

# Forging Linkages & Finding Solutions

## *Conference Presentations*

*A BC Treaty Commission  
Conference for First Nations*

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**BC TREATY COMMISSION**

The independent voice of treaty making in British Columbia



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# Introduction: Building First Nation communities by forging linkages and finding solutions

First Nations participants from throughout BC gathered in Vancouver at the 2008 BC Treaty Commission conference *Forging Linkages and Finding Solutions* to listen, learn and share their experiences about governance, capacity building and economic development.

Conference attendees heard from a number of guest speakers and panellists and participated in workshops on the three topics. More than 130 participants and speakers from more than 40 First Nation communities and organizations took part.

Among the speakers was Stephen Cornell, co-founder of the Harvard Project on American Indian Economic Development who has studied First Nations governance for over 20 years. Cornell said governance provides the opportunity to put in place the kinds of tools First Nations need to exercise their rights effectively.

“Governance refers to a set of principles and mechanisms that enable you to translate your vision, the will of the people, into action. Each nation’s principles are reflected in the practical mechanisms of government that each nation adopts — things like written constitutions, designated sets of offices, legal codes, the laws that your nations pass and the mechanisms for enforcing those laws, your agreements with other governments, a host of other practical tools that form the nuts and bolts of governments, and how you get stuff done on a daily basis.”

Rebuilding economies is also essential to rebuilding healthy, sustainable communities as reinforced by former St. Mary’s Indian Band chief and recently appointed BC Treaty Commission chief commissioner Sophie Pierre. She acknowledged that each First Nation will have different economic development opportunities depending on its location and region, but ultimately establishing infrastructure is a key

to attracting capital investment. Pierre underscored that good government and good governance are essential to economic success.

“We can recreate the economies in our communities but we need strong governance to do that. It’s very hard to attract good business to our communities if we don’t have good governance in place,” Pierre said.

Chris Corrigan, a community engagement and capacity building specialist, emphasized the importance of involving the community in the capacity building process to collectively decide how the community should be developed and governed. Corrigan set out seven principles for successful community engagement.

This philosophy was reinforced by Tsawwassen First Nation Chief Kim Baird who shared the challenges her small First Nation is facing and the work it has been doing to prepare for self government on April 3, 2009, the effective date of their treaty. Tsawwassen has identified 18 laws and 39 separate projects that are required, including a comprehensive community plan, which can all be categorized under governance, economic development and capacity building.

“We must be able to stand behind the decisions we make and ensure that those decisions are respected by everyone, member and non-member,” she said.

Conference participants also heard from Council of Yukon First Nations Grand Chief Andy Carvill and First Nations of the Anishinabek Nation Grand Council Chief John Beaucage who shared their experiences and challenges in establishing governance, economic development and capacity building in their respective communities.

Leaders of BC's three major First Nation political organizations, the First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nations, addressed the issues and challenges that exist in First Nation communities while Chief Robert Louie highlighted the benefits that have flowed from the self government agreement that Westbank First Nation signed with the federal government.

The workshops provided participants an opportunity to engage in discussion, share experiences and identify solutions. Summaries of the workshop discussions are included in this publication.

Transcripts of all the speeches and presentations as well as summaries of the workshops are included here and available in electronic format at [www.bctreaty.net](http://www.bctreaty.net).

The Treaty Commission is grateful to the speakers, presenters, facilitators and attendees for sharing their experiences and making *Forging Linkages and Finding Solutions* a success. Comments and suggestions for future conferences can be directed to [info@bctreaty.net](mailto:info@bctreaty.net).

# Workshop Overview Presentation: *Governance*

## Chief Robert Louie, Westbank First Nation

Thank you very much, Jody, and good morning to everyone. Firstly, Jody, thank you very much for your encouragement and persistence and thank you for inviting me here. Thank you very much to Chief Leah George Wilson for the prayer, and I wish to acknowledge and thank the Coast Salish peoples and the ancestors of these lands to Musqueam, to Squamish, to Tsleil Waututh and Tsawwassen in particular. Thank you to you and your peoples and the ancestors. You have preserved these lands well and we appreciate that.

Elders, chiefs, elected leaders, commissioners, federal and provincial representatives, distinguished guests, ladies and gentlemen; it is a pleasure to be here today. My topic is about governance and I wish to go through that subject in a very brief format, hopefully to address the theme of forging linkages and finding solutions. I want to cover some of the work that my community has done at Westbank, and hopefully that will be of some assistance to you in your discussions and in your work towards governance.

When I looked at governance, I had to rethink, “what does it mean?” I know what it means to me, but I’m thinking about what the full context of it is. Last night I worked till about midnight and took the dictionary out and looked over all of our laws.

When I look at governance, it is either governance or it is to govern. The Webster’s dictionary of governance says governance means: “to govern means to control and direct, to rule, to be dominant in, to determine, to restrain, to serve as or constitute a law or rule for.” So in other words, governance is about authority, being a lawmaker. Governance is about responsibility. Governance is being a recognized decision maker.

I’ve tried to put this into context and how I put it is this. Governance in our society is about instituting and implementing a good and workable

democratic government and organized in such a way to be fair and accountable to the people being served. That is the context I see governance in. In other words, it is about providing good government for all persons residing, occupying or otherwise doing business on one’s lands.

When I look at the benefits to us as First Nation peoples and referring that to Westbank in particular, in Westbank we have governance over our lands and peoples within our lands. So, we have that recognition and understanding by our membership, by the local community, the residents on the reserve, by other outside governments, be it federal, provincial, and local, third parties, First Nations who are part of our whole structure and the general public. That recognition and understanding is that Westbank is a recognized government with full decision-making powers. We have an authority and the legislative powers to make laws, and that is something that we do on a constant basis. So it is about perception as well as actually implementing.

For us governance forces us to be more organized in our processes and procedures. We cannot afford to make mistakes. Laws must be developed and it is a never ending process. We need to be more precise because you cannot pass on the blame to someone else, which makes you more accountable. Clearer policies have to be developed; you have to have more focus.

When I think about governance and our past and I think about the children, five years ago let’s say, the perception today with our children and the youth growing up I believe is different. It was not that many years ago that Westbank never had our flag flying on our building. We didn’t have the flag being equal to Canada’s flag to BC’s flag or any other flag for that matter. So we fly our flag with pride. In our meetings our flag is alongside Canada’s and BC’s; it has more meaning. That generates more community pride.

Very clearly, each member of our council, the elected representatives and officials, have to follow the law, and it is a collective community law that is developed. If not there are legal consequences. Council members can be ousted out of office, expelled and have to answer before membership. That is pretty significant.

Many things are incorporated into our laws and lawmaking. We have self-governance now and we have put in our land management in our land rules. We have transferred our administrative-oriented decisions and land management over to our lands department. So council, the elected body, its officials do not necessarily make the day-to-day decisions. That is passed on to other departments and they have power to do certain things, and are required to do certain things. That is what governance, to us, has meant and that is how we practice it.

The truth is, today council has less discretionary authority, less free reign than under the *Indian Act*. It is easy to fall under the realm of the *Indian Act* and be a delegated body because with that you don't have the responsibility. It's a different situation than with our governance and constitution in place.

Today all our laws are made or developed and have to go through three readings, like Canada and like British Columbia, before they can be passed into law. Under the *Indian Act* there is a bylaw system, a delegated authority, a delegated body which means that someone else is the decision maker — the Governor General, the minister of Indian Affairs and his or her delegates — that is who the decision makers are. Councils with their resolutions can do certain things, but it doesn't get enacted as true law unless someone else makes it. That is the difference; there is a tremendous difference to how we do business and how we perceive governance with First Nations happening. There is certainly more community input.

We operate with jurisdictional authorities incorporating four levels of government. Under the federal government, we have certain powers and authorities. We have powers and authorities under

the provincial government, under local government, municipalities and we have our own governance as First Nations. That is the jurisdiction that we implement. That, in essence, is what we have.

Now our self government agreement and the legislation enacted: what we have negotiated with Canada, the bilateral agreement, is a self-government agreement and it was ratified and came into force April 1, 2005, about three-and-a-half years ago. There is now legislation in the *Westbank First Nation Self-Government Act* which ratifies that agreement. It says yes, we are a recognized governmental authority with lawmaking powers.

The self government agreement implements self government based on the recognition that the right of self government is an existing aboriginal right within section 35 of the *Constitution Act 1982*. That is important, the right as an existing aboriginal right.

