

Discussions with Tsimshian First Nations Chief Treaty Negotiator Gerald D Wesley

By John Crawford, 2007

TREATY NEGOTIATIONS: WHY?

“Status Quo or the way things are right now doesn’t really mean standing still – it means going backwards. We are too locked into set systems and standards that are only going to decline in the days ahead. I feel this means if we don’t continue to progress, we will be going backwards in service and potential benefits to the membership. For example, in recent years, we’ve seen a diminishing perspective in health care with fees being charged for basic services and increased expense to patient transportation requirements with no increase of funding. And as long as there isn’t a change in systems, it’s never going to improve. The treaty process and a successful agreement is effort to provide change for First Nations.”

“The road ahead must allow the Tsimshian First Nations to achieve certainty – to confirm our rights as a people. I have the right to fish, to hunt, to trap, to travel the lands of our traditional territories. I want to ensure these rights are there for future generations; to limit encroachments on these rights. We are doing this as a collective through the TFN Treaty Society, representing our communities as we continue to find ways to work together in supporting ourselves as First Nation people and our communities as much as possible.”

“Our young people are our future, and we cannot take for granted our youth are grasping the critical elements of our lives. For this reason, we must very conscientiously and consistently say to our youth: this is what it means to be a Tsimshian First Nation person, this is where you’re from, here’s what we are trying to achieve through treaty and other efforts, here’s why we are doing it and here’s how you might contribute in some fashion. These messages aren’t limited to our youth, this message is for our elders too. It is for all members of the Tsimshian First Nations and we’ve got to do a better job of getting messages out and communication with the membership! Communication involves the treaty teams, Chiefs and Council, hereditary leaders and our family groups.”

TREATY NEGOTIATIONS: WHAT ARE WE TRYING TO ACHIEVE?

“A Treaty will be constitutionally protected. That means no outside government will be permitted to change what is agreed to, at least not without going through a very defined, very carefully worked-out process. Essentially, it’s untouchable which is good but it also means the negotiations have to provide results that will be much stronger and more beneficial than they are weak. We need to look at a treaty agreement as a positive outcome that’s going to help provide the tools and resources to make change

as well as providing a level of flexibility necessary to address changing circumstances of the future.”

“A treaty will allow the Tsimshian First Nations to make our own decisions, for example I see us having the ability to make and enforce our own laws over some areas and issues. Areas that are important for the Tsimshian First Nation to control. Certainly, there will be still a role for Canada and British Columbia and their lawmaking authority even after treaty, we won’t be able to co-exist if don’t sort out jurisdictions and we won’t achieve treaty agreements in BC if First Nations think we will have absolute or 100% control over all issues. Treaty negotiations are effort to sort that out.”

“We are putting together a tool chest, and the Treaty will be a major component of it. Among the tools it will provide for that tool chest are certainty – who has responsibility over the land and how might it be shared; self governing and lawmaking authority as well as the ability to determine our own citizenship. Currently these areas are overseen by others, largely under the authority of the Indian Act - which just is not satisfactory to the Tsimshian First Nations.”

“We also need to put a greater emphasis on economic and community development. The quality of the tools we put in that tool box will allow us to build stronger communities, and a stronger future.”

TREATY NEGOTIATIONS: ECONOMIC DEVELOPMENT

“We are negotiating together – five Tsimshian First Nations: the Gitga’at, Kitasoo, Kitselas, Kitsumkalum and Metlakatla. But a reality is that we’re building certain elements that will be dealt with on a community-by-community level. And Economic Development fits under that category. This has been the practice before treaty negotiations began and it continues. But while the negotiations may not specifically address economic development initiatives, we are laying out provisions to assist and to supplement efforts at the community level as negotiations proceed and for after treaty agreements are in place. An example is the current Forest Range Agreements that are in place with each of the Tsimshian First Nations – I don’t think BC would have considered resource revenue sharing and allocating First nation forest tenure if treaty negotiations weren’t taking place.”

“I’m proud of the fact that we can work together, that the Tsimshian have ties amongst ourselves through family, through marriage, through language and through a very strong history. Economic realities today and of the future ensures we have to be aware of need and keep in touch. I can see the Tsimshian First Nations working together in some common business’ through joint ventures and partnerships. Perhaps as neighbouring First Nations - Kitsumkalum and Kitselas for example, have a long-standing tradition of working together, but possibly with other surrounding neighbours as well.

The Nisga'a, the Haisla, the Haida and the Gitksan all share boundaries with the Tsimshian – it makes sense that we will find ways to cooperate and deal together.”

TREATY NEGOTIATIONS: EDUCATION

“Education is always a pressing issue for our local community and their governments. I shudder when I look at the disparity between our education results and those of the general population. For whatever reason, our kids are not graduating from secondary schools at nearly the same level, and even fewer of us are going on to post-secondary education. There isn't a consistent reason to show why our kids aren't succeeding in education when the kids up the street in the non-native community are – we've got to do better if we are to continue to grow and if we want our communities to prosper better than they are able to today.”

