

WINTER
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Hagwilyaa

A quarterly publication of the Tsimshian First Nations Treaty Society



Sharlene Patterson Photography

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A year in review...

A new year always brings with it a fresh perspective and anticipation for new possibilities. While things didn't move at the same pace we experienced prior to the ratification of the Agreements-in-Principle for Kitselas and Kitsumkalum all parties have remained active at the negotiation table. New developments late in the year indicate 2015 is going to be productive for both communities. We eagerly anticipate the signing of the Agreements-in-Principle for Kitselas and Kitsumkalum by Canada and subsequently British Columbia early in 2015 which will signify the formal shift into Final Agreement negotiations. Canada has confirmed a new mandate to negotiate fish, migratory birds and the financial package in the coming year, which is significant. In 2014 we saw the Metlakatla negotiation table moving along

very efficiently and the community is making progress on the land option. Metlakatla will join Kitselas and Kitsumkalum to collectively negotiate fish matters. All communities will identify what is of common interest and work towards resolving distinct interests for each community. This is not a "one-size fits all" approach, but rather an opportunity to move along on this issue at a faster pace than would be expected if all three were meeting independently.

We were saddened by the passing of Robert (Bob) Hill after a lengthy illness in December 2014. Bob's presence and early work contributed greatly to the treaty process for Gitga'at and he will be missed. Paul Paterson has been hired as Chief Negotiator for Gitga'at and has convened the negotiation table in January.

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Thank you for reading our very first issue of 'Hagwilyaa' a new quarterly publication of the Tsimshian First Nations Treaty Society. This publication is intended to provide updates on the progress of each community in their treaty negotiations; to provide an overview on political or policy changes, economic development and other trending topics related to Aboriginal rights and land claims; and to be a venue to promote 'best practices' from our communities.

The word 'Hagwilyaa' literally translates into English as meaning "walk slowly", however in Tsimshian culture the word has a deeper meaning and is an expression used in the feast hall to remind servers to "take your time" and "do things right". We feel this expression captures our objectives at the treaty table and we hope you will enjoy reading the newsletter.

A year in review... *con't*

In terms of challenges in the coming year (and beyond) overlap issues are ongoing and will require significant attention. The BC Treaty Commission has encouraged First Nations to resolve the current issues independently and the Tsimshian Treaty Society has made formal efforts to reach out to our neighbouring communities to resolve the issues. We have seen preliminary discussions between some communities to address respective boundary issues, however there has been no movement from others. Litigation is a very real possibility if boundary issues cannot be resolved; it is certainly not our preference. We look forward to advancements on this item and will report any progress in the new year.

With a federal election looming we can anticipate changes and unfortunately the likelihood for delays at the table which has not been uncommon in the history of our treaty efforts. Internally we realize First Nations support for treaty making has waned and in recent announcements a review of government spending has revealed a dramatic reduction to First Nations organizations further raising the level of disenchantment of our people. Our objective is to continue to navigate the changing political landscape and respond to these changes and challenges. We remain steadfast in our approach to a negotiated agreement for all of our Tsimshian communities and through the recent addition of a new Project & Communications Officer, Hilary Zornow, we will be increasing our communications efforts to keep our membership aware and engaged in the treaty process and any important related developments. We have a full year ahead of us, onward to 2015!

Our cover photo was provided courtesy Sharlene Patterson a photographer from Kitselas. She can be found on *Facebook* at: **Sharlene Patterson Photography.**

TFN welcomes Hilary Zornow

I am extremely excited to be working for the Tsimshian First Nations Treaty Society as Project and Communications Officer. I had spent a term with the Kitselas Treaty Office in the past and left in 2011 for an opportunity to gain valuable experience in the corporate world. I feel



as though I am "coming home" and I am happy to engage in the work I find most fulfilling, working with and for First Nations people.