We have chosen to have our lands remain under section 91(24) and we did so intentionally. All existing interests in our lands, prior to self government, were recognized and continued in accordance with the terms and conditions. All of the bylaws we have — the lawmaking, the leases and the permits — they continued under the realm and under the responsibility and jurisdiction of our new self government structure. That was quite intensive.

Some facts about our community: we are part of the Syilx people, the Okanagan. We are in the southern interior of British Columbia. Our language is Nsyilxcən; we are affiliated with seven member bands within the Okanagan Nation Alliance. Our leadership have five members of council, one chief and four council members who are elected every three years. People run every three years.

We have a land base of five parcels of land currently, which is over 5,300 acres of land and our population is just shy of 700 people. We are somewhat unique, because under our structure we now have close to 10,000 non-members, well

9,000 non-members plus the membership so it is pushing 10,000 in population that live and reside within our lands.

We have an advisory council, a five-member council that is elected every three years that represent the interest of the non-natives, and the non-members residing within our lands.

Our government employees... we have 115 by last count; total employees not just government is in excess of 200, and our annual budget is between \$30 and \$40 million a year. So with Indian Affairs monies under our self-government structure it is less than 20 per cent that we are dependent upon the federal government or the Indian Affairs, 80 per cent plus are our own monies, our own revenues that we generate.

Under our self-government structure are four key documents that form part of that package that include the self-government agreement that is the bilateral agreement with Canada. You'll find it on the Internet. It looks like this. It has been consolidated. It explains what jurisdiction we are empowered with. It explains an agreement of what Canada must do and, as such, it must recognize our inherent right of self government as an existing right as I mentioned within section 35 of the *Constitution Act 1982*.

We also have our Westbank First Nation Constitution. It has been summarized in a document which I have here, a very important document. This constitution describes how we govern ourselves internally. It describes who our members are, how they become members, the duties and responsibilities of the elected body, how we vote, what the council procedures are, how they are operated, how we conduct ourselves, the financial accountability, what our land rules are, how we conduct referendums, how we can make and pass laws and things of that nature. It is our own internal constitution that forms part of our governance structure.

There is an implementation plan, how we implement self government and we work on

that on a daily basis. There is a fiscal transfer agreement, how much monies are paid to us that is part of the agreement we have with Canada.

So under our self government the leadership is accountable first and foremost to our membership. That is the important thing — accountability. And that fosters good governance practices, which in turn results in economic stability and community prosperity.

And for us, over the last three-and-a-half years having an instituted governance structure in place, we have had a tremendous learning curve. There has been an extensive, tremendous amount of work that has been done and we believe our journey has been extremely positive and has been well worth the effort. So we highly recommend that to you.

One indication of our success is the economic development, the economy, and the growth that has happened. Our growth is faster than all the municipalities around us. That is a fact.

Our lawmaking, we develop and enact laws as I mentioned, in accordance with our constitution. All of our laws and amendments are subject to a process that is set out in the constitution and again includes the community consultation input. You don't find that under the *Indian Act* or in that delegated responsibility.

Three readings are required before laws can be implemented. Our constitution is a living document. We have already amended it once and we may be amending it again in future years. So it is a living treaty much like the constitution that we are familiar with as other governments.

We currently have over 30 laws that have been passed. We have things like our land use law. It took us a long time to put that together. We are working on a comprehensive community plan that will fit with that, and that is an ongoing living treaty type of a process. Some of our laws that are in force other than land use laws include the first law that we passed when we became self governing. It was a promise, a commitment made to the



non-residents — the 9,000 plus people that live there — and that is the Advisory Council law which creates that particular body as an elected body and they provide input to our council on matters that significantly and directly affect them, those who reside on our lands.

We have a long-term debt liability or debt guarantees law. That helps us to be accountable, that says what we can or cannot borrow and what we can or cannot guarantee. It is a cornerstone of any governance commitment to safely improve management of one's fiscal resources.

We have an allotment law that sets out the policies and procedures and criteria for granting lands and the interest in lands. We have a council remuneration and expense law. We can't willy nilly say this is the amount of dollars that the chief or council members are going to receive. It is set out in law and if it is going to be changed we have to take it back to the membership and they have to approve it. If they don't, you have no increase or remuneration coverage.

We have a family property law that governs the division of interests in our lands in the event of marriage breakdowns; an immunity and identity law to protect you as elected officials — that is extremely important; a notice of enforcement law which establishes the procedures governing the enforcement of our laws and the method of setting and collecting penalties for infractions, disputes, adjudication law and residential premises law and other laws.

We have other laws being worked on, including an expropriation law, a community protection law. That one I want to pause on just for a moment because it is an extremely important law and we have already had a lot of interest from other parts of Canada. Other First Nations have asked, "What's this all about?" What we are talking about is about banishment of peoples on our lands and protecting our community as a whole. So we have been working hard to develop that law. It has gone through many sessions now with our community members and is still going through sessions. It is for the protection of the community,

our children, and our youth. It is protection from sexual predators or exploitation, from abuse, from exposure to the illegal drugs, to the criminal elements and it is controversial, without question. But it is important and it will be instituted in the weeks ahead and that is only a few weeks away.

Work we are doing on a false alarm law; environmental assessment law, dealing with environmental matters; a foundation law that will create charitable foundations and set rules for the expenditure of funds collected by that foundation; a heritage law; a road law, as right now we don't have a complete solid structure for our own roads — they are presently treated as land parcels rather than road dedications so we need a law to give special status to the roads and dedication process; the tree removal law; and the list goes on.

Those are the things that we have on the books either developed or in the developmental phase. But it is a continuing process, it's never ending. It is like the province and the federal government, the laws never seem to end. You always need amendments, you need regulations and you need to have self-regulation or a process that deals with that in the change of time.

Other considerations from a community social, or from an economic boom situation, as I mentioned, there has been a boom in the amount of development that has taken place. We have attracted financiers, we have attracted third parties, we have attracted developers and we have done it to such an extent that it has now created the land value estimated to be approximately \$1 billion dollars. That is growing on a daily basis.

Some of the statistics around that, very briefly... in 2007, last year, council approved development of approximately 450,000 ft.<sup>2</sup> of commercial spaces. We now have Wal-Mart, London Drugs, the Canadian Superstore is to be built, we have Staples office supplies, Rogers Wireless, Tim Hortons, a hotel and the total value of permits, building permits just for 2007 was \$69 million that were issued. We have quite an extensive amount of development.

I have a whole list here I could go through. The first six months of this year we issued more than \$27 million of building permits, we have 32 projects on the go at any given time. We have 1.2 million plus square feet of commercial development. We have a community membership vote happening on November 18 that we are expecting, or hoping at least, will be passed that will bring on another 290,000 ft.<sup>2</sup>, another development proposal is 240,000 ft.<sup>2</sup> in Westbank and that is to be started next year. So the list goes on.

The economic development is not without responsibility and from a governance point of view without looking at and addressing the social issues. It is one thing to be economically viable and prosperous in that area, but it is also important to build a healthy and vibrant community with social responsibility. So that is imported into the governance structure.

All of the development proposals must be high quality, environmentally sound and fit within the community vision. And thus is a need for the comprehensive community plan. It has taken a lot of time to put this plan — and we haven't got it fully developed, it is still being worked on and likely will be amended and changed as the years go by.

We have something called a community benefit charge which is levied on all developers and helps fund capital improvements for the community as a whole. Most reserves do not have streetlights or paved roads, proper sewage systems, the normal things that you would expect, sidewalks and things like that. We have a development charge that is levied on all developers that says you must provide a community improvement charge. We use that for revenue so that we can actually put into the social programs of our membership and we just started that process now — new sidewalks for the safety of our residents and streetlights and things of that nature, elders and youth, sports and recreational programs, culture and health, all of those things.

In closing, we have had our share of social inequities and controversy, without question. We've had the demonstrations at our office saying:

“Why are you selling out? You are selling out to the government by having a self-government agreement. You are selling out to the government by trying to negotiate a treaty or to go about in that fashion. You're selling out to the government by putting in taxation.”

To all of that we say nonsense. We believe that we have addressed something that is far more important. That is to address the social need as a governing institute, as a governing body to be accountable, to be fair and to make things happen within our reserves for employment, for infrastructure, for the property assessment values, for all of the things that happen. To preserve our culture you need cash and you need time to do it. That has not been forgotten. And that is what we're working on now — the preservation of our cultural identity, revising all our Nsyilxcən language to speak Okanagan and to educate our members. Those are key priorities that can never be forgotten.

