

TREATY COMMISSION

update

The independent voice of treaty making in British Columbia

Renewal focus for 20th year of treaty process

The 20th anniversary of the BC treaty process this September is no cause for celebration but it may be a catalyst for renewal.

The concept of renewal is an effort by the Treaty Commission to bring more focus and urgency to treaty negotiations. The treaty process was born with much fanfare and promise on September 21,

1992, but has been a disappointment with only two treaties in place.

Commissioners have pushed the idea of renewal with much fervour since Chief Commissioner Sophie Pierre suggested the parties start taking treaty negotiations more seriously or find some other solutions to settle land claims and establish First Nations in self governments. Her

comments during the release of the Treaty Commission's 2011 annual report in October were widely reported as "Get it done or shut it down."

The chief commissioner's remarks preceded her conversations with the Prime Minister, the Premier, several ministers, federal and provincial officials, and House and Senate committees, the First Nations Summit executive and BC First Nation chiefs. Those conversations are an attempt by all commissioners to "shake things up" in treaty negotiations.

First Nations Summit representatives have said they have always been committed to treaty negotiations as a way to reconcile Aboriginal and Crown title, but question the commitment of the federal and provincial governments.

The federal government's commitment has been called into question because, in the Treaty Commission's view, federal negotiators do not now have a mandate to conclude treaties. Federal reviews in

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COMMISSION
KEEPER
OF THE
PROCESS



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Commissioners appear before federal standing committees



Chief Commissioner Sophie Pierre met with Prime Minister Stephen Harper during the Treaty Commission's visit to Ottawa.

To press for treaty completion in British Columbia treaty commissioners appeared before both the Standing Senate Committee on Aboriginal Peoples and the House of Commons Standing Committee on Aboriginal Affairs and Northern Development in Ottawa.

The Treaty Commission is seeking a renewal of the commitment to treaty making from each of the Principals — the governments of Canada and British Columbia and the First Nations Summit — to mark the 20th anniversary of the treaty process in September 2012.

Standing committee members were advised that Canada's chief negotiators in British Columbia do not currently have a mandate to complete treaties because of various reviews that are underway within federal departments. Chief Commissioner Sophie Pierre noted that what is required is a broad mandate that will allow federal negotiators to complete treaties.

Pierre stated that settling treaties is an effective way to ensure there is sustainable growth in all regions of the province. Treaties will help unlock the economic potential of First Nation communities and when a First Nation prospers the whole region prospers.

She said that while long term reconciliation with First Nations remains the stated goal of the provincial government, practical considerations appear to favour agreements that provide short-term certainty. Provincial priority is being given to short-term arrangements that will allow some natural resource, energy and transportation developments to proceed.

update

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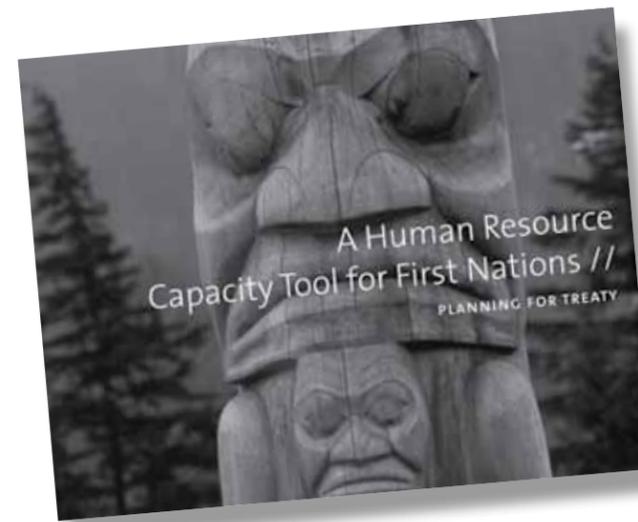
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“*Pierre stated that settling treaties is an effective way to ensure there is sustainable growth in all regions of the province. Treaties will help unlock the economic potential of First Nations and when a First Nation prospers the whole region prospers.*”

Pierre said the Treaty Commission supports interim measures agreements that benefit First Nations now, but a stronger link to treaties is important to the treaty process.

