

TREATY COMMISSION

# update

*The independent  
voice of treaty  
making in  
British Columbia*

## Sliammon First Nation concludes treaty negotiations

*Sliammon First Nation has concluded treaty negotiations with the governments of Canada and British Columbia.*

The three parties are expected to have an initialing ceremony in the community in September. Sliammon First Nation members will be asked to vote on the agreement following a period of community consultation.

If approved, the treaty is to include 8,322 hectares of settlement land, almost \$30 million in cash, an additional \$7 million for an economic development fund, as well as additional funds for other projects. Chief Negotiator Roy Francis noted there are nearly 70 kilometres of waterfront in the treaty settlement lands.

The understanding among negotiators was achieved on June 9. Sliammon will take the next several months to explain the terms of the final agreement to community members in preparation for the community-wide vote.

"We congratulate the negotiators for reaching agreement recognizing that these have been lengthy and difficult negotiations," said Chief Commissioner Sophie Pierre.

*Commissioner Jerry Lampert said, "This is an important milestone for the Sliammon First Nation. The community will now have an opportunity to assess the fine work that has been done by the negotiators over the past number of years."*

Sliammon negotiator Denise Smith said the negotiators' mantra throughout the lengthy process was that they could not

go to the community with a deal that was worse than what it was under the *Indian Act*.

"The only way First Nations are able to access more than the *Indian Act* is through treaty negotiations," she said. "If we stayed the way we are now, would we be getting more land, more money, more fish? All those things that are coming with the treaty will never happen under the *Indian Act*."

The Sliammon First Nation Final Agreement, if successful, will be the third treaty completed in the BC treaty process. Yale First Nation members are also preparing to vote on their final agreement. The Tsawwassen First Nation Final Agreement became effective on April 3, 2009. The Maa-nulth First Nations Final Agreement was passed on June 17, 2009 but is yet to be implemented. ☉

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We're moving. Our new address as of July 26 is:

Suite 700 – 1111 Melville Street, Vancouver BC V6E 3V6

# First Nations Summit elects leader from a new generation



Snuneymuxw First Nation  
Chief Doug White III

Snuneymuxw First Nation Chief Doug White III has been elected to his first term as a First Nations Summit Task Group member. Grand Chief Edward John and Dan Smith were re-elected task group members and Leah George-Wilson and Ray Harris were re-elected co-chairs.

Chief White has extensive experience dealing with treaty issues and an academic background in First Nations studies and law. He is a frequent lecturer at universities on legal issues

regarding aboriginal peoples and is a practicing lawyer. He is also a director and past president of the Snuneymuxw First Nation Economic Development Corporation, a member of the University of Victoria's School of Public Administration's Advisory Board, and a past executive member of the Indigenous Bar Association of Canada.

"There's a lot of frustration among First Nations over the amount of time, resources and money that has been spent on treaty negotiations in this province," said White. "I want to send a clear message to the government that we want a renewal of the commitment made to First Nations to resolve these issues that was made 20 years ago."

Chief White, at 40, also represents a new generation of First Nations leaders. "Our communities are electing younger, university-educated leaders," said Chief Doug Kelly, who stepped down from the executive."

We need younger leaders who have these kinds of skills. We need people who can be listeners, facilitators, and peacekeepers."

Chief John, hereditary grand chief of the Tl'azt'en Nation will be serving his ninth term. He has advocated for First Nations interests for more than 30 years and was recently appointed as an Indigenous Member of the United Nations Permanent Forum on Indigenous Issues.

Smith is a member of the Campbell River Indian Band and the Laich-Kwil-Tach Nation and will be serving his second term on the executive. He has over 40 years experience working with First Nations, aboriginal organizations and the federal government. He was also vice-president of the Native Council of Canada, president of the United Native Nations, and member of the BC Human Rights Commission.

George-Wilson will be serving her fourth term and Harris his second term as co-chairs. ☉

## BC treaty process a topic at international forum

The BC treaty process is a topic of conversation in the international arena.

The Treaty Commission recently had the opportunity to observe international discussions at the UN Permanent Forum on Indigenous Issues in New York City.