So that is an overview of governance and we look forward to further discussion. Hopefully it addresses some of the thoughts that you might be thinking about when thinking about governance. Lim lim, and thank you for having me.

# Workshop Overview Presentation:

## *Economic Development*

### Sophie Pierre, former chief, St. Mary's Indian Band

Thank you. I bring you greetings from the Ktunaxa Nation. On behalf of my colleagues that are in the room, Kathryn Teneese and our next chief, Cheryl Casimir, we bring you greetings and thank you very much for inviting us to participate with you today. I first of all want to congratulate and to acknowledge the good work of the BC Treaty Commission in putting together this forum.

It is very important times and very hectic times usually, but it is really very important because the times are changing as we move forward, and we really need to have these kinds of forums where we have these types of discussions, discussions around governance, around rebuilding of our economies and around our own developments within our communities, the very hard work that we have within our own communities to look after our own capacity building.

First of all, before I get started, I must acknowledge the great Coast Salish nation on whose lands we are meeting today and say thank you very much for allowing us to be here and say thank you, Leah, for leading us in the prayer this morning. It helps us all start in a good way.

The vision statement for the Ktunaxa Nation ends with the words “as a self-sufficient, self-governing nation.” We have worked on the vision statement for a number of years with all of our people in all of our communities. We accomplished that by going to meetings at the band level, but also sitting across kitchen tables with people, going to meetings where there were youth and elders and we reached, as a nation, the vision statement that ends with that self-sufficient self-governing nation.

That means that we have made a commitment to creating wealth. I think it is something that we all want for our nations, the creation of wealth.

In order to do that, we have to first of all re-embrace the idea of rebuilding our economies. Every one of our nations had thriving economies that over the years have been broken down, just like everything else, within the definition of who we are as a people. And thriving economies are definitely a part of it.

I don't know where that idea came from. Well, I was raised a Catholic so it must have come from the Catholics or maybe it was the Anglicans. I don't know, but it seemed to be this Christianity thing that creating wealth or being able to be self-sufficient was not good.

My mother used to tell me the story about our family. Our family was always independent and we had the — when the reserves were created — we had land which I still hold a CP on that piece of property, but we were always self-sufficient. We had cattle, we had chickens and grew our own food, looked after ourselves. But my mother tells the story about the priest constantly hounding her father about making donations to the church until he got to the point where he had sold off just about everything to give money to the church.

That left us in a situation where my grandparents and my parents could no longer support ourselves. It seems that type of thing, maybe it wasn't necessarily the church, but there were a lot of other factors that have impacted our people over the years. That has brought us to a place where our little reserve communities — my grandmother used to call the reserves where we live “living inside the corral” — these little corrals that we live on, it is almost impossible to sustain an economy within those corrals.

We have the opportunity through the treaty process where we are going to get beyond those corrals.

But the purpose of doing that is to re-create the economies, to re-create the independence of our people. That is why I am really pleased to be here.

We re-create an economy within our communities, but we need good strong governance to do that. It was a good segue for me to be coming in after the descriptions that Robert has talked about and that Chief Louie talked about in his community. That is the kind of planning we all need to do to ensure that we have the laws that are in place to ensure that we have our people's support, and to support good governance in our communities because it is very hard to attract. Rebuilding economies, it is very hard to attract good business to our communities if we don't have good governance in place first of all. It's kind of like the chicken and egg, what comes first is it going to be the good governance we put in place. In order to have good governance you need to have a source of revenue. So how do you put that in place? That is where we talk about business development or economic development.

I really want to use the words rebuilding our economies. It's not just economic development. It is not just a one-off project somewhere. We have with the Ktunaxa nation — of course many of you are aware that we have the St. Eugene Mission development that didn't start out as an economic development project. Slowly we have pursued our discussions around the treaty table about rebuilding our nation and we have started to see that as being one part of rebuilding our nation through rebuilding an economy.

I'm going to talk just a little bit about what we are doing at the Ktunaxa Nation and in particular around our treaty table. Kathryn Teneese is our chief negotiator. We have been, from the beginning, talking about this treaty process not simply as an exercise with an end state where we are going to sign a treaty with governments. Whether or not we sign a treaty is kind of secondary. What is very important to us is the journey; is rebuilding our nation as we are moving along. We have taken a very strategic approach. I am going back again to our vision statement and I am going to take parts

of it and explain how we have that as our strategic approach and how that all ties in with rebuilding the economy that we all need to do within our communities.

First of all, we talk about building strong healthy families, not just getting rid of problems. If you look at what you have at the community level, what we have in terms of the programs that come into our communities, they are all to address problems. We need to stop doing that and start looking at how we create strong healthy families, not concentrate all of our efforts on getting rid of problems. We need to be — and this is what we are doing at home — implementing value-based governance, not just adopting the status quo or taking a template from somewhere else. We are looking at what is going to fit for ourselves. I know that you are thinking the same thing, because what necessarily will fit say for Sto:lo will not necessarily fit for Ktunaxa or what is going to fit for us may not necessarily fit for you.

We are talking about balancing interests across the sectors, not competing with each other so that we are not putting all of our eggs in the economic development basket. We also need to be doing the social development, protecting our lands and resources, protecting our language and culture, all of those things. They need to be balanced; they need to be helping each other not competing with each other.

Having ecosystem-based land use planning, not just resource development. We are in a big fight right now with a developer back home. There is a project called the Jumbo development and this has been going on for about 15 years, something like that, 12 or 15 years. The people in the region, including the Ktunaxa Nation have been saying no to that development almost since the beginning. I don't know what the percentage is — about 80 per cent of the people that live there have been saying no to this development, because they are talking about building a ski resort on a glacier. In today's environment with global warming, with all of the things that are going on in the environment, these people are talking about putting millions of dollars

into building a ski development with 5,000 rooms, if you can imagine, on a glacier. Good God, you look at pictures of what that glacier used to look like just 25 years ago to what it looks like today — you can see that the poor thing is disappearing. But these people, they have got this money invested and be damned what is going on with the environment; they are going to build a ski resort.

This is where we cannot get caught up. I personally don't think that as First Nations people because of the way that we have been brought up and because of the connection that our language and our culture gives to the land where we live, I can't imagine that we would ever do that kind of development. But you know, they come along and they have one of our communities that have bought into it because they waved a little bit of money in front of their noses. So it can't be just about the money, it can't be just about economic development. It has got to be about rebuilding us as a nation, including rebuilding our economies so that whatever land use planning we have is going to be sustainable, not just developing a resource because the government happens to have it as part of their plan right now or some industry comes forward that has a little bit of money in their hands that they want to wave that in front of you.

These are hard decisions to make, because when all of us back home are dealing with poverty in our communities I know that those decisions are hard to make. We have to talk about managing an economy, not just managing economic development. I think that we've probably talked that one to death. We also talk about clarifying the relationship of people to the land, the relationships, including possession, occupancy and use, tenure, not just developing the land. All of us know that we are stewards of the lands where the Creator has placed our nations. We are going to be there forever. So it is with that kind of thinking that we pursue development, that we pursue rebuilding an economy.

So what is that? What is an economy? It is a system of producing, distributing and consuming wealth. So it goes back to my opening comments, what

I am interested in our communities creating wealth so that our people become independent the way that I believe we all should be.

And economic development, it is the development of certain aspects within our land base whether it is going to be mining or tourism or independent power. Brian Mitchell handed me an article I think he said was in the Sun about the independent power producers and that they need to go through First Nations lands, pretty much. Well, yes, that makes sense because all of BC is in some First Nations' traditional territory. Judith Sayers is talking about how in pursuing this as an economic opportunity for her community that the development of independent power could put her community in a position where within a few years they are going to be creating more wealth than the programs that they are bringing in today to keep their community operating.

I think that is what we all want for our communities, so that we have the ability to start talking about things like an internal economy and the redistribution of wealth within our communities rather than just pushing around the programs that continue to maintain our poverty.

So how do we prepare for that? Some of the things that Robert had mentioned earlier and clearly, those are the types of steps that we need to take. But just think about your own community. I know I think about St. Mary's. If we have a young person that comes forward with an entrepreneurial idea and they want to start a business in something or other, they come to the band office. We are not set up at the band office to deal with that. If that same young person went into the City of Cranbrook they would have all kinds of support. They have licences they can get, they can hook into water, power, sewer. There is an infrastructure there. At St. Mary's we don't have an infrastructure to support that same business person in their business development. We recognize that and we are working on that and we are working on the community development plans. We are working on land zoning.

