

# Lheidli T'enneh Communications Probe

*Information obtained through eight interviews conducted May 30-31, 2007 and a telephone and mail survey conducted by Mustel Group May 24-June 5 (revised)*

## **INTRODUCTION**

As the Lheidli T'enneh First Nation treaty was the first to be submitted to a vote and given that it was rejected by a majority of members, the Treaty Commission sees the value in undertaking an analysis of the events leading up to and including the treaty ratification vote, and the reasons for rejection and to learn from the experience of the First Nation in preparing for and conducting the vote.

The primary objective of the research is to better understand the main reasons the treaty was not ratified, identifying barriers to enrolment in the voting process, key reasons for members voting decisions and sources of influence on those decisions.

The goal is a comprehensive list of substantive and other issues and concerns that members have so as to be able to develop, for the benefit of all parties, better information and more effective communication processes and approaches.

The Lheidli T'enneh First Nation Final Agreement was rejected in a community vote as follows:

Of 273 eligible voters, 234 voted: 111 voted yes; and 123 voted no.

The result was a surprise to some. It raises a number of important questions about the process that was followed and the communications employed relevant to Lheidli T'enneh First Nation and other First Nations in the BC treaty process.

The Treaty Commission proposed the probe because knowing the member's concerns about the treaty will help Lheidli T'enneh First Nation to consider its next steps and how to address member's concerns.

## **METHODOLOGY**

A Treaty Commission team comprising Chief Commissioner Steven Point, Commissioner Robert Phillips and Communications Manager Brian Mitchell conducted one-on-one interviews in Prince George with seven Lheidli T'enneh First Nation members in positions of leadership and an eighth by telephone.

Mustel Group, a well-respected Vancouver research firm conducted the member survey by telephone and mail. Their research methodology is included in their report.

## **THE LHEIDLI T'ENNEH PROCESS**

The Lheidli T'enneh First Nation (LTFN) treaty process was community driven, that is, driven by a Community Treaty Council (CTC) comprising family representatives initially, and including many more alternate family members in the latter stages of their treaty process.

When the Agreement in Principle was approved by the CTC in spring 2003, there were approximately 15 members. In the year prior to the treaty vote there were often as many as 40 members at meetings, and as many as 56 members who earned a \$40 honorarium each week to attend. (This is almost as much money in a month as a member would receive as their Social Assistance payment.)

CTC members were expected to provide the information from each weekly meeting to their family members and bring any questions or concerns back to the next meeting.

The CTC did not want the chief and band council members to participate in meetings unless they did so as family representatives.

The six-member Youth Treaty Council (YTC) brought youth concerns to the CTC. There were two representatives each for the north reserve, south reserve and Prince George.

## **TIMELINE TO TREATY VOTE**

**August 2006:** Chief negotiators advised the CTC the parties had reached the limits of their mandates and were recommending the final agreement go to a vote of the LTFN membership.

**October 29, 2006:** The three parties to the agreement held a signing ceremony in Prince George to initial the Final Agreement.

The chief negotiator for LTFN recommended the membership vote be held on January 19, 2007. The First Nation was advised that delaying the vote would result in the loss of the momentum achieved through the signing.

**November 7, 2006:** A community information meeting was held in Prince Rupert.

**November 13, 2006:** A community information meeting was held in Mission.

**December 8, 2006:** A community information meeting was held in Quesnel and Williams Lake.

**January 4, 2007:** A community information meeting was held in Prince George.

**January 2007:** The nomination meeting for band and council was held.

**February 2007:** An information package including the treaty and a 108-page summary was mailed to members.

**February 11, 2007:** A community information meeting was held in Vancouver.

**February 18, 2007:** A community information meeting was held in Prince Rupert.

**February 25, 2007:** A community information meeting was held in Kelowna.

**March 4, 2007:** A community information meeting was held in Edmonton.

**March 8, 2007:** Elections for Band Council were held.

**March 2007:**

New Final Agreement voting date set for March. Proposal for June is rejected.

**March 17, 2007:** Advance poll in Prince George

**March 27, 2007:** Vote in Prince Rupert

**March 28, 2007:** Vote in Vancouver

**March 29-30, 2007:** Vote in Prince George

**TIME FACTOR:**

Given the tight time frame leading up to the vote, the decision was made to send all information to members at one time, including the treaty and appendices, information sheets and video. A 108-page plain language guide to the treaty was also in the package.

