

TREATY COMMISSION

update

*The independent
voice of treaty
making in
British Columbia*



Maa-nulth First Nations celebrate treaty day

National AFN Chief Shawn A-in-chut Atleo is one of hundreds in the audience waving the Maa-nulth First Nations flag at celebrations to mark the effective date of their treaty. See full story pages 4–5.

Yale First Nation members vote in favour of treaty

*“It is a historic moment
for the people of Yale
and for all British
Columbians.”*

— Then Minister of Aboriginal Relations
and Reconciliation Barry Penner

Yale First Nation members voted 68% in favour of the treaty that was negotiated with the governments of Canada and British Columbia.

The treaty must now be voted on in the provincial legislature and then by the House of Commons.

In addition to land, cash and ongoing funding for programs and services, salmon were an essential ingredient in the treaty.

Yale will receive \$10.7 million. There is also \$2.2 million for economic development. For programs and

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BC TREATY
COMMISSION
KEEPER
OF THE
PROCESS



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Summit delegates elect Haldane for commissioner, Phillips re-elected

Celeste Haldane joins incumbent Robert Phillips as the newly elected commissioners of the BC Treaty Commission following First Nations Summit elections.



Commissioner
Celeste Haldane

Haldane, former Nuu-chah-nulth Tribal Council treaty manager, topped the first ballot, one of five candidates for the two appointments.

"We are fortunate to have Celeste as a commissioner given her understanding of the issues, her experience and her legal background," said Sophie Pierre, chief commissioner.

Haldane was called to the BC Bar in 2005 and is poised to complete

a Masters in Constitutional Law from Osgoode Hall Law School. She was Treaty Manager for the Nuu-chah-nulth for the past five years.

"I was very excited... elated," said Haldane after being the surprise winner on the first ballot. "I was proud to be nominated and grateful for the support from the Nuu-chah-nulth delegation, my Musqueam family and my many supporters among the Summit delegates.

This is Commissioner Phillip's third, two-year term. He is a member of the Northern Secwepemc te Qelmu kw (Shuswap) of the Canim Lake First Nation. He is a former chief negotiator with a background in aboriginal justice and economic development.

"Robert has gained considerable experience working with the parties at the tables over the past four years,"



Commissioner
Robert Phillips

said Pierre. "Our task as keeper of the process will be difficult in the days ahead and we will benefit from the knowledge and experience these two individuals

bring to the Treaty Commission," said Pierre.

Phillips and Haldane join federal appointee Jerry Lampert and provincial appointee Dave Haggard as commissioners.

"Outgoing Commissioner Shana Manson made a significant contribution to the work of the Treaty Commission and will continue to be an important voice on First Nation issues," said Pierre. ☺

Polak new provincial minister

Langley MLA Mary Polak is the new minister for Aboriginal Relations and Reconciliation.

Prior to her new Cabinet post, Polak served as the Minister of Children and Family Development and Minister Responsible for Child Care, Minister of Healthy Living and Sport and Parliamentary Secretary to the Minister of Health for the Conversation on Health.

Polak was previously on the Cabinet Committee on New Relationship Coordination and the Government Caucus Committee on Social Development as well as on the Government Caucus Committee for Natural Resources and the Economy, the Select Standing Committees for

Children and Youth, Education and Public Accounts, the Cabinet Committee on Agenda Development and the Special Committee to Review the *Personal Information Protection Act*.

First elected in 2005, Polak was re-elected to the BC Legislature in 2009. She is a former trustee and chair of the Surrey School Board. ☺



Huu-ayaht Chief Councillor Robert Dennis and Minister Mary Polak answer media questions at Maa-nulth celebrations.

update

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K'ómoks members vote in favour of Agreement in Principle



Now virtually inaccessible, Goose Spit will be for K'ómoks First Nation an important part of the final treaty deal.

A treaty is within reach for K'ómoks First Nation now that members have voted overwhelmingly in favour of the agreement in principle.

The vote was 101 in favour and 35 opposed to the agreement, or 74% to approve. When the other parties approve the agreement land at Mount Washington and Union Bay will be transferred to K'ómoks and \$4 million will be available to purchase private land as future treaty settlement land.

