights and title. At the same time, both conferences were a unique opportunity to consider some of the challenges yet to be faced in the treaty process.

“I think when we look at what other countries are doing and the work that other countries are engaged in, we can learn from the things that have worked there and things that haven’t,” says Point.

“We haven’t wrapped our minds around what self-government is going to look like in a post-treaty environment,” continues Point. “We know what the Nisga’a have, but what do the rest of us want? And how are we going to deal with justice on a provincial scale? And how are we going to do education and health? How are we going to deal with all these other issues? Are we each going to have our own Sami Parliament?”

“I think it is absolutely essential for us to look around the world and say to ourselves, ‘Hey! We’re not the only place that has indigenous people and we’re not the only place that has indigenous problems and these other groups are solving some of these problems. They’re coming to solutions’,” says Point. Likewise, “Sometimes it’s beneficial to just know that other groups have the same problems and they haven’t been able to solve them either.”

Ultimately, “It’s not until you leave home, that you get a perspective on what your home is about.” ☉

For more information see:

Snowchange see
www.snowchange.org

The Conservation of Arctic
Flora and Fauna see
www.caaff.is/

The Saami Council see
[www.saamicouncil.net/
?deptid=1116](http://www.saamicouncil.net/?deptid=1116)

The Indigenous Rights
Seminar see
[http://news.uarctic.org/
000419.html](http://news.uarctic.org/000419.html)

What was said



“The government is committed to a new relationship with First Nations based on mutual respect, on reconciliation and, fundamentally, on recognition of aboriginal rights. In embarking upon this new relationship, we are turning our backs on a legacy of denial in the province.”

Hon. T. Christensen: Legislature of British Columbia, March 2006

It's an unfortunate legacy. When we have the opportunity to sit down and look at the history of the relationship between First Nations and the provincial Crown in this province, it's not one we come away from feeling proud. We started out all right in the 1850s. We negotiated a few treaties, which have come to be known as the Douglas treaties, here on lower Vancouver Island, and then we stopped.

From the late 1850s for well over a century, the province dug in its heels and consistently denied that First Nations had rights, that First Nations actually were here before European contact and that there was a need to reconcile the existence of those rights and those title interests with the immigration of so many others to this great province. It's a legacy of denial that was consistent through the late 1800s into the 1900s.

Quite frankly, the record of history shows that we took extraordinary steps to ensure that First Nations didn't have the opportunity to embark upon a debate about those rights and title interests. We went as far as outlawing the ability of First Nations to organize themselves, to pursue claims of rights in title. We denied aboriginal peoples the most fundamental opportunity that we all hold dear: the one that gives us the vote. We held on to that denial for a long time.

We outlawed customs that we feared allowed First Nations to come together and debate these issues themselves and then come to government and make the case that aboriginal rights and title interests had to be dealt with. For decade after decade we took extraordinary steps to not have to address issues of aboriginal rights and title. It's only really in the past two to three decades that we've started to see a shift.

We've seen an opportunity for First Nations to pursue their rightful claims that their aboriginal rights need to be recognized and their title interests need to be recognized. Very slowly, governments have come to recognize that these are issues we need to deal with. Far too often we've dealt with these issues in the context of what amounts to a continued denial rather than trying to work with First Nations to recognize what is the most simple fact: the fact that we are all here to stay. First Nations aren't leaving, and I don't think

any of the rest of us whose families have only been here a century — in some cases a couple of centuries, or in many cases much shorter than that — are prepared to leave.”

“We've made significant progress on the treaty front. We now have six agreements in principle that have been signed since 2003. I'm hopeful that we're getting close to another, and our task ahead is to make sure we're making progress towards final agreements. Again, I'm hopeful.

I've moved away from trying to put time lines on those things because that's a recipe for being wrong, but we are making progress, and we are engaged with First Nations in how we try to break through some of the final barriers that are there to getting to final treaties. I am confident that we will get to final treaties and that some of the goodwill and the trust that is being built through the New Relationship will assist us immeasurably in getting to those final treaties.”

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.

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Commissioners bring dialogue to Delta

Commissioners hosted their third in a series of community consultations on treaty making in Delta recently.