It wasn't easy. We have some of our band members that still shake their heads and say that all of the land needs to be shared with everyone; it is to be used by everyone. Well, that is true, but you can't do it in a way that isn't sustainable, in a way that isn't done so that it can be long-term, so that people can depend on it. It has to be done in a way that is well thought out.

We are looking at doing the land zoning and going through an Indian Affairs process of land designation so that when we have a business opportunity we are prepared for that. In fact, about five years ago we had a developer from California, an Indian fellow came up here — and they have all kinds of money down there that they are looking for places to invest.

By the way, if anybody has a development plan, I have a business card that he gave to me in Phoenix last week. He said they are still looking for places to invest their money — Californian Indians are looking for places to invest their money and they want to invest in BC. I just had to throw that in before I forget.

But we had this opportunity about five years ago. He came to our reserve and looked at this one area and said he was picturing this development. We were not able to move on that. We hadn't had any discussions in our community as yet about where we wanted development, where we wanted commercial development, residential development, and where we wanted areas that were going to be protected or no development. So we are starting to put that into place now. Other opportunities are coming forward. Our airport was just recently expanded. We are looking at designating land around the airport for commercial development, for a business development area.

Those are the kinds of things you need to have done ahead of when a business opportunity comes because we all know that if we wait until the business opportunity comes Indian Affairs just sits back and it takes them five years to move on it and the business opportunity is lost. This is when we still have to deal with our own little corrals in our own little reserve lands.

We all have different opportunities that are available to us. Some of us have opportunities for large-scale, commercial residential developments like they have in Westbank. Others of us have IPPs (independent power projects). Others have maybe mining opportunities or oil and gas.

But all of it needs two things, business anywhere needs two main things: it needs capital and it needs credit and that is always the stumbling block. I find that when you are talking about a particular economic development, business development in our communities we stumble on that — capital and credit.

How do you attract capital? In order to attract capital, you have to have all those infrastructures in place that I talked about, and you also have to have your own equity. In order to attract credit you absolutely must have your own equity because we all know that banks don't loan you money unless you don't need it. That is when they loan it to you. So you have got to have that equity.

This comes to my next pet project that I have really been pushing for. In this province there is an industry that is growing, and it is growing just incredibly. It is called the gaming industry. Last year alone, the provincial government took in almost \$200 million in excess of what they took in the year before. It is reaching a \$2 billion industry. We have been pushing the Province to start sharing some of that revenue with us. We are saying every other province in this country has some kind of agreement with their First Nations where they share gaming revenues, or they have their own casinos and they keep the money. Not like our little casino — St. Eugene's — where every dollar that is taken in, every single dollar, goes back to the Province at the end of the day. Four times a year we get a little bit of it back. But the money we get back we have to pay for the operation of that casino and we also have to pay for the development of the casino. It is not money that goes into our pockets to develop the infrastructure that we need in order to develop businesses in our communities. That is not the way it is in every other province in this country. They either have casinos where they

can use the money for their own development or they get a direct share of revenue, like they do in Ontario.

This is what we have been pushing for with the Province, that we have an opportunity here. If you think of that \$200 million, which was money they did not budget for because they did not know how much more money they were going to be making in gaming. What we are saying is a percentage of that goes directly to First Nations and I am talking specifically First Nations — not sort of the pan aboriginal agenda across this province. Because we have the proof that from every dollar the Province takes in, one half of one per cent goes back to our communities; the rest of it goes to everywhere else in this province. So why is it that everybody else in this province is going to benefit from gaming revenues except our First Nation communities?

If we were looking at having a specific percentage amount that would go to each and every First Nation, there is your equity. When you go to the bank to borrow \$2.5 million dollars to put in a water system so you can attract a commercial development in your community, the bank is going to want to know what your equity is. Where is this money going to come from because they are going to want to know the debt ratio — that does not apply to the development — but where is the money going to be coming from other than the development that is going to pay for that?

This is the proposal we've been putting before the Province and I have been very encouraged in the last little while because the Leadership Council has appointed our vice chief, Shawn Atleo, to work with us on that. So I think we have got to keep pushing. It is just perseverance. We just keep pushing and we will get there, because there is no way that anybody, any industry in this country and particularly here in this province — when the Premier is talking about how our economy — the world economy right now we all know it is pretty shaky, is going to do that. Things are not good in the United States. Things are not good in lots of parts of Canada. We are still kind of hanging on by fingernails in British Columbia except for First Nations communities.

So at this time where we have an opportunity to move forward, where rebuilding our economies is going to help the whole province, we have an opportunity where we can have access to capital and to credit by having a revenue source that is a revenue-sharing service coming from the Province. We can sign 10-year or 25-year agreements with the Province and then we can all go off and do business.

I know it is not going to be that easy, but it certainly will help. I've probably been talking long enough. I know I get kind of carried away, but I just want to bring up a couple of other things.

We have some tools out there that we need to start making use of. As leaders in our community, it is our responsibility to be aware of these tools and to know how we can use them. First and foremost is the tool we created ourselves as First Nations across this country. It is called the *Fiscal Statistical Management Act* (FSMA) and within that is the First Nations Finance Authority, which I chair. So I'm beating my own drum. This is a really, really excellent and very important way that our First Nations can start accessing the capital and the credit that we need in order to build the infrastructure in our communities.

So make yourself aware of that, FNFA or the FSMA, you could Google that and get the whole background, but really look at the FNFA, because through the FNFA we are now talking to government about other revenues, other sources so that it is not just taxation. I know that taxation is a really, really good opportunity for some First Nations but it is not necessarily the best opportunity for other First Nations.

It isn't for us at St. Mary's. We are never going to have the kind of tax revenues that a Westbank or a Squamish has, but we have other revenues and other sources we are looking at now.

Some of the other tools, for example, are in terms of training at the community level. We have something through the Sauder School of Business with UBC which I am really, really proud of. It's

called the Chinook program. It's an opportunity to train people, our people that are working at the community level to bring them together once a month and put them through a training program that has been put together by the Sauder School of Business to help the business development in our communities. Look that up, the Chinook program with UBC.

Lastly, one of the things I encourage all of us to do is to look around and applaud each other once in a while when we know that somebody has done well. Like Chief Robert and what Westbank has done, it is phenomenal. I give you a pat on the back on that; you guys have done an awesome job. Other communities within our province, within our country, we don't often enough recognize the good things that we have done. There is an opportunity for you to do that right now.

We have a new initiative going on with the BC Business Council which I think is kind of a breakthrough for us as First Nations people to be having the support of the BC Business Council for recognition of business success within our communities. All of you at your community offices, band offices or wherever you are you should have received — and if you haven't please get in touch with me and I will make sure you get the information — you should have received information about the business award that is going to be given. I think there were five categories and that is going to be just in the new year.

In order to make that successful, we need to have you recognizing other First Nations people, business people in our province and nominating them. The idea is to have a big party some night in January or February where we are going to have a gala event to recognize these people. I think it is really important that we do that once in a while, pat ourselves on the back, pat each other on the back.

With that, I look forward to working with you for the next two-and-a-half days. Thank you.



# Workshop Overview Presentation: *Capacity Building*

## Sheldon Tetreault, Director, Governance Advisory Services, National Centre for First Nations Governance

I'm very happy to be here and I want to thank the Treaty Commission for hosting the conference and for inviting me. I'd also like to acknowledge the other workshop facilitators; I truly respect what you've been able to accomplish in your communities, to Chief Sophie Pierre and Chief Robert Louie and I'm honoured to share this responsibility with you.

I'm happy because you're all here and I'd like to acknowledge all of the chiefs and councillors and elders and staff who, as leaders, I realize have a trillion other things to do and responsibilities that you face. I used to say billion, but in the era of economic bailout packages you have to say trillion now to get any kind of traction. So I recognize that you have a trillion other things and it's inspiring that so many of you have taken time out to come today for this week, for the conference to share ideas together, to do some learning together and, of course, build capacity for our communities collectively.

