

**Preparing for the Day After Treaty:
The Nisga'a Experience
November 14 - 16, 2007**

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Simigat, Sigidim haanak', k'uba wilskihlkw, ganshl txaa
n'itkwshl k'uba tk'ihlkw.

Good evening, ladies and gentlemen,
commissioners, chiefs, matriarchs, respected elders, honoured
guests and youth. On behalf of the Nisga'a Nation, I thank you
for attending this conference that we are co-hosting with the
BC Treaty Commission.

First, I would like to acknowledge and thank the
Coast Salish people whose interests are vested in the
traditional territories we stand on today.

I would like to take a small amount of time this
evening to talk about something that I'm extremely excited
about - opportunity.

For so many years all I talked about and dreamed
about was hope. Indeed, I stand here today as president of our
nation, but truly I represent a generation who grew old, who
wanted opportunity and never lost sight of hope.

There's a quote on the cover of one of our
annual reports that says, "Some were young when they joined the
cause, but grew old seeking an agreement that would benefit
future generations." Truer words were never spoken. I also
represent a new generation who seek - no - demand, opportunity.
Opportunity that, we believe, our treaty gives them.

Let me be clear, we never said that our treaty's a perfect model for everyone else. It is our treaty and we believe it will work for us.

When Dr. Joseph Gosnell spoke to the BC legislature on December 2, 1998, he said that our agreement is, "a beacon of hope for aboriginal people around the world", end of quote.

If we have in any way inspired others to seek a better way of life for themselves and their children through peaceful negotiation, I can tell you I am quite proud of that and so are our people, many of them who are here today.

How did we get here?

Well it has been well documented, well discussed and I might add, well argued. I won't go into specific details of our journey as we don't have another 113 years, but I will share with you our fundamental philosophy.

We did it through hard work, determination, and unwavering perseverance. We negotiated. We worked together - our chiefs, matriarchs, respected elders, the negotiating team, a long standing dedicated law firm, and our people. We sorted through all of the areas and issues that are addressed in our treaty.

I must stop here and reinforce something for those of you who may think we had some kind of special device or knowledge. We didn't, we worked together.

We knew we would fail if we could not overcome our individual perceptions, egos and biases. In a sense we

negotiated with a collective wisdom.

During those years of negotiations we tested our Common Bowl Philosophy, many, many times. And it has taken us through those difficult times.

What is a treaty?

A treaty is an agreement, an understanding between parties who may start out agreeing on not much of anything.

But, by the very act of negotiating they are in agreement on one thing - their desire to seek agreement, to come to mutual understanding, to settle an issue, to resolve a difference.

Describe it any way you want, but we believe that only through negotiation can you find ways to agree on something, where before, simply put, you were miles apart.

When the federal and provincial governments agreed to negotiate with us, we were on a path where "hope could become opportunity."

The Nisga'a have always said, "We want to negotiate our way into Canada, not out of it."

Our leaders have said that from day one, and I'm referring to a time long before the formulation of the Nisga'a Tribal Council in 1955. Our nation was demanding negotiations even before 1890, when we established our first Land Committee.

We believed in our people and we supported our negotiators.

We backed them up, we helped them out, we

listened to them and trusted in their ability to work in their areas of expertise.

We also listened to what the other side had to say, and did not immediately discount what they were saying.

We looked at what we could take from it, or make from it. That is what our negotiations were all about.

No one said it would be easy, and we certainly can attest to that.

But as the late, great James Gosnell used to remind us, the really hard work starts the day after the land question is settled. How right he was.

We are now in our eighth year of implementation of our treaty.

What is implementation?

I said earlier that I was excited to talk about opportunity. I am speaking about implementation in the broader sense, not only the complex mechanisms for setting up a government, laws and such.

I'm talking about the best way of realizing the opportunities that we fought for and achieved - the best way to achieving the mutual objectives that led the Nisga'a Nation and the federal and provincial governments to enter into our new relationship.

The Nisga'a never wanted the treaty so we could close our doors. No, we wanted to open them.

We are open, open to opportunities, challenges and partnerships.

Our primary focus is to train our people so we can build an economic base.

Education is vital - our school system and our University of Wilp Wilxo'oskwhl Nisga'a are providing us with that.

Self-government allows us to look at our natural advantages - resources, people, and develop them responsibly, as we decide.

Free of the *Indian Act*, hope becomes opportunity.