I am Gitksan from the village of Gitanmaax (also known as Hazelton) and I have lived in Terrace since 2007. I have spent my entire life living in different communities in Northern BC and I enjoy raising my young family in one of the most beautiful corners of the world.

In the new year the Tsimshian Treaty Society will be expanding its communications efforts beginning with this new quarterly newsletter, a revamped website (be sure to visit **tfntreaty.ca**) and other initiatives to assist the treaty offices under the society umbrella with the important task of keeping the communities informed and engaged in the treaty process. We are also now on Twitter, be sure to follow us **@tfntreaty!**

Feel free to contact me directly at **tfntreaty@gmail.com** with any questions, comments or if you would like to be added to the email distribution for this publication. I look forward to hearing from you!

Why are the Tsimshian negotiating treaties?

When British Columbia joined the rest of Canada in 1871 it was determined that the First Nations people held no claim or title to any of the lands in the province and they were regularly denied any form of appeal. Treaties had been signed with First Nations in other provinces early in Canada's history to secure land for settlement. Lands were "ceded" to the Crown for cash and other benefits to the First Nation. The commonly known "numbered treaties" cover eastern Canada, the prairie provinces and a small section of Northern BC (Treaty 8), and the Douglas purchase treaties cover a small land base on Vancouver Island. With the exception of those historical treaties, and a handful of modern day treaties negotiated in the last 20 years, British Columbia remains what First Nations regularly refer to as "un-ceded land". Over the generations British Columbia has prospered greatly on the resources, communities expanded and First Nations, who had been regulated to small reserves, remained uncompensated and excluded. First Nations had not surrendered their lands through a treaty and continued to press on the issue of land claims in court. A number of "land claims" victories have been won, but none have resolved once and for all the question over jurisdiction and none have given First Nations the self-governing powers to reconcile the wrongs of the past. Through decades of persistence the efforts of generations past finally culminated in Canada's Comprehensive Claims Policy in 1983 and later the BC Treaty Commission.

In the mid-1880s a delegation of Tsimshian traveled to Ottawa to protest the shrinking reserve lands and to plead their case for more land. They met with Prime Minister John A. Macdonald who assured them their concerns would be addressed, but they weren't. First Nations dissent in this period started to create anxiety for government officials and settlers who were fearful of direct action and violence. As such Premier William Smithe agreed to meet with Tsimshian and Nisga'a in early 1887 where the chiefs demanded additional reserve land, treaties and self-government. Smithe's response to their concerns was "*The land all belongs to the Queen...A reserve is given to each tribe, and they are not required to pay for it. It is the Queen's land just the same, but the Queen gives it to her Indian children because they do not know so well*

"It is the Queen's land ...but the Queen gives it to her Indian children because they do not know so well to make their own living the same as the white man."

William Smithe to delegation of Tsimshian and Nisga'a leaders (1887)

to make their own living the same as the white man¹. Having been met with this response political action carried on with First Nations forming the Allied Tribes of British Columbia in 1916, this organization lobbied the governments for additional reserve lands and treaties, threatening to take the cause to court. This increasing political power spurred a provision to the 'Indian Act' making it illegal for First Nations to raise funds or gather for the purposes of challenging their land claims. Movements were taken underground until after 1951 when the 'Indian Act' was amended to remove some of the most oppressive aspects of this policy which had become unconstitutional thanks to the introduction of the United Nations Declaration of Human Rights. Political organizations continued to crop up all over the province and plagued the governments with civil movement. In 1969, then Prime Minister, Pierre Trudeau introduced "the White Paper" which proposed equality through the elimination of the 'Indian Act' and assimilation of First Nations people into mainstream society. "The White Paper" was largely rejected by First Nations who maintain their unique status and legal distinction as a people.

