



BC TREATY COMMISSION

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Newsletter Update: June 2001

Major Review Underway

The Treaty Commission will complete an in-depth review of the treaty process over the next three months and delay its eighth annual report until the review is complete.

The review will result in recommendations to the governments of Canada and British Columbia and the First Nations Summit, which represents First Nations in the treaty process. The 2001 annual report will include a thorough assessment of the strengths and weaknesses of treaty process and will offer recommendations for improving the situation.

"It is appropriate 10 years after a task force made 19 recommendations for a made-in-BC treaty process to consider what we've learned and where we need to go from here," said Chief Commissioner Miles Richardson. "I hope this review will help shape the future of treaty negotiations in this province. But it is the parties who will ultimately decide what they do with our recommendations."

Richardson said the Treaty Commission cannot make the governments of Canada and BC or First Nations take action, but it will continue to point out the obstacles to agreement and put forward suggestions. This first major review of the treaty process will include an examination of all negotiations underway in the province and the reasons why there are no treaties. The Treaty Commission, which is independent and neutral, monitors all negotiations and regularly reports on the progress being made and the challenges to completing treaties.

Traditionally, the Treaty Commission releases its annual report in June. It is required to report no later than six months after its fiscal year ends on March 31. The report on the progress of negotiations and an evaluation of the process is tabled in the Parliament of Canada, the Legislative Assembly of British Columbia and with the First Nations Summit.



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Elections Disrupt Negotiations

The Treaty Commission anticipates an early announcement from the new minister responsible for treaty negotiations in British Columbia that will get treaty negotiations moving again following the provincial election.

Despite a federal election last fall and the recent provincial election, some progress has been made in completing interim agreements. But both elections brought delays and cancellations to tripartite negotiations.

The treaty process had already been under attack for failing to produce any treaties. While there have a number of interim agreements primarily dealing with economic development and building First Nations' capabilities, there has been only one comprehensive agreement in principle. The outcome of that agreement, with the Sechelt Indian Band, remains uncertain. A second agreement in principle, with the Nuu chah nulth Tribal Council, was initialled by the negotiators but subsequently rejected by half the member nations. A third agreement in principle with the Sliammon Indian Band will be considered by its members in July.

Xaxli'p First Nation members have voted to withdraw from the treaty process following on the heels of neighbouring Ts'kw'aylaxw First Nation, which withdrew from the treaty process in October 2000.

Despite the setbacks, the Treaty Commission is continuing to carry out its three primary roles: monitoring and facilitation, funding of negotiations and public information and education.

The Treaty Commission is monitoring the completion and implementation of several interim measures agreements reached during the past year. It is also working with the federal government to start bilateral negotiations on governance and fisheries, which at this point do not require as much provincial participation.

April signals the beginning of a new fiscal year for the Treaty Commission - a time when consideration is given to First Nations' negotiation support funding. The Treaty Commission administers the funding that will support First Nations in preparing for and undertaking negotiations when tripartite negotiations resume.

The need for public information continues. The Treaty Commission has several new projects underway as well as continuing programs, such as newsletters, web site, displays, speaking engagements, education packages for schools and responding to regular enquiries about the treaty process.



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Status Report as of May 31, 2001

There are 51 First Nations participating at 42 sets of negotiations in BC the treaty process.

There are 44 First Nations in stage four agreement-in-principle negotiations and one First Nation in stage five negotiations to finalize a treaty. A table refers to a negotiation table at which three parties sit - one or more First Nations, Canada and BC.

2 First Nations in Stage 2

Council of the Haida Nation
Hupacasath First Nation

4 First Nations in Stage 3

Cheslatta Carrier Nation
Musqueam Nation
Squamish Nation
Quatsino First Nation (member, Winalagalis Treaty Group)

44 First Nations in Stage 4

Northern Regional Negotiations members:
Carcross / Tagish First Nation
Champagne and Aishihik First Nations
Taku River Tlingit First Nation
Teslin Tlingit Council

Winalagalis Treaty Group members:

Kwakiutl Nation
'Namgis Nation
Da'naxda'xw Awaetlatla Nation
Gwa'Sala-'Nakwaxda'xw Nation
Tlatlasikwala Nation

Ditidaht First Nation, and
Pacheedaht Band
Cariboo Tribal Council
Carrier Sekani Tribal Council
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Haisla Nation
Heiltsuk Nation
Homalco Indian Band

Hul'qumi'num Treaty Group
In-SHUCK-ch
Kaska Dena Council
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket Treaty Council
Laich-Kwil-Tach K'omoks Mamalillikula Tlowitsis Council of Chiefs
Lake Babine Nation
Lheidli T'enneh Band
Nazko Indian Band
Nuu-chah-nulth Tribal Council
Oweekeno Nation
Sliammon Indian Band
Snuneymuxw First Nation
Sto:Lo Nation
Te'Mexw Treaty Association
Tsawwassen First Nation
Tsay Keh Dene Band
Tsimshian Nation
Tseil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation
Xaxli'p First Nation
Yale First Nation
Yekooche Nation

1 First Nation in Stage 5

Sechelt Indian Band

* Several groups of First Nations are negotiating at common tables.



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Agreements Deliver Benefits Now

Treaty negotiations are about more than a finished product, a final treaty - treaty negotiations are the beginning point for a new relationship between First Nations and the governments of Canada and British Columbia.