We want to create an environment that fosters sustainable economic growth, environmental stewardship and a rich cultural life. We have worked hard to ensure that there is a separation of politics and business. Run a business like a business, make it accountable.

We are working to establish a well thought out economic plan, one that can take advantage of our strengths. Our fisheries is in good shape - the Nass River is second-to-none. It is one of the best kept river systems in the world.

We have nurtured that resource for the benefit of everyone, not just Nisga'a.

We have strength in the forest industry, our people are experienced in that area of forestry and sound management should provide opportunity in the future.

Our great strength of course is our people. It always has been.

Recently the Village of Gingolx, located on the

coast, was reconnected to our other villages by way of the Nisga'a Highway Extension Project. The project created jobs, Nisga'a jobs. Now access to all the villages and access to Terrace via the Nisga'a highway 113, will allow us to develop in the area of tourism.

Our people are excited to show the people of the world our pristine river system. The youngest lava beds in Canada, a rich living culture. Hike, camp, boat, explore, come on in, we invite you.

Things are changing, we are moving ahead. I remember when we finally got telephones, and when some of our roads were finally paved.

Now we have high speed internet. Nisga'a Lisims Government has developed a new company enTel Communications Incorporated and we now have broadband internet access to the Nass Valley.

Our young people are seizing opportunity, this gets me excited.

However, for our opportunities to be realized, for our objectives to be met, we also need a similar commitment to the full and proper implementation of our Treaty by our partners, the federal and provincial governments.

Unfortunately, as we have learned, there are significant differences between the way in which the Federal Government views implementation of modern treaties and the views of aboriginal signatories.

For us implementation is more than merely

completing a check list of narrowly defined legal obligations set out in the treaties.

Implementation requires a mutual commitment to making the treaties work, to achieving shared objectives. The Federal Government apparently does not agree.

This is why the Nisga'a Nation and every other aboriginal government and organization that has achieved a modern treaty have formed the Land Claims Agreement Coalition.

The sole purpose of this unique coalition is to endeavour to persuade the Government of Canada of the need for a new federal land claims agreement implementation policy - a policy that recognizes that our treaties are with the Crown not the Department of Indian Affairs; a policy that focuses on achieving objectives not merely for filling narrow obligations.

We need to have senior federal officials responsible for ensuring our treaties are properly implemented. And we believe that there should be an independent body that will be accountable to Parliament and which will assess the extent to which the objectives of our agreements are being achieved.

Many of you have seen the Auditor General of Canada has again issued a report in which she points out, this time in the context of the Inuvialuit Agreement, that the Department of Indian Affairs is being reluctant to try to achieve the objectives of land claims agreements. As she wrote in her report, INAC

"has taken no action to develop performance indicators or

to ensure measurements of progress towards achievement of the principles that the Agreement embodies. Department officials describe these as being Inuvialuit principles, not principles to which Canada adheres. INAC officials emphasize that the Agreement does not impart any federal obligation to realize those goals. On the contrary, department officials have expressed reluctance to monitor and report progress towards achieving the principles of the Agreement. They explained that doing so would imply that those obligations exist, where no obligation is written into the Agreement. The Department also expressed concern that monitoring progress may lead to the expectation that it would take responsibility for achieving those principles.

. . . We are concerned that the Department is not focused on achieving the goals expressed in the Agreement. We are also concerned by the argument presented by the department officials that there is no obligation in the Agreement that requires them to monitor progress. Their argument implies that the Department is willing to carry out only those activities specifically identified as obligations in the Agreement. We find this approach to be inconsistent with the federal governments emphasis on managing well to achieve better results."

Surely we can ask for better from the Federal Government and together with our partners in the Land Claims Agreement Coalition and with the benefit of the Auditor General's advice,

we will continue to urge Canada to adopt a new policy for implementing our modern treaties.

The way I see it implementation is a way down a path that will allow our future generations to do and become whatever they choose.

The Nisga'a have never been afraid of hard work, failure has never been a part of our language.

Our government has reinforced the ancient Nisga'a philosophy, Sayt-K'il'im-Goot, which means one heart, one path, one nation. You see we aren't afraid to adapt, we can dance and walk in both worlds.

In closing I ask you to take a look at the quote attributed to me in your program. "For those of you who are still at the treaty table, negotiate hard to get the best settlement possible for your communities, however, work just as hard or even harder to prepare for the day after. It'll take time, but hope will lead to opportunity."

T'oyaksiy N'isim'!. Thank you.