Commissioner Shana Manson, the Treaty Commission's representative observed, "There has been an increased amount of international work focussing on treaty negotiations in British Columbia," said Manson.

The theme for the session was *"Indigenous peoples: Development with culture and identity; articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"*.

Of particular interest to the BC Treaty Commission were talks about re-opening the Martinez study on treaties to include an analysis of whether or not agreements made under the BC treaty process are in fact treaties. "Naturally, this is of special interest to the Treaty Commission," said Manson.

Manson attended the UN forum to become informed for future presentations the Treaty Commission may develop for an international audience, as well as to answer enquiries about the BC treaty process.

The idea of a permanent forum for indigenous peoples first discussed in the 1980s was created in 1997 from

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## update

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# First Nations crucial to BC's economic future reports show

Aboriginal people are crucial to the economic future of BC, according to several recent reports on the BC economy.

The province leads the country in aboriginal tourism and First Nations will be key players in its expansion in British Columbia, according to Aboriginal Tourism Association of BC. Aboriginal tourism in BC is expected to grow to at least \$50 million by 2012, the study predicts.

The mining industry is affected by unresolved land claims. Uncertainty around land and resources is a main concern for mining companies, according to one of 28 papers commissioned by the BC Business Council as part of their *Outlook 2020* project.

First Nations concerns over land and environmental issues will also be critical to the success of the BC government's electricity revolution that will harness renewable energy, according to *Outlook 2020*.

"The failure to reach agreements with First Nations acts as a large deterrent to investment," according to Doug McArthur, professor of public policy

at Simon Fraser University, who was commissioned by the New Democrats.

But before aboriginal peoples can fully participate in the economy, the education and employment gap between aboriginal and non-aboriginal peoples must first be closed. The business council study concludes that closing the labour gap between the aboriginal and non-aboriginal population would generate a one-time addition of 10,000 people to BC's workforce. BC is expected to face a labour shortage as baby boomers retire.

All of these findings support a 2009 study by PricewaterhouseCoopers that shows resolving treaties would bring an additional \$10 billion to BC's economy over the next 15 years. Some studies suggest that number could be higher, according to McArthur.

"Resolving treaties would not only provide certainty for all concerned but would also provide First Nations with the resources to improve education and work towards economic development," said Chief Commissioner Sophie Pierre of the BC Treaty Commission.

Referenced in *Outlook 2020* is The Harvard Project on American Indian Economic Development that found "self-determination and successful economic development are inextricably linked."

*"Self-sufficiency for First Nations means having the authority and confidence to make sound economic decisions in the best interest of their people and communities," said Pierre. "No one knows better the needs of a community than the First Nations themselves."*

Northern BC has the resources and potential for growth, but effective economic decisions will only be made if those decisions come from the communities themselves, according to Initiatives Prince George Development Corporation and Northern Development Trust. These organizations say cooperation between First Nations,

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## Commissioners take treaty issues to Ottawa

The Treaty Commission will ask to appear this fall before the House of Commons Committee on Aboriginal Relations and Northern Development in a continuing effort to move treaty negotiations forward in British Columbia.

Commissioners, who appeared before the Senate Committee on Aboriginal Peoples last fall, made the decision following meetings in Ottawa in mid-June with Indian and Northern Affairs Canada, Fisheries and Oceans

Canada, Treasury Board, the BC Liberal Caucus and others.

Commissioners made the trip to emphasize the need for a recommitment to the treaty process, resolution of territorial issues among First Nations, and a practical approach to capacity-building for First Nations.

Two major initiatives, resolving territorial issues and building capacity, will require additional financial resources to support

First Nations and a major commitment from the Treaty Commission in time and human resources.

Commissioners expressed concern that the federal government will take too long to consider some of the options identified to move treaty negotiations forward. That analysis could take up to 18 months. More regular meetings among the Principals are also needed to keep treaty negotiations on track, according to commissioners. ☉

# Yekooche takes innovative

*The Yekooche First Nation has taken an innovative approach to prepare for life after treaty.*

Yekooche community members realized during the treaty negotiations process that, in order to fully realize the economic and social opportunities that a treaty can bring, they must address social issues. The issues challenging the community were brought forward through a series of community consultations and are documented in the Yekooche Comprehensive Community Plan, which was funded by Indian and Northern Affairs Canada.