In the days leading up to the vote, Chief Ernie Hardy was a strong supporter of the agreement that provides the K'ómoks people with \$17.5 million and approximately 5,000 acres of land, including the return of the tip of Goose Spit. K'ómoks will be self governing and a major manager of freshwater in the area with enough to annually meet the needs of 50,000 people.

"The AIP is a major step towards a final treaty," said Chief Hardy, "and a way for us to break free from the *Indian Act*."

"We want to be clear: this is not for our generation. It is for our young people — so they can flourish. After treaty, we will be in the driver's seat."

"This is a great result and a real boost for the negotiations toward a treaty," said Chief Commissioner Sophie Pierre,



Chief Commissioner Sophie Pierre

who spoke to K'ómoks members at a community dinner on the eve of the vote. Commissioner Jerry Lampert, the Treaty Commission's representative

at the K'ómoks negotiations, and the newest commissioner Celeste Haldane, also attended the event.

Commissioner Lampert said, "We were pleased both by the voter turnout and the result and look forward to working with the parties as they move toward a final agreement."

Aboriginal Relations and Reconciliation Minister Mary Polak was quick to add her congratulations to K'ómoks First Nation members.

"Their vote of support is a key step toward a final treaty agreement," said Polak. "K'ómoks First Nation is a proud


community with a vibrant culture rooted in their history on Vancouver Island.

"K'ómoks has built economic opportunities through successes in aquaculture and community development. A treaty provides the tools to expand those opportunities even further."

Polak said that with self-government, First Nations can tailor social and economic development to the needs of families in their community. "Every British Columbian benefits when we strengthen communities."

While many factors contributed to the decisive vote, a public education program, including a door-to-door home visit program, played a major part in the success.

Chief Hardy and K'ómoks councillors will consult the community on the next steps for negotiation of the final agreement.

The Treaty Commission will continue to assist and support K'ómoks as they move toward a final agreement. 



Councillor Hardy (right) and Communications Officer Melissa Quocksister happy with the result.



Huu-ayaht Chief Councillor
Robert Dennis



Toquaht Hereditary Chief
Anne Mack



Tseshaht Chief Councillor
Les Sam



Ucluelet President
Chuck McCarthy



Toquaht Grand Chief
Bert Mack

Copies of the *Indian Act* were burned in a symbolic gesture and fireworks lit up the night skies with the promise of a new dawn under the Maa-nulth treaty.

Celebrations began as soon as the five Maa-nulth First Nations' laws came into effect at midnight on Friday, April 1 with the main event taking place Saturday in Port Alberni. Hundreds of citizens from the Maa-nulth villages — Huu-ayaht, Ka:'yu:'k't'h' / Che:k'tles7et'h' (Kyoquot/Checklesah), Toquaht, Uchucklesaht and Yuulu-?il?ath (Ucluelet) — were joined by their Nuu-chah-nulth relatives, other First Nations, politicians, officials and friends for the party in the Alberni District Secondary School.

Maa-nulth First Nations

Amid a sea of waving Maa-nulth flags the hereditary and elected chiefs were led into a packed auditorium by drummers and the canoe that carried the spirits of their ancestors. Uchucklesaht Chief Councillor Charlie Cootes said the canoe was a symbol of the three parties that came together to make the treaty a reality, adding the ancestors were also in the canoe.

"Together you stand as proud First Nations who since time immemorial have earned their livelihood from the sea and your coastal territories," said Mary Polak, minister of aboriginal relations and reconciliation. "Today you continue those traditions, even as you

reach out to grab onto the opportunities for social and economic development this treaty will provide.

"I believe that your achievements will be an inspiration to other First Nations as a demonstration of how self government will allow you to create and tailor programs specific to the needs of your individual families and communities."



Chief Councillor Dennis joins in song.



Young dancer performs.



Minister Mary Polak

Uchucklesaht Chief
Councillor Charlie CootesINAC Associate Deputy
Minister Colleen SwordsNational AFN Chief
Shawn AtleoKyuquot/Checklesahst
Legislative Chief Therese Smith

ons celebrate treaty day

The terms of the agreement provide self government, \$73 million and 24,550 hectares of land, annual resource revenue payments for 25 years and an additional \$900,000 over five years. There is \$10.5 million annually for programs and services and \$47.9 million for treaty implementation.