Information meetings were held in eight communities but the turnout of members was poor. Home visits were subsequently offered but there were only a few requests for such meetings.

The band election held on March 8 frustrated the LTFN treaty process leading to the vote and divided the community just eight days before the first treaty vote on March 17.

## THE COMMUNICATION PROCESS

Some members believe it was a mistake not to hold a vote of the membership on the Agreement in Principle (AiP). It is their belief the AiP vote would have failed and LTFN would have been better able to determine the level of understanding and support.

There was tremendous pressure from the negotiators for all three parties to get the vote completed quickly.

CTC members were not given communications support and training so they would be better equipped to deliver information in a way that it was understood. Follow-up with family members was also required. Members say many of their questions went unanswered.

Not all CTC members did an adequate job of bringing the information to family members, due in part to a lack of understanding themselves.

The comprehension level in the community was low. Some members cannot read well or at all. CTC members were generally quiet at meetings and did not ask questions, with the exception of four or five CTC members who regularly asked questions.

The CTC should have done a better job of getting feedback and identifying and addressing concerns a lot sooner in the process.

There was no champion for the treaty. Although the CTC did not want the chief and council to participate other than as family representatives, it left the impression with some members that the chief and band council were unsupportive of the treaty, leaving it to the treaty team and CTC. Some members, including some who voted against the chief, did not trust the chief and council. It was noted the traditional system has not been in use since 1929.

An honorarium of \$40 encouraged people to attend meetings. However, long time CTC members questioned whether these newcomers came for the payment, or for the information and to inform the negotiations. Many now see paying the honorarium as a mistake.

Trust was a problem. Negotiators were not from the community; and were seen as outsiders and defenders of “the package” rather than servants of the membership.

Several members said they believe the First Nation does not have the administrative capacity to conduct its business and therefore is not ready for treaty.

The Indian Act election system has divided the First Nation members. Campaigning and fallout from the result dominates in the community for at least two months on either side of a band election. Old issues arise during this time, for example, nepotism, family issues and personal issues.

The treaty vote threshold for acceptance is considered by some to have been unnecessarily high.

### **THE INFORMATION**

In developing their information campaign, the treaty team worked toward a yes vote and did not give much thought to responding to those who worked in support of the no vote.

The negotiators saw the LTFN web site as the primary information tool, but it did not turn out to be an important communication vehicle.

There were elders who did not trust what was written on paper, or outsiders.

The vote came too fast for people to gain a basic understanding of the treaty. Too much information arrived on the doorstep of members at one time and only a short time before the vote. The plain language materials were still too complex, although they did respond to the members' questions.

There was poor communication among family heads.

There was inadequate information on certain elements of the treaty including the value of the land package to the First Nation, but also governance, tax and the constitution. Members said they should have had more information on safeguards, conflict of interest guidelines and dispute resolution for members.

More of an effort should have been made to get out and talk to individual community members. Extra steps were needed to get information to community members.

People were afraid to speak out for fear there would be a backlash, for example a loss of benefits from the band.

Meetings after negotiations were completed were, for many members, the first opportunity to question the treaty.

There were several members who did not understand the consequences of a no vote and were looking for a better deal from government after they rejected the treaty. These people were surprised when government advised there would be no further negotiations following the rejection.

There is a belief among some members that professional communications consultants should have been hired to provide information to members in a non-threatening way and to answer questions and gather feedback.

Some members did not understand their current rights including their aboriginal rights and rights under the Indian Act.

### **PERCEIVED REASONS FOR TREATY REJECTION**

- Not all families participated in the CTC.
- There were no advocates for the treaty beyond the treaty team.
- March 8: Band Council election.
- Band issues were being brought to the table.
- People voted no because they thought the same people would be in power: new system of governance comprises six representatives elected at large.
- There is a prevailing view among some members that band councils are and have been corrupt.
- Didn't believe leaders would protect what was in the treaty.
- Not enough protection in Constitution and Final Agreement to protect what's in the treaty.
- Treaty was being called "the Seymour treaty" that will make the chief and treaty manager and their families rich.
- Fear was a big factor, including fears about taxes, governance, loss of rights, loss of traditional lands and loss of identity.
- If you sign, you lose your status.
- People believed they would lose medical, dental and eye care.
- Health services responsibility would bankrupt First Nation
- McLeod Lake members received \$25,000 and yearly payments, so some members expected a treaty payment.
- Small group unhappy with land base.