For Yekooche, one aspect of social renewal is building the human and institutional capacity within the community to be successful as a self-governing First Nation. Canada kick-started this capacity building last year with the Yekooche Community Governance and Capacity Development project which, the community hopes, will continue on for the next four years. Intensive work with the Yekooche leadership on capacity development and governance is well underway.

Yekooche understands that a successful and smooth transition to self-government must also address social issues within the community. Social issues are not generally dealt with in treaty negotiations and this makes the Yekooche approach to finalizing its treaty unique. Yekooche believes that a healthier community will reduce time and energy spent on addressing community crises to allow a greater focus on proactive change to benefit the community's social and economic situation.



The Learning Centre is providing new opportunities for Yekooche youth.

Yekooche has proposed a five-year strategic plan and a 20-year tripartite agreement that would establish a long-term commitment by the governments of Canada and BC to address social issues. Whereas some benefits of a treaty accrue as treaty money flows into the community, social renewal is a long-term process, said Phil Symington, a negotiator with the ministry of aboriginal relations and reconciliation.

Canada and BC treaty negotiators would seek the cooperation of other federal and provincial departments to address the social renewal priorities identified by Yekooche. While governments have long stated that their departments should not operate as separate silos and should work together to address issues, this has been easier said than done. The social renewal

project will challenge both governments to work cooperatively within their departments and with Yekooche to solve problems. It would also mean a long term commitment from Canada, BC and Yekooche to working together on these issues.

Although it is not a part of the social renewal process, the Yekooche Learning Centre has demonstrated how initiatives to address social issues in one area, in this case education, can lead to positive spin-offs in a number of other areas. By providing computers and a positive learning environment for anyone who wants to take on a learning project of their choice, Yekooche's youth have initiated a number of projects ranging from music recording to web design to completing grade 12. The Centre is also a breeding ground for youth volunteerism and leadership.

# approach to capacity building

The social renewal initiatives proposed by Yekooche target education, health, children and families, justice, and culture, which bring the First Nation together with different agencies and the service providers.

Commissioner Dave Haggard is encouraged by the efforts of Canada and BC to work with Yekooche First Nation in finding solutions. "With this kind of effort I believe the parties will find appropriate solutions that meet the needs of the community."

*An important aspect of social renewal is healing — a community healing from past trauma and current challenges.*

The Aboriginal Healing Foundation says it takes about 10 years of continuous healing efforts before a community is well established in healing.

"The Yekooche First Nation wants people to know that the economic and social challenges a community faces do not define who the people are," said Yekooche spokesperson Catherine Read.

The social renewal work takes a holistic approach "that recognizes the importance of culture," said Read, "The emotional, social, physical and spiritual aspects of the individual, families and the community are treated as a whole and it is acknowledged that they are interdependent."

A big factor in the success of social renewal will be ongoing relationship-building which is a focus of the provincial negotiation team. Negotiators established a committee of regional service providers to meet with Yekooche and learn about their priorities, with the goal of collaborating across social sectors and look for ways to deliver

more targeted, streamlined and seamless services between on and off reserve.

"I think it's important that we see this as something to be supported by all three parties to the treaty, in terms of the growing capacity of the community and the capacity of governments to address community issues and build relationships with the community as they move forward," said Symington. "We really want to engage with Yekooche in a way that will contribute to their prosperity and their growing capacity."

Social renewal is unique to Yekooche as a result of the priority that the First Nation has set on capacity development and addressing social issues, and because Yekooche is close to finalizing a treaty. What is learned from the Yekooche social renewal work can be instructive to other First Nations and to Canada and BC governments. 🌐



# Landmark Sparrow ruling led to treaty negotiations

The landmark Sparrow ruling 20 years ago in the Supreme Court of Canada further defined aboriginal rights and led to negotiations between First Nations and the governments of Canada and British Columbia.

In 1984, Musqueam Nation member Ronald Edward Sparrow was caught fishing with a net that was larger than legally allowed by the *Fisheries Act*. Sparrow contested the charge on the grounds that aboriginal people had an existing right to fish on their traditional territories.