The governments of Canada and British Columbia, and the First Nations Summit committed to this unique, made-in-BC treaty process in September 1992. As such, treaty making in British Columbia is distinct and different from other processes to reconcile aboriginal rights issues, commissioners advised committee members. ☉

Human resource capacity tool launched



in a workshop with In-SHUCK-ch, Sliammon and Yale First Nations. In-SHUCK-ch Nation is close to completing a final agreement, while Sliammon and Yale First Nations are in treaty ratification.

“Human resource planning and development is vitally important as First

Nations prepare for governance under their treaty,” said Commissioner Dave Haggard, who leads the project. “First Nations may have to train current or new employees for their post-treaty jobs in government and this tool will help with those decisions.”

With well qualified people, a First Nation can more efficiently deliver programs and services, manage assets, create economic opportunities, and

perform other functions of governance, said Commissioner Haggard.

The tool and pilot workshops were funded in part by the provincial Ministry of Aboriginal Relations and Reconciliation. Funding has now been secured from the New Relationship Trust to help support the tool and workshops in various regions of the province. The first workshop, hosted by the Treaty Commission, is being held on Vancouver Island for the K’omoks, Tla-o-qui-aht and Te’Mewx (Malahat, Scia’new, T’sou-ke, Snaw-naw-as and Songhees) First Nations.

The Treaty Commission is encouraging First Nations to seek federal Treaty-Related Measures funding to undertake human resource capacity planning in preparation for governance under a treaty.

The First Nations Public Service Secretariat, in cooperation with the Treaty Commission, will provide options for training opportunities in the area of human resource development. ☉

Resolution of Shared Area issues a priority

As First Nations move steadily through the treaty process, tensions have increased due to disagreements about overlapping traditional territories or areas that were historically shared.

A focus for the Treaty Commission is to support ongoing efforts by First Nations to resolve these issues as early as possible in the negotiations process. There are many efforts underway initiated by First Nations. Sliammon First Nation has made it a priority to have agreements in place with its neighbours

with several completed. Many First Nations have made proposals but await the support and resources necessary to complete shared area agreements.

The benefits of shared area agreements can be substantial. The simplest and most concrete form of agreement, a boundary agreement, can eliminate overlaps and increase certainty on the land for the First Nations, the BC government and third parties. This, in turn, simplifies the referral processes in the shared area and can avoid costly litigation for all the parties.

The Treaty Commission is also engaged in discussions on overlapping and shared area issues with the Principals (the governments of Canada and British Columbia and the First Nations Summit) through the Treaty Negotiations Process Revitalization table, which it hopes will result in options to further support First Nations in reaching shared area agreements.

The Treaty Commission successfully facilitated shared area discussions between the Tseshaht First Nation and the Maa-nulth First Nations in 2011, resulting in the Accord on Barkley Sound.

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Tla'amin members to vote on treaty



Minister Mary Polak, Chief Clint Williams and Minister John Duncan initial the Tla'amin Final Agreement flanked by the chief negotiators Tom Ethier, Roy Francis and Tom Molloy.

Tla'amin members will vote in June on a final agreement with the governments of Canada and British Columbia. The vote follows the signing ceremony that took place in Sliammon village in October.

Chief Clint Williams, federal Aboriginal Affairs and Northern Development Canada Minister John Duncan and provincial Aboriginal Relations and Reconciliation Minister Mary Polak participated in the community event. Among the many invited guests were Chief Commissioner Sophie Pierre and Commissioner Celeste Haldane.

Minister Duncan said, "Our government recognizes the importance of this treaty to the Tla'amin Nation and remains firmly committed to the treaty process."

The agreement provides approximately \$75 million in cash, as well as 8,332 hectares of Treaty Settlement Land.

The cash component includes a one-time payment of \$29.7 million; \$11 million for economic development, fish, and

lands funds; \$1.7 million for a culture and heritage building, \$833,000 for a culture and language fund and resource revenue sharing of \$663,000 each year for the next 50 years (\$33.15 million).