Interim measures agreements can provide a greater degree of stability for investment, new business opportunities and better working relationships as treaty negotiations continue. The governments of Canada and BC and First Nations have concluded agreements for business and forestry joint ventures, cultural heritage studies, training and job shadowing, to name a few.

Although interim measures agreements were designed to fit seamlessly with final treaty settlements, not all will be linked to final treaties.

There have been several new developments since the Treaty Commission's March report.

New agreements

MARCH

Canada and BC signed a treaty-related agreement with **Gitanyow Hereditary Chiefs** to provide funding for forestry-related projects, including forest management, business venture feasibility and tenure allocation assessment.

Funding provided by Canada and BC to **Haisla Nation** will promote economic development and joint venture opportunities within the forestry industry. In pursuing these goals, Haisla will work closely with joint venture partners and the community of Kitamaat.

Katzie Indian Band received funding for self-governance development. Projects planned with this goal include a governance study, community consultation, internships and job shadowing opportunities.

Treaty-related funding will allow **Tsawwassen First Nation** to produce a community planning study. In completing the study, Tsawwassen will identify future human resource and community planning needs within their community, and evaluate potential community development initiatives.

A tripartite accord on lands, resources and governance endorsed by **Tsay Keh Dene Band** will establish a tripartite forest resource council and promote Tsay Keh Dene's participation in the Mackenzie District Timber Supply Review. Also planned is a study on access into the

Ingenika Valley and surrounding watersheds, economic development and promotion of joint ventures.

APRIL

Gitga'at First Nation, Haida Nation, Haisla Nation, Heiltsuk Nation, Kitasoo/Xaixais First Nation and Metlakatla First Nation together endorsed a landmark agreement on land-use planning and interim measures. The general protocol agreement commits the parties to work together on the Central Coast, Haida Gwaii and North Coast land use plans, and on implementing interim measures agreements. Interim measures agreements developed from the protocol may include training programs, economic development projects, forestry joint ventures and tourism initiatives.

Details of the **Central Coast land-use plan**, which represents the combined efforts of First Nations, forestry companies, government, community groups, environmentalists and truck loggers, were also released at the protocol agreement signing. The plan protects 600,000 hectares of Crown land ranging from Knight Inlet to Princess Royal Island -- home of the Kermode "spirit" bear -- and defers logging on an additional 900,000 hectares of Crown land. Signatories to the agreement made a commitment that future development must be eco-friendly and benefit local native and non-native communities.

Following from the April general protocol agreement, **Council of the Haida Nation** endorsed a protocol agreement on interim measures and land-use planning. The protocol commits the parties to establish a cooperative forest council of the Haida and BC; explore options for timber transfer and access; develop joint ventures between Haida and existing forestry companies; and develop sustainable ecosystem planning.

Carrier Sekani Tribal Council signed a bridging agreement with Canada and BC. The agreement, which will terminate once a formal interim measures agreement comes into effect, provides access to 500,000 cubic metres of timber annually. Outlined in the agreement is \$1 million of funding to be provided by Canada and BC, all but \$250,000 of which is contingent upon the signing of an interim measures agreement.

Kaska Nation and the provincial government have agreed to work together to promote Kaska's participation in the minerals and oil and gas industry, including the development of training programs and joint ventures with existing businesses.

Snuneymuxw First Nation received funding from Canada and BC to help the nation work co-operatively with the Regional District of Nanaimo. Under the agreement, Snuneymuxw will establish a working group with the province, the regional district and the Union of B.C. Municipalities. In addition, Snuneymuxw will have the opportunity to become more involved in the 2001 regional growth strategy, including job shadowing the district's senior planner.

A treaty-related agreement also made possible a momentous event for **Snuneymuxw First Nation** - repatriation of human remains held in the Royal British Columbia Museum. Snuneymuxw will play an active role in repatriation activities, including developing a project schedule and plan, training and coordinating elder participation and reporting on repatriation activities.

Snuneymuxw First Nation received joint-government funding to help the nation work co-operatively with the Regional District of Nanaimo. Under the agreement, Snuneymuxw will establish a working group with the province, the regional district and the Union of B.C.

Municipalities. In addition, Snuneymuxw will have the opportunity to become more involved in the 2001 regional growth strategy, including job shadowing the district's senior planner.

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MAY

Gitanyow Hereditary Chiefs, Canada and BC signed a Memorandum of Understanding enabling Gitanyow to begin rehabilitating the Kitwanga River. Gitanyow people will be trained to administer rehabilitation programs, including watershed reconstruction and fish sampling.

How interim agreements are delivering

Last issue, we reported on a unique cultural heritage study conducted by **Tsawwassen First Nation** (TFN). Using archival research, ethnographic interviewing and data interpretation and mapping, the study sought to identify, verify and document cultural heritage resources. In March, TFN released the completed study, which documents more than 1,100 cultural heritage sites, many of which are within Tsawwassen's reserve land.

Interim funding provided to **Kaska Nation** in December 2000 spurred three joint ventures with local forestry companies. Lower Post First Nation, Dease River Band and Slocan Forest Resources will work together to develop a third-party fibre agreement, which is intended to provide a sustainable annual allowable cut within the Nation's traditional territory. A forest development plan joint venture between Kaska member nation Kwadacha Band and Abitibi Consolidated Inc. provides training and skill building programs aimed at helping the band to become self-sufficient in forest development planning. A second joint venture - a fibre supply agreement - commits the parties to work together to submit forest development plans each year and to establish a regional resource stewardship planning team.