The case went all the way to the Supreme Court of Canada, where it was ruled in 1990 that aboriginal people did have existing rights that were not extinguished by section 35 of the *Constitution Act, 1982*.

"Sparrow was a factor in the BC government's decision to accept treaty negotiations as the way to resolve the land question," said Chief Commissioner Sophie Pierre of the BC Treaty Commission. "We owe our creation in 1992, in part, to the Supreme Court ruling in Sparrow."

The Sparrow decision has had, over the past 20 years, a significant influence on the definition of aboriginal rights. Subsequent court cases citing Sparrow, such as the *Delgamuukw* case of 1997 or the *Haida and Taku River Tlingit* cases of 2004, further affirmed aboriginal rights and the government's duty to consult with, and perhaps accommodate, First Nations where a right might be infringed.

The Aboriginal Fisheries Strategy, which provides commercial salmon fishing licences to aboriginal communities, is a direct result of the Sparrow decision. ☉

## Treaty Commission promotes online resources for teachers

Teachers across the province are now able to use and comment on educational resources provided by the BC Treaty Commission.

The Treaty Commission in conjunction with the Surrey School District recently launched an online space with teaching resources for the educational DVD *Nisga'a Dancing in Both Worlds*, which was distributed to all secondary schools in the province. The DVD is a documentary featuring the Nisga'a Nations' 113-year journey to a modern-day treaty.

"The BC Treaty Commission understands that teachers are often working on time constraints," said Chief Commissioner Sophie Pierre, "but at the same time, we think it is important to ensure students are receiving updated and comprehensive information. So we are working to better help teachers incorporate modern-day treaty information into their lesson plans."

Teachers are encouraged to take advantage of the online space. Resources include discussion questions, activities, maps, a glossary list, assessment rubrics, and additional videos and resources. Feedback on the resources can be given by filling out the short survey.

"The survey takes only about two minutes to fill out," said Pierre, "and it will give the commission valuable information on teacher's needs."

Modern-day treaties are relevant to several classroom courses, including Social Studies 10 and 11, History 12, Law 12, and of course, First Nations Studies 12. ☉

To access the online resources or for more information on the DVD, visit: [http://www.bctreaty.net/files/secondary\\_school.php](http://www.bctreaty.net/files/secondary_school.php)

## BC treaty process...

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the ideas of indigenous peoples. As an advisory body to the Economic and Social Council, the forum has a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.

"The Permanent Forum is a unique opportunity for indigenous peoples from around the world to gather and discuss the important and pressing issues that are taking place in their homelands," said the Commissioner.

Grand Chief Edward John will serve a three-year term as the North American representative at the United Nations Permanent Forum on Indigenous Issues, beginning in 2011. He has been elected to nine consecutive terms on the First Nations Summit Task Group.

The BC Treaty Commission hopes to attend more international forums in the future as a way to share information about the BC treaty process, and as a way to become informed about different approaches to indigenous issues outside of BC and Canada. ☉

# Nisga'a celebrate 10th anniversary of treaty



Nisga'a dancers and drummers take part in 10th anniversary celebrations in New Aiyansh.

**N**isga'a babies born after May 11, 2000 are beneficiaries of a treaty that took 113 years to attain.

The children took centre stage at celebrations in New Aiyansh to mark the 10th anniversary of the Nisga'a treaty.

In the past decade, the Nisga'a people have set up their own parliament, completed a highway system, connected their villages to the Internet, gained control of timber rights from the province, passed legislation that gives Nisga'a members individual land rights and started work on a museum to house the artifacts they took back from world museums.

"The Nisga'a Nation is very proud of 10 years of self-government," said Nisga'a President Mitchell Stevens.

"They're a living example that treaties do work," said Chief Commissioner Sophie Pierre. "The Nisga'a people are self-governing. They have their laws. They have their house of parliament. This is what all First Nations want — to be self governing."

The chief commissioner thanked the Nisga'a leaders, past and present, for sharing their knowledge and experience with other First Nations that are seeking treaties. "You open your doors so that

others can see your government at work," she said.

Commissioners Robert Phillips, Jerry Lampert and Shana Manson participated in treaty celebrations that included a dinner and cultural activities.