I can't get through the introduction without even talking about capacity building. That's the workshop I will be hosting and this is exciting because we talk about capacity building all the time. Think about how many meetings you've been at recently where you're talking about the need to build capacity in your community, reports that talk about the need to build capacity, going back to the aboriginal commission — the Royal Commission on Aboriginal Peoples. Even, dare I say, it's a very popular conference topic, too. Capacity building is always something we're talking about.

I look at my own experiences, and Jody briefly went through them, and my whole working life has been around building capacity — that's what I do. I don't consider myself an expert in capacity building. I consider maybe I'm a Master's degree in capacity building but I would say there are probably

a lot of PhDs in the room that do capacity building and have 20 and 30 and 40 years of experience building capacity in their communities.

Based on that you might assume that we all know what capacity building is, what it means and how to do it. I think it would be a pretty fair assumption to say we all know what it is and how to do it.

But then there's always that voice you hear in your head that says don't make assumptions — remember, you know what they say about assumptions. I was really kind of tickled when I heard Chief Louie say that he went back to his dictionary to check out the meaning of the words because that's what I tend to do as well. When we use terms so much they kind of lose their meaning sometimes, so I like to go back and see what we were originally talking about when we were using these terms.

Recently I did that. I looked up capacity. Just what exactly is the definition of capacity. Capacity is the ability to do something. That's actually the definition in the dictionary — the ability to do something. I thought well, that's great, I need capacity and we all could use a little of that, the ability to do something. But it really isn't very helpful; it doesn't help us to know what this is all about.

Then I went back and looked at the concept of capacity building, when you put those words together and when they started to be used and gain wider circulation.

Interestingly, capacity building as a concept really only got traction in the 1990s and it wasn't in Canada and it wasn't in First Nation communities. It was in the international development field. We're talking about groups like Oxfam, CEDA, the World Bank and the United Nations.

These organizations were working in Third World countries and saying here's the situation we have today and we don't want, by any indicator, to be in this situation. We want to be over there, somewhere different. We want to be in an improved place. They talked about capacity building, the process to get you from here to there. It got a lot of traction and then afterwards INAC and Human Resources Development Canada started to use the term capacity building in Canada in relation to First Nation communities. That's where it started and it's caught like wildfire, and we use it all the time now.

I'm going to give you a definition of capacity building that's in common currency, at least among those development kinds of agencies: the process by which individuals, organizations, institutions and societies develop abilities to perform functions, solve problems, set objectives and achieve objectives.

That's a bit better than the ability to do something. It's the process by which individuals, organizations, institutions and societies develop abilities to perform functions, solve problems, set objectives and achieve objectives. I like that. I like that because it starts to break it down a little bit.

It talks about a process which I think is important. It's not an end state, it's not a noun; it's something you're working through. I like that it talks about multiple players. We're talking about individuals, organizations, institutions and societies. There's a whole range of people that have to be involved in capacity building and have to do capacity building.

It also talks about the ability to perform functions, which I think we all agree on, but then it has some interesting ones like solve problems. Have you thought about capacity building as the ability to solve problems, to set objectives, to do things like visioning, to plan where you're going and then to achieve those objectives?

I like that. I really like the definition to help somebody understand it, and intuitively we need to do capacity building, and I think that's why the word gets so much usage.

But it's still not super helpful, because we still don't know where and when it happens and what it looks like when you're doing it.

For example, and I don't mean to be facetious entirely, but when you send your receptionist out in your band office to the 'dealing with difficult people' workshop, is that capacity building? Then they come back and say I know how to deal with you now. Or if you've run a pre-apprenticeship training program in your community and you manage to get 15 young men and women through that program, is that capacity building? What about when you develop an election code, is that capacity building? Or if you host one of those community-to-community forums with a neighbouring municipality, you know the ones funded by UBCM, is that capacity building? Are you building capacity? Or if you negotiate at the treaty table for 10, 15 years and for whatever reasons you never actually achieve a treaty, are you building capacity?

I say yeah, all of those things are building capacity and that's where it gets a bit fuzzy, because it's hard to say when capacity building starts and ends. It starts to sound like that old saying, "That which doesn't kill me makes me stronger." It's like everything starts to become capacity building. Then the cynic in me comes out and says, "Is this kind of just a buzz word that we use that doesn't have any real meaning? What's the purpose and the usefulness of talking about capacity building?"

It's a good thing to pepper into your speech, talk a lot about capacity building because you get a lot of nods. But then you can't really be held to what happens afterwards because what is it and when does it happen.

I'm sure some of you have also been in situations where you've heard the term capacity building used against you. We can't do that because you don't have the capacity yet, you've got a lot of capacity building to do before you can take on that kind of responsibility. That kind of bothers me. You also get into situations where, like I think Sophie mentioned, sometimes the focus tends to be overly negative in that you're talking about deficits, you're

talking about gaps, you're talking about things that don't exist when you can also take the perspective of looking at all of the strengths and the resilience that we do have in our communities.

I think sometimes we shine this light of capacity building rather narrowly onto ourselves and we don't recognize that we live in a web of relationships and that our success is also dependent on other people. So if we take that light and shine it over this way, you can see that other people also have to build capacity; other people, other organizations, other institutions have to build capacity to be able to support our success.

I'll give you a really simple example of that. When I was the administrator in Mount Currie in one, two-year span, I had four funding services officers. Every six months one would leave and they'd hire a new one and then another one would leave and a new one would come. I can tell you that I was the one doing capacity building and it was with INAC to make sure that they understood how their job worked so that I could be successful. How capacity building happens isn't just a one way street.

That's all my cynical stuff. But I don't want to be a cynic and I do think that the definition and this concept have meaning. I think what has to happen is that we have to spend time talking about what it means to us. What are we building capacity for? What are the best practices around capacity building? What are the things you need to be able to support your ability to build capacity in your community? This is the perfect opportunity because we have workshops coming up over the next two days to talk about capacity building so we'll do that.

My hope is that when we have that discussion we keep the broad focus, that we think about not only job and skills training as capacity building, but also about developing institutions, developing our organizations, developing laws which all support capacity building. And that we not only shine the light on ourselves but also on the organizations and institutions around us that have to be a critical partner in building capacity.

I hope that we also talk about a coordinated strategic effort to build capacity because it seems like capacity building can be a very fragmented affair — it happens here and it happens here and it happens there. I'd like to see something a little more strategic and coordinated in terms of action.

We'll have a chance to talk through some of this in the workshop. We're going to do it around four main questions. What is capacity building? What are we building capacity for? What works best when you're building capacity? And what do you need to be able to do it better?

The workshops are based on those four questions. It's not going to be a lecture; it's going to require your full participation. We're going to use a facilitation technique called the Interview Matrix which I can guarantee you is not scary; it's unusual maybe or a little different, but it's harmless and it's also powerful.

We'll be able to harvest all the knowledge that exists in this room. As I said, all of the PhDs in capacity building that we already have here to come up with some solid ideas and recommendations to move us forward when we're talking about capacity building.

I'll just say thank you. Again, my name's Sheldon Tetreault. I'm the director of governance advisory services with the National Centre for First Nations Governance. We're a national capacity building organization. We help build governance capacity and we have offices across the country; one in BC at Park Royal (in West Vancouver) and the regional manager is Michelle Guerin. In BC we've worked with over 30 First Nations on a number of different projects like constitution building, codes development, leadership training and treaty implementation and law making.

I'll have more information about our organization in our workshop room and I look forward to seeing you over the next two days. Thank you very much.

# Keynote Speaker:

## Chief Kim Baird, Tsawwassen First Nation

Good afternoon, everyone. I am very happy to be here today and very happy to share some of our experiences that we are going through at Tsawwassen. I would like to thank the Treaty Commission for hosting these forums. I think the forums that promote dialogue amongst our communities are helpful.

One of the most memorable days of my life was witnessing the Senate passing federal settlement legislation and announcing royal assent of our treaty this past June. It was at this point that most of the major hurdles regarding reaching our treaty were overcome. The order in council that will have to be passed to establish the effective date will be a fairly technical process without any major hurdles that we can foresee.

I am relieved that our bill got through before the federal election or we would have been set back considerably. I also know that our treaty has provided for some controversy. Having said that, I see today as an opportunity for us to talk about the treaty implementation challenges we are facing.

Treaty implementation is now a step into the unknown for our community and we look to our friends and role models, the Nisga'a and Yukon First Nations as examples, as well as Westbank First Nation and their self-governance. We would be very interested to learn about all their experiences in the past few years.