Prior to the BC treaty process, land claims took place in the courts. Going to court is lengthy, costly and is not guaranteed. While some court efforts have enhanced Aboriginal title and some have ruled favourably for the First Nation, a treaty is much more comprehensive. In 1983 Canada introduced the Comprehensive Land Claims Policy saying it was prepared to negotiate one treaty at a time. The Nisga'a had already begun treaty negotiations and were at the top of the list, the Tsimshian were at the bottom. The Nisga'a continued to negotiate with Canada and successfully reached a final agreement

¹ McKee, *Treaty Talks in British Columbia* (24)

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in 1997, however it was the introduction of the BC treaty process that opened the doors to numerous First Nations to negotiate treaties with the provincial and federal governments at the same time. After continuously saying 'land claims' were a federal issue and refraining to become involved former Premier Vander Zalm announced in 1990 that British Columbia was ready to negotiate with First Nations. First Nations of BC organized a series of meetings with federal, provincial and First Nations governments that would culminate in the British Columbia Claims Task Force. The task force was established to develop principles and procedures to be the basis of negotiations. The task force made 19 recommendations that were all endorsed through a formal commitment by representatives of the First Nations Summit and the federal and provincial governments called the British Columbia Treaty Commission Agreement. From these recommendations was the development of the BC Treaty Commission and a 6 stage treaty process. In 1993 the Tsimshian Tribal Council received consent from the 7 Tsimshian communities in the region to begin negotiations under the new BC Treaty Process. The Tsimshian Tribal Council disbanded in 2004 with 5 of the respective First Nations communities – Kitselas,

Kitsumkalum, Metlakatla, Gitga'at and Kitasoo-resuming treaty negotiations as part of the Tsimshian First Nations Treaty Society. Lax Kw'alaams and Gitxa'ala opted to move forward in treaty negotiations independently.

While modern day treaty making began a little over 20 years ago, the Tsimshian people have long worked toward resolving land claims for generations and it is important to remember this process evolved out of the insistence of our people and has not been imposed on us by the Crown. The central goal of treaty negotiations is the ability to look after ourselves and this goal continues to drive us forward as it did 20 years ago when we undertook this process. It has been a long road and after years of effort we can see the end in our sights. After hundreds of years of asserting our sovereignty, we are preparing for the next generation of Tsimshian children to enjoy the benefits our ancestors fought for: land, self-government, access to resources, recognition of our members and a continuation of our cultural well being.

Source used for this article:

Christopher Mckee, *Treaty Talks in British Columbia: Negotiating a Mutually Beneficial Future*. UBC Press: Vancouver, 2000 (24)

BC Treaty Commission hosts third Skeena River Fish Forum

On January 21-22, 2015 the third 'Skeena River Fish Forum' facilitated by the BC Treaty Commission was held in Kitsumkalum. The first of these meetings was held March 2014 in Prince Rupert as an effort to bring First Nations in the Skeena watershed to the table in order to explore a more cohesive and coordinated approach to the management of the Skeena River fishery. The forum aims to identify a potential Skeena River initiative that would explore co-management, support and inform the fish mandate for treaty negotiations and assist with overlap challenges associated with Skeena fish. The Department of Fisheries and Oceans (DFO) is supportive of these important discussions and potentially could integrate all aspects of fisheries management and partnerships in order to have Skeena River Watershed First Nations working together.

The BC Treaty Commissions' involvement has been to coordinate meetings and Miles Richardson has been retained as facilitator for the meetings. The First Nations themselves are responsible to form a common vision and a common voice. Eight First Nations with territories along the Skeena River were invited to discussions. The first meeting had representatives from Gitksan, Kitselas, Kitsumkalum, Metlakatla, and Lake Babine Nation attending. Lax Kw'alaams, Wet'suwet'en and Gitanyow did not attend that initial meeting.

The January 21-22 forum had the largest turnout to date with all of the above plus Gitga'at in attendance. January 21 was a productive and positive day one, however talks began to unravel on the second day with an early adjournment as a few groups around the table have expressed concern regarding the role of BC Treaty Commission in this process. However all agreed to follow up on the discussion at another meeting proposed for March 27 in Smithers. Stay tuned for more as it develops.