"The change you wished for and hoped for has begun," said Sophie Pierre, chief commissioner of the Treaty Commission. "You have achieved what many still long for. Today the dream of self government is a reality. You are building your economies and communities and strengthening

your identity for your children and grandchildren and generations to come." Joining Pierre were Commissioners Dave Haggard, Robert Phillips and Celeste Haldane.

"This is our new beginning," said Ucluelet President Chuck McCarthy. "It feels good knowing that we are in charge of our future."

In 2007 with confidence in the agreement, the Maa-nulth leaders asked their people to decide in a vote. Overall, 86 percent of eligible voters cast a ballot and 80 percent voted to approve the agreement.

"We look forward to meeting the challenges of self government with both fear and excitement," said Kyuquot/Checklesahst Legislative Chief Therese Smith. "We are now fully accountable to ourselves for our own destiny."

Huu-ay-aht Chief Councillor Robert Dennis said there are many challenges still ahead of them, but the hardest work is done. "Our forefathers have been working for this for decades. It is because of them that we are here today." Dennis hopes that with the treaty in place, young people will see a reason to return to their communities to lead them into a future full of promise.

Shawn A-in-chut Atleo, Assembly of First Nations National Chief, said, "It is easy to see that you are proud of what you have accomplished. Today you hold your chins a little higher; your shoulders are back a little bit more. We are free. Free at last."

Toquaht Grand Chief Bert Mack, now 88, said it was time to put the past behind them and work towards a better future for the youth of their communities.

Commissioners Dave Haggard and Celeste Haldane attended celebration events the following week in Anacla and Ucluelet. 

See related story on page 6



Dancers paddle through the crowd.

Tseshaht and Maa-nulth First Nations Sign Accord

An historic accord between Tseshaht First Nation and Maa-nulth First Nations demonstrates that treaty rights and aboriginal rights can coexist.

The way in which those rights coexist is a decision to be made by the First Nations. Honouring historic Nuu-chah-nulth laws, traditions and protocols, the Tseshaht First Nation and the First Nations of the Maa-nulth treaty signed an accord on March 30 respecting their aboriginal and treaty rights within Barclay Sound.

Leaders from the First Nations have a longstanding commitment to ensuring all Nuu-chah-nulth First Nations maintain unity and good working relationships. The accord honours common kinship ties that respect the hahuuthli (traditional territory) of the Barclay Sound tribes.

“The objective all along was to be able to stand beside the Maa-nulth people and we are able to do that,” said Tseshaht Chief Les Sam. The signing of the accord took place just two days before the official celebration of the Maa-nulth treaty.

“We are pleased to have achieved this accord with Tseshaht in advance of the effective date of our treaty and we are happy that our relatives will be standing with us as we begin to implement our treaty on April 1,” said Uchucklesaht Chief Charlie Cootes.

The First Nations expressed gratitude for the facilitation services of the Treaty Commission, which included active participation by Commissioner Dave Haggard.

Commissioner Haggard said, “With dignity and out of respect for each other, these First Nations were able to reach an agreement with our help in time for the treaty celebrations. Despite their earlier differences, they reached that agreement in just five weeks.”

Treaty Commission participation was made possible as part of a larger initiative funded by Indian and Northern Affairs Canada to help resolve territorial issues among First Nations, especially those First Nations in the advanced stages of treaty negotiations. Funding allows discussions to occur between First Nations inside and outside the treaty process with facilitation

by commissioners and Treaty Commission staff as required. ☉

University assists with resolution training

The Treaty Commission and Royal Roads University are collaborating to deliver an intensive course on conflict resolution for First Nations in the BC treaty process.

In informal workshops, individuals will be able to deepen their understanding of the processes involved in conflicts and how to manage and resolve them constructively.