It seems like not only did we pass — were we the first to get a treaty through the treaty process — but we seem to be the first one to implement one as well in stage six. Our effective date will be April 3, 2009 so we have less than six months to replace the *Indian Act* in our community. This is a huge step on the road less travelled.

We now have to learn how to work within our post-*Indian Act* reality, how to work with their partners

in a new range of relationships and how to take advantage of the opportunities the treaty offers.

I am very pleased to be able to share Tsawwassen's experience. We are always willing to share any information about what we are up to. As an aside, many First Nations are starting to take us up on that offer, especially in relation to the implementation of our treaty.

The purpose of this conference is to focus on economic development, capacity building and governance development. In my view these are all developmental and capacity building activities and are entirely what we are focused on in the pre-treaty implementation context.

As an aside, a few of us in the room saw Bill Clinton speak a couple of weeks ago and he spent some time talking about the capacity of governance, whether they are developed countries or developing countries. What struck me was his view that for society, whatever we do, we find that our aspirations are always greater than what government can provide, even with the most advanced governments and economies. I believe we can't have sustainability without self governance, economy and building capacity in our community from the top right on down. We are trying to do that right now legally, socially, economically and culturally.

What I propose to offer you is a very practical view of our implementation process and how we are trying to build that capacity. We have mapped out a course of work that involves a range of projects across a number of different topics. I will share this work plan and focus on the projects I am most excited about.

The goal of these projects, which began about 13 months ago and will continue over the next six months, is to allow us to be as prepared

as possible for the effective date. We have had disagreement with Indian Affairs over what we think we need to have in place by the effective date and I will get into this a bit later. Sadly, our fights with Indian Affairs haven't miraculously ended.

We hope to ensure through the completion of our ambitious work plan that our members can begin to enjoy the benefits of the treaty as soon as possible and, following that, that we are in a position to maximize the opportunities the treaty provides over the long term.

Just to spend a moment on choosing our effective date, there are several competing interests at stake here. We have a significant debt owing as a result of the negotiation expenditures and we continue to spend money as we prepare for the treaty. So the sooner we can reach the effective day the sooner we can access our settlement and our implementation funds and be able to pay for some of these costs.

As well, our community is expecting treaty benefits and they won't be patient forever. On the other hand, we have to do the work to be prepared for the effective date and there is no sense accessing any funding if our books are not in order. So we made a decision to pursue a lot of pre-implementation work prior to effective day as a result of the intense development pressures on Tsawwassen lands and the restraints of the *Indian Act*.

The amount of legal work required is a bit horrifying and the range of governance and other types of projects is also massive. Given these competing interests the three parties agreed to when our effective day should be and yes, it was still in negotiation.

We started our implementation work in September, giving us about 18 months of preparation in total from planning stage to execution. During this time we have run our implementation projects on parallel tracks; in many cases, we can't afford to sequence projects in what might be a more logical order. This requires a tremendous coordination effort and all this work has to be done by the effective day.

We are in an odd kind of funding limbo because we are no longer eligible for loan funds from the treaty commission, yet there is so much developmental work to do and costly work. But the implementation money does not arrive until the effective day so we are in a very vulnerable situation financially.

On top of this, most of our implementation dollars in a treaty will need to be used for our increased operational costs in any event. One lesson learned from other treaty First Nations is that the federal government does not provide enough funds for implementation and pre-implementation activities, which is crazy because in my view it is like falling down at the finish line.

I will get into our work plan in more detail to illustrate the needs we have. In terms of preparing for treaty there are four different kinds of work involved. The first is basic work involved in fulfilling specific obligations noted in the treaty that legally have to be done by April of next year. Canada and BC are helping us complete these tasks with the closing plan and various working groups, and the bulk of this work is transferring all of the interests of our lands over to the BC land title office — no small feat with the amount of complicated arrangements we have in Tsawwassen.

The second is running the organization and transition into treaty. This is different than fulfilling specific obligations because a lot of the work is internal. It involves things like ensuring a better governance structure has been worked out in detail, as outlined in our new constitution, and that we have processes in place to make and amend laws and to pass budgets, etc. It involves ensuring that everyone in Tsawwassen government knows their job description and it involves looking at our policies and procedures for all our programs and ensuring that they work well. It involves writing a basic set of laws to pass on the effective day, things like the *Financial Management Act*, *Membership Act*, *Elections Act*.

The third type of project is capacity building. While many believe these projects are nice-to-haves

as opposed to need-to-haves we are looking to accomplish as many of them as possible. We need to build our organization and the internal capacity of the organization because how we work post-treaty will be substantially different than pre-treaty.

One important project here is strategic and operational planning, linking to budget making. Under the treaty we will suddenly be able to make our own decisions on funding, but we need to set priorities, budget them, and make decisions about what programs get funding to accomplish which priorities. This requires a new process we don't have currently.

Another important project is setting up an economic development structure so we can minimize the risks to Tsawwassen Government itself as we undertake development projects that could have significant financial risk attached to them.

The third important project is a dispute resolution process of some sort to ensure we can operate consistently as a government, treat everyone fairly and move past our differences.

The fourth project is really key, and the reason we went into treaty. These projects involve initiatives to allow us to take advantage of our treaty benefits. The most obvious example is the land use planning process that sets out what areas of our new lands will be protected for environment or farming, what will be used for the Tsawwassen community and what could be used for different types of development. This plan allows us to move forward with the goal of generating sustainable revenue for Tsawwassen.

The second important project in this category is relationship building with our new partners, including Metro Vancouver and Translink. The treaty includes membership in these bodies, and we are exploring what opportunities there are for increased service levels as a member of these and other organizations.

In a nutshell, those are the four types of projects I will be talking about. We have deemed all of them

to be mandatory by the effective date. If we are willing to benefit as a community, we have to not only fulfill the minimum requirements, but we need to have our house in order as an organization. We need to have a plan to generate revenue and we need to be able to operate on a sound, consistent and administratively-fair basis.

Here's the way we have divided our work. I will touch on only the ones I think need a bit of explanation.

The first set of projects is related to institutional developments. We have a legislative and political organization project, which is implementing and fleshing out our constitution. One of the important aspects of this project is ensuring we develop processes that the community can participate in. That involves our traditions and our culture.

If the decision-making structure doesn't resonate with our community members then the decisions will have less legitimacy from the start. Our financial projects are pretty self-explanatory by title. Project and expenditure framework is one I touched on already and the assets. The investment management project involves developing a strategy to manage our one-time cash settlement.

Our relationship projects are really critical to realize benefits from treaty. We need to build a very strong relationship with our neighbouring municipality, Delta. We need to integrate into Metro Vancouver in a number of ways with respect to being active on the regional council, to receiving and paying for core regional services, and with respect to accessing the water and sewer utilities infrastructure. Without these partnerships we cannot generate any significant own source revenue.

Our TransLink discussions seek to integrate the current reserve lands with the broader regional transit infrastructure, and this means a lot to our people. On December 29 — for the first time — we hope to deliver TransLink bus service through our community.

Our final project with respect to relationships involves working with our long-term lease holders. We need to ensure our residents that live in our Stahakin, Tsatsu Shores and Tsawwassen Beach subdivisions are comfortable with taxation, title transfer and land use plans post-treaty.

I will talk a little bit about shared territory issues a little later on because that is an important side of relationships as well.

I want to spend a moment focusing on the legislative plan. In my view, it is one of our flagship projects. We are not self-governing; in fact, we will have no authority to operate if we don't have a set of laws in place on the effective day that provide us with the legislative backbone we need to be able to act as a self-governing First Nation.

We intend to build a series of laws, including a *Government Organization Act* and *Financial Management Act*, human resources management, local government and taxation, resources, and others that we will operate on as of the effective date. These laws will be built in plain language, if that is at all possible, and will incorporate cultural practices whenever possible. They will be relevant and consistent with current law or a new policy. They will work within the concurrent law model negotiated in our treaty.

So far we have identified 18 laws we will have on the effective date. We felt strongly we needed to go beyond the bare minimum for it to be a true expression of self government while staying within our limited capacity as a small First Nation.

I am proud of the work we are doing in partnership with Simon Fraser University, the National Centre for First Nations Governance and various other experts, including a retired legislative drafter from the provincial government.

In a short period of time we have drafted policy, legislative instructions and legislation that involved a review committee made up of staff and advisors, and a community advisory committee that is open to our whole community and it is working really well.