The treaty provides ownership of, and legal jurisdiction over, 2,000 sq km of Nisga'a lands; \$280 million in capital transfers over 14 years (adjusted dollars); \$38 million annually to operate the Nisga'a Lisims Government; rights to hunt over 16,000 sq km of land; and rights to fish over 26,000 sq km of land, including commercial fishing. ☉



Top: Chief Commissioner Sophie Pierre addresses the large crowd; bottom left, Shaina Stephens of Laxgalts'ap; Keith Tate of New Aiyansh and Jerome McKay of Laxgalts'ap.



# Status

## REPORT

There are 60 First Nations, or 110 of the 198 BC Indian Act bands, participating in the BC treaty process. Because some First Nations negotiate together, there are 46 sets of negotiations. There is 1 First Nation in Stage 6, 7 First Nations in Stage 5 and 44 First Nations in Stage 4.

### 1 First Nation in Stage 6

Tsawwassen First Nation

### 7 First Nations in Stage 5

In-SHUCK-ch Nation

Lheidli T'enneh Band\*

Maa-nulth First Nations\*\*

Sechelt Indian Band

Sliammon Indian Band

Yekooche Nation

Yale First Nation\*\*\*

\* Ratification vote failed

\*\* Ratification vote passed in June 2009; implementation to follow

\*\*\* Final Agreement initialled; ratification vote to follow

### 44 First Nations in Stage 4

Carcross/Tagish First Nation

Carrier Sekani Tribal Council

Champagne and Aishihik

First Nations

Council of the Haida Nation

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

Hupacasath First Nation

Kaska Dena Council

Katzie Indian Band

Klahoose Indian Band

K'omoks First Nation

Kiunaxa/Kinbasket

Treaty Council

Kwakiutl Nation

Laich-Kwil-Tach Council

of Chiefs (Hamatla  
Treaty Society)

Lake Babine Nation

Musqueam Nation

'Namgis Nation

Nazko Indian Band

Northern Shuswap Treaty  
Society

Nuu-chah-nulth Tribal Council

Oweekeno Nation

Pacheedaht Band

Quatsino First Nation

Snunemuxw First Nation

Sto:Lo Nation

(Sto:lo Xwexwilmexw  
Treaty Association)

Taku River Tlingit First Nation

Te'Mexw Treaty Association

Teslin Tlingit Council

Tla-o-qui-aht First Nation

Tlatlasikwala Nation

Thloutis Nation

Tsay Keh Dene Band

Tsimshian First Nations

Tsleil-Waututh Nation

Westbank First Nation

Wet'suwet'en Nation

### 2 First Nations in Stage 3

Cheslatta Carrier Nation

Squamish Nation

### 6 First Nations in Stage 2

Acho Dene Koe First Nation

Allied Tribes of Lax Kw'alaams

Hwiltsum First Nation

Liard First Nation

McLeod Lake Indian Band

Ross River Dena Council


## First Nations crucial... continued from page 3

industry and the government is the key to realizing the wealth-generating potential of the north for the benefit of all British Columbians. "There must be collective investments in the north by the north."

The economic benefits of treaty making do not have to be realized only after a final agreement has been made between government and First Nations. "New Zealand experience has shown that the land claims process does

not necessarily have to precede the settlement of land ownership," says the business council report. "In the New Zealand case, existing tenants' tenure rights were protected while land ownership issues were still being resolved.

"When the treaty commission was being created it was understood that interim measures could be important stepping stones to finalizing treaties,"

said Pierre. "These reports support our view that completing treaties should be a priority for our economic health and interim measures are an important economic bridge to treaties." 

To reach the Outlook 2020 papers:  
[http://www.bcbc.com/Events\\_](http://www.bcbc.com/Events_Descriptions/2020.asp)  
[Descriptions/2020.asp](http://www.bcbc.com/Events_Descriptions/2020.asp)

To reach the Our Province, Our Future forum: [http://ourprovinceourfuture.](http://ourprovinceourfuture.bc.ca/discussion-paper)  
[bc.ca/discussion-paper](http://ourprovinceourfuture.bc.ca/discussion-paper)



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.

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