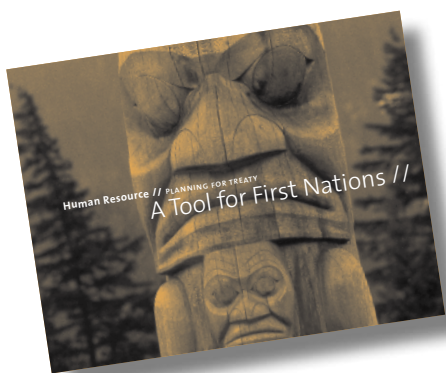
The two-day course, Conflict Resolution: Building on Cultures of Peace and Harmony, is being offered at the university in Sooke June 1–2 and June 15–16. Letters are being sent out to First Nations with a form that can be filled out and returned to the Treaty Commission by email to aturner@bctreaty.ca or fax to 604-482-9222.

First Nations assess human resource readiness for self government

Three First Nations have a deeper understanding of the steps required to prepare for self government in a post-treaty world following a Treaty Commission-sponsored workshop in Vancouver.

The workshop, which included In-SHUCK-ch, Sliammon and Yale First Nations, was the second major test for the tool developed by the Treaty Commission to assist First Nations in the treaty process with human resource planning.

The human resource assessment tool is a practical way for First Nations to assess their readiness for a treaty given their own priorities, capacities, or traditions of governance. It is expected that First



Nations will adapt the tool to meet their unique needs and circumstances.

The tool and workshop were funded in part by the provincial ministry of aboriginal relations and reconciliation. Ministry staff provided input and participated in an earlier workshop and the most recent workshop in Vancouver.

“We were grateful for the support from the ministry,” said Commissioner Dave Haggard, who led the initiative for the Treaty Commission. “Without their help it would have been difficult to do the necessary groundwork with First Nations to properly test the tool.”

Commissioners Haggard, Robert Phillips, Jerry Lampert and Celeste Haldane were part of the facilitation team.

The tool has been developed and will be distributed to First Nations free of charge later this year. Further advice on how to use the tool will also be available from the Treaty Commission. Additional workshops will be held as resources permit. ☉

Powell River joins with Sliammon to make progress

Powell River and Sliammon First Nation have become allies in a united quest to bring home a treaty and improve the regional economy.

Mayor Stewart Alsgard travelled to Ottawa with Sliammon Chief Clint Williams and negotiator Roy Francis to put pressure on the federal government to initial the final agreement thereby allowing Sliammon members to vote on their future.

Sliammon and the BC government initialled the treaty in June 2010, but after nine months the federal government appears no closer to putting its initial on the document. The Treaty Commission has on several occasions urged the federal government to initial the agreement.

“The delay is unacceptable,”

Chief Commissioner Sophie Pierre told the Powell River Peak newspaper. “It really creates a question about the whole process. While it affects Sliammon directly, it also has an impact on the rest of treaty negotiations.”

In early February, an Indian Affairs spokesperson said Canada was concluding a review of the negotiators’ understanding and, on successful conclusion, would be in a position to initial the draft final agreement.

Sliammon then met with John Weston, Conservative MP for West Vancouver-Sunshine Coast-Sea to Sky Country, to see if he could move the federal government to initial the agreement.

In a letter to the editor, Weston said, “Former clients of mine, Chief Mountain, an ancestral Nisga’a chief and Mercy Thomas, a Nisga’a matriarch, challenged the terms in the Nisga’a treaty which are like those Chief Williams

showed me from the draft Sliammon treaty... Chief Mountain’s challenge and the conflict-of-law terms in the Sliammon treaty raise the spectre of a Canada comprised of 10 provinces, 3 territories and over 600 sovereign First Nation, all with authority parallel to that of the federal government. I’ve not slowed down the Sliammon treaty process but have done my best to get the treaty right.”

Francis said “I believe the concern he (Weston) expresses completely undermines the notion of tripartite negotiations and I’m concerned that a very hard-fought and expensive negotiation is at risk of being lost. We need the Government of Canada to honour its mandates, its place at the table, and to be true to its word.”



Powell River Mayor Stewart Alsgard

The federal delay has brought Powell River and Sliammon even closer together. The two governments signed a community accord eight years ago to foster a better relationship.

The accord recognizes the interests of all persons living in the two communities are best served by working together in the spirit of cooperation.

Mayor Alsgard said, “We are all terribly disappointed and frankly perplexed at the unnecessary delay in proceeding with this treaty. The Sliammon people are our friends, neighbours and partners. We have worked hard to nurture this relationship, which is so critical to the economic development and future prosperity of our region.”