There is also \$1.4 million to enable Tla'amin to acquire additional capacity in the commercial fishery; \$200,000 for a study of the potential

Chief Williams said, "The intent of the final agreement is to provide a solid foundation for our children and grandchildren."



to reintroduce sockeye salmon into Powell Lake; and \$350,000 to support the Theodosia Round Table and remediation within the Theodosia River watershed.

Chief Williams said, "The intent of the final agreement is to provide a solid foundation for our children and grandchildren."

Funding for programs and services from the governments of Canada and BC will



Minister Mary Polak gets into the swing of things, far left. Guests including Chief Commissioner Sophie Pierre (above) were treated to dinner and a special cake to mark the occasion.

increase to \$8.5 million for the first five years of the agreement.

The treaty will make Tla'amin Nation the largest landowner in the Powell River region. If implemented, Treaty Settlement Land will comprise 6,405 hectares of provincial Crown land and 1,917 hectares of existing reserve land. This includes 70 kilometers of waterfront, and shared decision making in the Theodosia watershed. Tla'amin may add to Treaty Settlement Land in the future. Specific Crown land parcels totalling 1,212 hectares have been identified, which if purchased by

Tla'amin Nation, could become Treaty Settlement Land.

Minister Polak said, "With 50 per cent of Tla'amin Nation's population under the age of 25, I believe this agreement will ensure that the Tla'amin people have the ability to provide increased economic opportunities for future generations, while continuing to honour their traditions and culture."

Tla'amin citizens will have the right to hunt, gather and fish for food, social and ceremonial purposes throughout the Tla'amin traditional territory. 

Commissioner Lampert re-appointed

Commissioner Jerry Lampert will serve a third term at the Treaty Commission.

Lampert was re-appointed to a third, two-year term by the Government of Canada having served at the Treaty Commission since 2007. Prior to his appointment, he was the president and chief executive officer of the Business Council of British Columbia for 15 years. Lampert was a vocal advocate for business developing better relationships with First Nations. He has served as chief of staff to two BC premiers and managed two successful provincial election campaigns in BC.

"I am looking forward to serving at the Treaty Commission for two more years because there are things I want to see through," said Lampert. "I have worked with the parties in the Sliammon negotiations for the past four years and want to be there through the ratification process."

Lampert said the parties to the K'omoks First Nation negotiations will formally sign their Agreement in Principle in March and several other tables where the commissioner is involved are closing in on agreements in principle.

"There is plenty to do and I am looking forward to helping the parties reach



Commissioner Jerry Lampert

agreements," he said. Commissioners Robert Phillips and Celeste Haldane were appointed for two-year terms following a vote by delegates to the First Nations Summit in March 2011. Commissioner Dave Haggard was re-appointed to a second term in February 2010.

Metro Vancouver disbands Lower Mainland Treaty Advisory Committee

After 18 years of advising Metro Vancouver and neighbouring regional districts, the Lower Mainland Treaty Advisory Committee is about to be terminated.

The existing Metro Vancouver Aboriginal Relations Program will absorb the advisory committee in a consolidation aimed at "enhancing its relationship with aboriginal communities and resolving the technical issues involved with servicing agreements."

"Our relations with First Nations continue to evolve in scope and complexity," said former Metro Vancouver Board Chair Lois Jackson. "By combining the work that LMTAC does with our in-house Aboriginal Relations Program, we avoid duplication of effort, better position the Metro Board and its members in decision-making processes, create

economic efficiencies, and clearly underline our commitment to addressing First Nations issues."

Metro Vancouver Director Kim Baird, Tsawwassen First Nation Chief, expressed support for the move in a prepared statement, noting it is "...critical for relationship building as well as for the aboriginal rights and title process."

The Lower Mainland Treaty Advisory Committee (LMTAC) represented 26 local government jurisdictions and was, for many years, funded by the provincial government until more recently when Metro Vancouver became responsible for the majority of funding.

One of LMTAC's last acts was to recommend the exclusion of Indian reserves from municipal and regional district boundaries. Currently, aboriginal

and non-aboriginal people living on reserve can vote in municipal and regional district elections, but do not pay local government taxes.