I have to admit that I did not really start to get excited until I saw the first draft bill. On some laws we still have much to do. Our lands law in relation to lands management and the disposition of lands is very important because we have no other laws to fall back on in the concurrent model.

In other areas because of the concurrent model the relevant federal provincial law will be in place if we don't have ours in place, which means there wouldn't necessarily be a gap. But as I stated, there are no provincial/federal laws related to the land management to the degree that we need, especially when we consider the economic development that will be happening on our lands. It is an extremely important area to focus on.

Land issues provide the most critical work for our implementation plan. All of the legal-related land requirements, including survey of our lands — both old and new — and the replacement of all existing legal interests and placing them within the land title office absolutely must be complete by the effective date.

Land-use planning has been challenging for very specific reasons. This process, in my view, is as important as treaty if not more, but we had to do it within a seven-month period. This process unlocks the potential of Tsawwassen lands awarded under the treaty. It provides zoning designations in the community-approved plan. Tsawwassen can't generate any revenue without it, but we refuse to move forward unless the community decides together how they want the lands to look.

So many parts of implementing the treaty, including intergovernmental relations with Metro Vancouver hinged on us getting this work done, and we were committed to getting a plan based on the community's vision.

We have seen some tensions through this process and it has taken more time than required, and it has been challenging. One important dimension in this project that will require a lot of work moving forward is the relationship between our CP (Certificate of Possession) holders and our

community. CP holders have every right to earn rents from their land holdings, however, for the land use plan to pull together and have any hope of ensuring we remain viable as a liveable community into the future, municipal processes or types of processes such as zoning and lot restrictions must be applied to CP holder' lands as well.

Finding the right balance between the needs of CP holders and the needs of the community has proven to be an interesting and dynamic dialogue. It is particularly challenging, given the relative weakness of our pre-effective day land regulations. Our CP holders were very concerned that having land use zoning on their lands could impact their economic opportunities in a negative way.

Also, some of the lands are in the middle of our current reserve, which means they will be the last places water pipes will likely get to. Council agreed to enter a facilitated process with our CP holders to see if there is any willingness to work together in partnership on some of these economic development issues to ensure no one gets left behind.

These discussions are important to build trust but also to build the best opportunities for our whole community. These discussions are still in the early stages. As for the broader community, we needed to discuss as a community what was important to us, such as balancing the liveability of our community with economic activities. We had well over two dozen community consultations ranging from community meetings to individual family meetings to garner feedback into the plan. But the effort was worth it and I am happy to report that our community approved our land use plan in July of this year.

As I said, I viewed our land use plan vote as equal to the treaty vote. It wasn't easy, especially when you consider some of the challenges we had to overcome.

Our other category is not meant to signal that these projects are less important in any way. Economic development means setting up a

separate corporate entity that can advance our economic development goals while protecting Tsawwassen from risk. That sounds easy, but it took several consultations with our council and community to determine which corporate model we should come up with. Now we need to hire staff and put a board in place in the next little while.

Another project we are considering is our community survey which will provide an important baseline to be repeated over time with the same measurement tool that will allow us to measure the success of the treaty across generations.

We are not just going to measure socio-economic consensus data, but also wellness indicators that take into account how people feel about themselves, how they feel about their community, their lifestyle and how healthy they feel.

I would be silly if I didn't mention our celebrations and ceremonies. How will we mark this important day in our history? What other events, including our entrance into the GVRD, or the passage of federal legislation are deserving of celebration? How can we do this in a culturally meaningful way? These are some questions that we are struggling with as we advance towards the effective day.

This is not an easy work plan but it is important that we think through all these various areas, and a couple more I have not mentioned prior to the effective day. But when you think about the logistics of what we are doing, it is clear that it is a huge task.

A couple of years ago, getting an election code done for our community was a big, big deal. Now we have 18 laws to deal with and this is just one of 39 projects we have to advance.

Our economic development corporate work is another big task; again, just one of 39. We have never been so busy in our lives. What we are doing by effective day is still very much enabling, in my view. By this I mean we have much more to do to back-fill the work we get done by then. Most of what we are doing is skeletal and we have much more policy work especially to deal with the post-effective date.



So I think you could categorize all of these 39 projects under self governance, economic development or capacity building. Thankfully we have some very strong resources and a good team in place to work through these projects. We also have some very good processes, the most important of which involves our community. We would not have a treaty in place if we had not communicated well with our membership, and we must continue to do so.

We have community meetings open to everyone. We have family meetings where a small team goes to each family to talk openly about important issues. We visit our off reserve member population, most of whom live in Bellingham or in the Okanagan to talk to them about decisions, and we have a working committee of members that engage in more technical issues and provide very, very valuable feedback.

Our staff team involved with the treaty includes our chief administrative officer who provides very important direction and oversight. Our treaty team is a group of Tsawwassen members who provide policy, administrative and logistical support and a projects coordinator who, generally speaking, keeps projects moving and fills in where required.

Our staff team works with a legal team and a number of senior advisors and consultants. Thankfully these resources bring a lot of networks to the table so we can usually source an expert to work on a particular problem, such as taxation for an example, or setting up an economic development corporation. Our team will grow and shrink as required. Our core will remain mostly Tsawwassen members and mostly women, I might add, and several committed non-members.

In addition, all Tsawwassen staff in all program areas are supporting the process by participating in the operational overhaul and service planning projects.

We've made a lot of progress in 13 months of that long list of projects I showed you; almost all of them are up and running. Some of them

are complete. It will be a lot to bring together in six months, and it is not without its specific challenges.

I will mention a few challenges right now. Funding, I already talked about this challenge. But it is important to note that we flagged this issue to senior levels of government, and while they've been fairly accommodating thus far — we have a lot of our funding requirements covered — but remained short in several areas. So we are doing all sorts of fundraising work. We will likely have to borrow money to make it happen, as well. We are also trying to be creative to reduce costs while continuing to make the case for critical pre-implementation funding.

I should warn that governments have been very reluctant to fund us on these critical projects, and I believe that will only get worse for those that follow us. We have dealt with a huge number of shared territory discussions, and have resolved most of them with few issues. However, there were several extensive discussions, and as difficult as they are, we are still willing to discuss and try to resolve these issues with other First Nations.

To be frank, it has been very difficult and sensitive in some of these discussions, but Tsawwassen believes that our treaty does not impact anyone but our own members. There is very strong disagreement with some First Nations about the shared territory issues, some of whom are here today as well. But Tsawwassen truly and sincerely hopes to overcome these issues. I know I cannot stress how sensitive this issue is and I don't want to try for a minute to diminish the importance of this.

I should also say that one of our hardest lessons learned was that for all our good intentions it was very difficult to reach agreements when every First Nation concerned about our treaty had its own priorities to contend with. These issues weren't often at the top of our work list. On top of this we were actually surprised to settle an agreement; we didn't really expect to succeed. Not only were we taken off guard about the success, but obviously

the other people were as well, which again was not our intention.

It is clear that we have more work to do in this area even though the effective day is close at hand. But we have maintained that we would like to reach agreements, if at all possible. Somehow we want to find a way to continue to move forward on this issue.

Finally, change management will be important. There is only so much change a group of people can take, and applying a treaty, completely new governance and a land model is challenging at best. Tsawwassen needs to separate change that must occur now with change that can be phased in or occur later, and is doing that wherever possible.

The process will be over before we know it and Tsawwassen will be in a post-treaty world. There are several things we know we will need post-treaty and I thought I would share some of those in closing.

To go from the *Indian Act* band with INAC-based policies and bylaws approved by ministers in a very limited way to a self-governing First Nation is difficult. We have never really had policy capacity in Tsawwassen let alone lawmaking capacity. Suddenly we will have ultimate responsibility. We will need people who can understand program policy, who can develop and present positions to our decision-makers, and who can understand the impacts of external changes.

We need new capacity to support our new reality within our administration. We are also figuring out how to disband our treaty department, but ensure that our members continue to be within our organization so we don't lose our best expertise and talent.

We also need very good lands management. We have a strong department now, but with the range of responsibilities we will have, we will grow significantly. We need to be able to operate effectively and efficiently to get transitions done in a minimum amount of time and to develop, implement, and stick to a land use plan.

We must actively participate in a regional government structure if we are to integrate and get the most from the treaty. We need continued strong leadership and this must come from inside Tsawwassen if self-government is to be more than just a name. This involves developing succession plans for a number of positions and steering our capable youth into education programs that allow them to come back to contribute. This is a long-term generational plan and it is one that will ensure the treaty succeeds.