The event brought together representatives from the Tsawwassen First Nation, the Corporation of Delta, and the Delta Chamber of Commerce to discuss their experience working towards the first urban treaty in British Columbia.

Participants discussed their hopes for the successful conclusion of a fair and equitable treaty in their community.

"We have to do this treaty process," said Commissioner Jack Weisgerber. "It's tough. But if people in your community are living in poverty, it hurts your whole community."

Delta Chamber of Commerce President Maria DeVries agreed.

"Hopefully we can start this journey and walk along beside each other and build a wholesome community."

Everyone agreed communication and dialogue are key.

"We have to help people understand why this is important for all British Columbians," concluded Bruce Mack, a Tsawwassen First Nation advisor. ☉

First Nations...

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The traditional territory of the Nāmgis First Nation is centred around Alert Bay and the Nimpkish Valley on northern Vancouver Island. There are six provincial parks and marine parks, and four ecological reserves within Nāmgis territory including Robson Bight Ecological Reserve, an internationally significant killer whale sanctuary.

Gulf Island National Park Reserve comprises 61 square kilometres of protected land and ocean in the Strait of Georgia. Spread out over more than 15 islands and numerous islets and reefs in the southern Gulf Islands, the park protects a representative portion of one of Canada's most endangered natural regions. ☉

Sliammon resolves territorial issues

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"I would say we are 99 per cent complete as far as our shared territory overlaps go."

The Sliammon First Nation signed its first Shared Territory Agreement with the Sechelt First Nation in 1995, and have now completed agreements with Homalco, Klahoose, K'omoks, We Wai Kai, Wei Wai Kum, and Kwiakah nations earlier this month.

To resolve issues of territory overlaps, the Sliammon First Nation initiated meetings with its neighbouring First Nations. At these meetings, everyone examined maps, identified what activities and interests were affected by the territorial overlaps, discussed how to deal with these overlaps, and established a mechanism in the event of a conflict.

The process has been important for the Sliammon community.

"We've made a lot of gains through the treaty process and learned a lot about ourselves," says Smith. "When you're

doing your history, researching and documenting, you find you're learning more about your community every day."

"The Sliammon, Klahoose and Homalco people were one people at one time," continues Smith. "And then through the creation of reserves we became three different First Nations. [The Shared Territory Agreements] remind us that we are connected by land and we share a common blood and a culture."

And that has benefits for the Sliammon and its neighbours.

"If we are all working together on common issues we are more likely to get things done than each individually going at it on our own. There is strength in numbers.

"The best thing that came out of it is that we established new relationships and re-established existing ones," concludes Smith. "And we've got to know each other." ☉

Status

REPORT

There are 57 First Nations participating in the BC treaty process. Because some First Nations negotiate at a common table, there are 47 sets of negotiations. There are 42 First Nations in Stage 4 agreement-in-principle negotiations and seven First Nations in Stage 5 negotiations to finalize a treaty.

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

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
'Namgis Nation
Nazko Indian Band
Nuu-chah-nulth Tribal Council
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
Tsil'it-Waututh Nation

Westbank First Nation
Wet'suwet'en Nation
Wuikinuxv Nation

40 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

4 First Nations in Stage 3

Cheslatta Carrier Nation
Hupacasath First Nation
Squamish Nation
Tlowitsis 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

Philippines visit highlights common vision

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Conference participants came back repeatedly to one question: how do we develop trust among indigenous peoples, government, and third parties?

The answer could be a process like the BC treaty process.

"Our process process was well conceived but has many challenges to overcome," says Wilson. "It is looked at by people around the world as a positive way to deal with aboriginal people through government-to-government, equal-footing negotiations."

In fact, "When people in the Philippines, as well as Australia and New Zealand heard about our process, they wanted to know much more."

But what did the Canadian delegation and Commissioner Wilson take from this trip?

Our struggles are the same as those of indigenous people around the world," says Wilson. "Developing an international link and sharing information with other people is hugely important."

George Manuel would probably agree. 📍

For More Information see:

Manuel, George. *The Fourth World: An Indian Reality*. Collier Macmillan Canada, 1974; Free Press, New York 1974.

The Centre for World Indigenous Studies: www.cwis.org