“I look to our communities to do as much as they can possibly do to address improved education. The link to Treaty making is that negotiators have to be aware of what the Band offices are doing today, and try to build and improve on or provide new mechanisms to ensure we can carry those efforts forward into the future. We have to ask ‘will a change of law-making authority or a different governing authority make a difference? what resources are missing?’ in order to support our children for graduation, for college and for university. Without the base of successful education, entry and participation in the labour market – jobs! is just going to continue to be an awfully difficult obstacle to overcome.”

“We've been very fortunate that, on the provincial level, there is a structure called the First Nations Education Steering Committee (see their web-site www.fnesc.ca) that's been in the forefront to push high level discussions and political agendas for awareness and attention to first nation education problems and solutions. One of our past leaders, Deborah Jeffery had been a strong advocate for improvement and has served as the Board Chair of FNESC for many years now.”

“Education will be an important element of the local self-government authority achieved through our treaty making. Establishing a separate Tsimshian First Nations school district, such as the Nisga'a have, may even be a possibility down the road, although our geography may prove to be too great a challenge for that to be overcome.”

TREATY NEGOTIATIONS: CULTURAL PROTECTION

“It is vital that Tsimshian First Nations Culture is recognized, but more than that: it must be protected. Culture is tied to the land and the natural resources around us - that's why it's important for us to find a way to create an agreement with Canada and British Columbia that says ‘This is the traditional territory of the Tsimshian First Nation – and within that territory, this is the territory of the Kitsumkalum First Nation, the Metlakatla First Nation, and so on.’ What that will mean in practical terms will depend on we

finally agree to. It may mean some areas are exclusively ours, some may be shared, but with a recognition that this is First Nations land.

“Tourism, for example, is only going to grow as an economic engine in the northwest. And a major component of that is the rich, living First Nations culture and heritage of the region.

“Since the Tsimshian First Nations commenced their involvement in the modern era of treaty negotiations in 1993, our overriding goal has been a great desire to remain aware of who we are as a people. And that will continue. We will work to protect our history, our culture, our language – together, as a people. That means we must go out of our way to create awareness of our actions and efforts, not only at the Treaty Table, but in areas of economic development, health and social standards, and all aspects of Tsimshian life.”

TREATY NEGOTIATIONS: STAYING INFORMED, STANDING UNITED

“What is the Treaty Process intended to accomplish? How did it come about? As Tsimshian, we must continuously be in touch with each other. We must find ways to make sure all of the Tsimshian First Nations -- the Gitga’at, Kitasoo, Kitselas, Kitsumkalum and Metlakatla First Nations – know what we are doing. We don’t want to dwell on the history of our distant past, but we don’t want to lose it either. We must hang onto it, so that our younger people – the ones who are going to carry on in some fashion – are proud of their heritage, and to realize what has brought them to the place they are at today. And hopefully show the path to a better place tomorrow.

“Treaty, as a whole, will continue to focus on many areas. But there are some key ones: the land; the natural resources associated with the land, and especially the access to those resources. We must have access to the forests, the fish, the animals. And yes, that’s for food, social and ceremonial purposes. But also to allow us to establish and create an economic base, something that will not be possible without guaranteed access to those resources.”

TREATY NEGOTIATIONS: SELF GOVERNMENT

“One of the central goals of Treaty is the ability to look after ourselves, to make our own key decisions. It won’t be 100% in isolation, but there will be some core areas where we must be the ones to direct and govern. Right now, in most cases, we do not have that right. Most of our lands are reserve lands and anything that happens there requires a signature from somebody in Ottawa. And that is simply not good enough.

“Trying to achieve a treaty is huge undertaking. None of us – those who have gone before and those of us here now – the negotiators, the chiefs, the band councils, the

hereditary chiefs – none of us do this simply for something to do. Time has been a test for us. We have had many frustrations, but always in those moments, there is someone to urge us on. To tell us ‘Don’t give up! You must keep going, because what you are doing is for you, for us, way down the road!’.

“The Treaty by itself will not be a magic solution. We know that. But the final treaty agreement, and the benefits we build into it as Treaty Negotiators, will be a very integral part of the tool chest that will be available to the Tsimshian First Nations. It’s going to open up options we have not had up to now.”

TREATY NEGOTIATIONS: COEXISTENCE

“Treaty making will be good for the Tsimshian First Nations – but the Tsimshian are part of a larger community, and what benefits us will benefit the region. Getting that message out is one of my key tasks, as Chief Treaty Negotiator. That means working together at times with municipal councils and with Regional Districts. We have some issues here in northwestern British Columbia. What can we do about them together?

“So one of my goals is to create a level of awareness in the larger community. Our people live within the non-native community – in Terrace, in Prince Rupert, in Port Edward. So let’s be aware of each other. Let’s remain open and objective in how we can interact in the future. Strong communities can help one another.

“Our region’s economy has struggled. But if we turn the corner and begin growing again, do we have the labour force to support that growth? If the pulp mill in Port Edward opened its doors tomorrow, does the northwest have the skilled workforce to run it. Well we, as First Nations, have a large and healthy workforce that’s capable, and wants to work. We might need some education and special training. But we’re here, and in most cases, we’re not going to move away to Alberta because times are a little slow right now. Our workforce is always going to be in the area. And we’re a human resource this region can’t afford to waste”