The new relationship resulted from a conflict that arose in 2002 when Powell River was developing a sea walk. In the early construction phase, significant Sliammon cultural sites including petroglyphs and shell middens were unwittingly disturbed, destroyed or buried. The city had not shared its plans with Sliammon and was unaware of the cultural sites. In subsequent meetings the two parties resolved to work together more closely and to develop the waterfront park. Sliammon culture and history was incorporated in the design of the sea walk.

Sliammon raised a welcome pole at Ajoomixw Park. Powell River invited a Sliammon representative to participate on the official community plan steering committee and each party appointed intergovernmental coordinators. A tripartite intergovernmental community planning technical committee was established that included the regional district. A protocol on cooperation and communication was also signed by the three parties.

Sliammon traditionally used and occupied over 3,347 square kilometres of land and water in and around the Powell River area, including Powell Lake, portions of the Gulf Islands, Courtenay and Desolation Sound. Archaeological and historical research indicates there were once village sites throughout the territory, some more than 4,000 years old.

As a result of the *Indian Act* in 1876, the federal government took control over the lands and lives of First Nations people and allocated the Sliammon six Indian reserves totalling an area of just 19 square kilometres.

In anticipation of a treaty, Sliammon has concluded agreements with other First Nations on shared territory, including with K’ómoks First Nation, Homalco Indian Band and Klahoose First Nation. ☉

First Nations with Implemented Final Agreements (2)

Tsawwassen First Nation
Maa-nulth First Nations

First Nations with Completed Final Agreements (3)

Lheidli T'enneh First Nation
(second vote planned)
Sliammon First Nation
Yale First Nation
(ratified by First Nation)

First Nations in Advanced Final Agreement Negotiations (2)

In-SHUCK-ch Nation
Yekooche Nation

First Nations with Completed Agreements in Principle (1)

K'ómoks First Nation
(ratified by First Nation)

First Nations in Advanced Agreement in Principle Negotiations (6)

'Nqmgis Nation
Nazko First Nation
Oweekeno Nation
Te'Mexw Treaty Association
Tla-o-qui-aht First Nation
Tsimshian First Nations

First Nations in Active Treaty Negotiations (28)

Acho Dene Koe First Nation
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
Homalco Indian Band

Hul'qumi'num Treaty Group
Kaska Dena Council
Katzie Indian Band
Klahoose First Nation
Ktunaxa/Kinbasket Treaty Council
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Northern Shuswap Treaty Society
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:lo Xwexwilmexw Treaty Association
Taku River Tlingit First Nation
Tlatlasikwala Nation
Tlowitsis First Nation
Tsay Keh Dene Band
Tsleil-Waututh Nation
Wet'suwet'en Nation

First Nations Not Currently Negotiating a Treaty (18)

Allied Tribes of La Kw'alaams
Carcross/Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Cheslatta Carrier Nation
Heiltsuk Nation
Hupacasath First Nation
Hwlitsum First Nation
Kwakiutl Nation
Liard First Nation
McLeod Lake Indian Band
Musqueam Nation
Nuu-chah-nulth Tribal Council
Ross River Dena Council
Sechelt Indian Band
Squamish Nation
Teslin Tlingit Council
Westbank First Nation

Yale First Nation members vote in favour of treaty continued from cover

services there is \$1.3 million annually and a one-time payment of \$900,000 to fund the transition to self government and start-up costs.

Sixteen former reserves totalling 217 hectares of land and 1,749 hectares of Crown land become Yale First Nation Treaty Settlement Land.

From the Fraser River, salmon allocations include: up to 7,200 sockeye; 1,500 chinook; 700 pink; 330 chum; and

300 coho (all numbers approximate based on percentage of fish in the river).

"Now that Yale members have voted in favour of the final agreement, I would hope the other two governments would act quickly on ratification," said Commissioner Dave Haggard.

In fall 2005, Yale members approved the agreement in principle followed by the BC government in February 2006 and the Government of Canada in

June 2006. Then, in February 2010, the parties initialled the final agreement, followed by the Yale vote in March 2011.

"Minister Polak has an immediate opportunity to confirm the government's commitment to treaties by ensuring passage of the Yale First Nation treaty through the legislature," said Chief Commissioner Sophie Pierre. ☺



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.