The Memorandum of Understanding between the UBCM and the BC government, that created treaty advisory committees, ensured local governments were full participants in the BC treaty process. Initially, there were as many as 20 active advisory committees.

It is expected Metro Vancouver will assume all functions that were previously the responsibility of the treaty advisory committee.

Maple Ridge Mayor Ernie Daykin will chair the aboriginal affairs committee. Belcarra Mayor Ralph Drew is the vice-chair and committee members include Tsawwassen Chief Kim Baird and Delta Mayor Lois Jackson.

New publication celebrates good relationships

A new Treaty Commission publication tells the story of the intergovernmental relationship between Sliammon First Nation and the City of Powell River.

Powell River and Sliammon (Tla'amin) through a Community Accord and a Protocol Agreement on Culture, Heritage and Economic Development are leading the way in sustaining an intergovernmental relationship.

Tla'amin members, who will vote in June on their treaty, expect to develop better relationships with the governments of Canada and British Columbia, in keeping with the kind of relationship they have with Powell River.

Newly elected Powell River Mayor Dave Formosa told *Update*, "The relationship with Tla'amin will only get stronger."



Powell River Mayor Dave Formosa

Formosa, a businessman, has a long personal history working with the Sliammon community and is a partner with the First Nation in the Lund Hotel.

The partners have operated the hotel since 2000, after carrying out a major renovation in 1999.

A new agreement between Tla'amin First Nation and Powell River Regional Economic Development Society is being

hailed as the first of its kind in BC, if not Canada, reports the Powell River Peak newspaper. The agreement brings all economic development functions in the region under one umbrella.

Roy Francis, Sliammon Development Corporation president said, "I believe it's the first of its kind, in terms of a First Nation and a city council partnering up to improve economic development for both of us."

The Treaty Commission believes the Powell River-Sliammon experience over the past eight years can be helpful for First Nations, and local and regional governments that want to improve relationships within their regions.



// A new agreement between Tla'amin First Nation and Powell River Regional Economic Development Society is being hailed as the first of its kind in BC, if not Canada. //

Status REPORT

There are 60 First Nations, including 110 Indian Act bands, in the BC treaty process.

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
(vote planned)
Yale First Nation
(ratified by First Nation and BC Government)

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

First Nations in Advanced Agreement in Principle Negotiations (8)

Homalco Indian Band
Ktunaxa/Kinbasket Treaty Council
'Nangis 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 (26)

Acho Dene Koe First Nation
Council of the Haida Nation
Da'naxda'xw Awaetlala Nation
Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs

Gwa'Sala'Nakwaxda'xw Nation
Haisla Nation
Hul'qumi'num Treaty Group
Kaska Dena Council
Katzie Indian Band
Klahoose First Nation
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
Tsil'it-Waututh Nation
Wei'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

Renewal focus... from cover

Ottawa have stymied treaty negotiations at several tables adding to frustration over a "slow and costly process" for First Nations. Loans to First Nations are rising while expectations of fair and timely settlements are diminishing.

The BC government is looking favourably on renewing the commitment to the made-in-BC treaty process, but the parties and the Treaty Commission will have to agree on what renewal means.

The Treaty Commission acknowledges that while an event to mark the 20-year milestone may be desirable, what is required

are practical, on-the-ground solutions to move treaty negotiations forward.

"Treaty completion is the ultimate expression of a renewed commitment to treaty making," said Chief Commissioner Sophie Pierre. "We need results. That has been our message for almost three years now. ☉"

Resolution of Shared Area... from p. 3

More recently, the Treaty Commission has facilitated discussions between the Ahousaht First Nation and the Tla-o-qui-aht First Nation as they address

concerns related to their shared territory. The Treaty Commission has also presented a list of independent expert mediators to the Sto:lo Nation and the Yale First Nation in an ongoing effort to find a mediated solution to their dispute.

In 2011, the Treaty Commission sponsored two workshops through Royal Roads University which were well received by First Nation participants and, with further federal funding, the Treaty Commission plans to provide similar dispute resolution training in the coming year. ☉



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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