Finally, we must have neutral enforcement. We must be able to stand behind the decisions we make and ensure that those decisions are respected by everyone — member and non-member. Without good enforcement that treats everyone on the same basis we will not be able to make decisions because we won't have the trust of people we act for.

I should admit that when this process started a little over a year ago I was scared, scared of all the work we had before us, unsure of how we would get it done and who would do it. One of the first things we did was have a senior adviser draft a potential work plan and we all got together around a table and talked about how to do it. It was daunting. But since then, I should say I have moved from being scared to being excited.

I am still intimidated by the amount of work we have in front of us, but the excitement is building in me. We have momentum now and we are moving forward. We are knocking off our tasks and we are making process. We are making some of the important decisions we need to make that help us move forward inch-by-inch and day-by-day. We are moving towards being a treaty-ready organization, and in the transition we are becoming self-governing.

I will close where I started. Thank you for allowing me to be here today. I hope I have provided you with some useful information. I am happy to follow up with information, if you have questions now or if you want to meet to discuss how our process is proceeding in the future. It is very important we

continue to share what we are doing and how we are doing it. There is enough work here that we don't need to be doing it alone, and we certainly don't want to succeed alone; we want to see all of our communities succeed and reach their potential.

While I answer any questions, I'm going to leave a copy of our land use plan because it seems to have generated lots of interesting questions recently for us. Thank you.

# Keynote Speaker:

## The Hon. Michael de Jong, Minister of Aboriginal Relations and Reconciliation

First let me say how honoured and appreciative I am for the opportunity to be here in the traditional territories of the Coast Salish peoples and to have an opportunity to take some of your time in this BC Treaty Commission 2008 Conference.

Acting Chief Commissioner Jody, I'm appreciative of the introduction and the opportunity to be here. I know there are other commissioners here as well, Dave Haggard, Jerry Lampert, Robert Phillips. I don't know if I've missed anyone from the Commission. And of course, grand chiefs, hereditary chiefs, elected chief councillors, councillors, members from First Nations communities right across British Columbia and elders, my thanks for your invitation to participate in this discussion here today.

I'd like to do a couple of things today, I'd like to share some thoughts with you about the work that the Treaty Commission is undertaking and has undertaken, some of the challenges that lie ahead, some of the obstacles that are yet to be overcome, and there are some and, at the end of the day what the road ahead to progress and continued and accelerated and expanded success might actually look like.

It's worth it, I think, at these gatherings, to remind ourselves about the history of the body that brings us together, the BC Treaty Commission, the keeper of the process.

After the years that have passed, it is frequently tempting to think of process as a four letter word; it's not. At times, though, we are inclined to think of it in those terms. The Treaty Commission, though, was established with a very specific purpose in mind. We all know what that purpose was, to provide a mechanism by which we can move forward collectively in addressing some long, unfinished business and establish the means by which we work together and co-exist going forward.

It was built around the notion that First Nations enjoy some fundamental rights, particularly around the notion of self-determination. First Nations make the decision themselves to participate. They make the decisions along with the other two parties at the table about the nature of the discussions, about the nature of the negotiations and, ultimately, when those negotiations have occurred and taken place and reach a conclusion, it is the First Nation that exercises its right to self-determination, makes a decision about whether or not to endorse or ratify the agreement.

Now I'm sure in the course of the deliberations and the workshops that have taken place so far today, I hope, that people have had an opportunity to reflect globally on what has taken place over the last 12 to 18 months. I've learned something in the 15, actually 20 years if I consider local representation, that I have been an elected official.

We are sometimes challenged. We're always thinking about the problems, the obstacles, the hurdles, the frustrations and that's probably a natural thing because we are confronted by them on a daily basis and people come to us and say 'why haven't you solved all of these issues'... We, as leaders in this room, sometimes we have to take a moment, just a moment, and think about some of the successes that we have enjoyed, realized, and think about what the recipe for that success looks like.

I'm going to suggest to you, for a moment, that over the past 12 to 18 months there have been some significant successes. What are they, how did we achieve them, how do we extend that recipe so that it captures others and we can replicate, maybe not precisely and exactly the same way, but replicate that which we see as positive and successful?

Right now we've got 106 First Nations involved at 47 tables. We shouldn't kid ourselves, that doesn't mean all of the tables are proceeding as actively, as quickly, or that the prospects for final resolution are the same at all those tables. It does mean that there are a lot of people who continue to invest a measure of effort and care and energy in this exercise that we charge the Treaty Commission and the commissioners and staff with helping us organize and advance.

One First Nation, the first one, in about six months will celebrate something we haven't seen and that is the effective date for a final agreement. That is the Tsawwassen Nation.

Now amidst all of the celebrations — of course Chief Baird will talk to you about a new set of challenges, if she hasn't already — that goes with implementation and the work that involves. But folks, that's the first one, the first one after many, many years of trying and I do this at other events and I do it quite shamelessly.

I think that when a leader steps forward when in concert with her people, acting around the principles of self-determination, that community decides that they have reached a point where they are satisfied that an agreement serves their purpose and they are proud to endorse that agreement as the Tsawwassen First Nation has, ladies and gentlemen, I think that's worth celebrating and I think that's worth paying tribute to. And, Chief Baird, I do so here, now. Congratulations.

Other First Nations elsewhere in British Columbia, the Maa-nulth on Vancouver Island are close to seeing the passage of legislation, ratifications have taken place, passage through the provincial legislature now that we have resolution at the federal stage for the moment in terms of the new government being in place, we're hopeful that we can move ahead with ratification at the federal level.

I should be consistent, even though I was disappointed in the result of Lheidli T'enneh, that too, reflects the outcome of a people practising around the principles of self-determination.

One of the things that the Treaty Commission has done — and I applaud them for but quite frankly I have heard some criticism about — is in the aftermath of the result in Lheidli T'enneh, at the invitation of the chief and council there, came in and examined the process around some of the discussions that had taken place and the process that was followed through ratification. They have also done the same thing with respect to Tsawwassen. We shouldn't be afraid of learning. We shouldn't be afraid of asking questions about what worked, what didn't work. That's how we're going to learn. That's how we're going to find a way for as many people as want to be part of this to feel comfortable within a process that we have together. It can serve to achieve the kind of reconciliation that I think we're all striving for.

Other First Nations are very close: Yale, In-SHUCK-ch, Sliammon, Sechelt, Yekooche, they again will make decisions about the speed with which these things move forward, to a certain extent. They're partners at the negotiating table. We and the federal government will have a role to play in that, as well.

But I can tell you this, no one needs to be overly sympathetic for either the provincial or federal government, but we too at times now struggle with some capacity issues in terms of being able to properly staff the tables and some of you know about that and for some of you it's very frustrating. I realize that and I apologize because we would like to move forward more quickly where there are willing partners that will allow that to happen. We might still be at a stage where we are finishing that foundation upon which we can build that accelerated progress.

What did Churchill say in 1941? "This is not the end of the beginning, this is perhaps the beginning of the end." We're moving forward and there's a lot more work to be done and maybe we're beginning to establish that foundation upon which we can do that work. I want to talk to you a little bit about that, but I also want to pay tribute to some of the other things that the Treaty Commission has been working on in terms of the looking at some models for resolving territorial disputes.

But these are things, folks that we ask — we together — ask the Treaty Commission as partners in this process to address and they do so willingly. But we have to help them and we have to tell them what we think works. We have to provide them with a measure of comfort that they are doing work that we find helpful, that we find useful. It's always, and I speak as one of the parties to this process, fraught with a little bit of uncertainty, isn't it? Because when you ask someone, a group like the Treaty Commission to get involved, you're always a little bit worried about what — at least I am — what the outcome is going to be.

Sometimes you have to hold hands, all of the parties at the table and say, you know, if we're going to find a way through some of these issues, we've got to have a little bit of trust in one another, a little bit of trust in the Treaty Commission that we're guided by a sense of good will, fair play, good faith and see if that can form the basis for some new ways to do things.

I'll tell you that already through the first number of agreements that have emerged, I have learned some things about steps that the provincial government needs to take to be more sensitive to some of the sensitivities that exist around territorial questions, overlaps I think is the word we like to use.

Hopefully we're beginning to make some adjustments that find favour with you and the Treaty Commission as participants in this exercise. I don't think we've got it perfect yet; I'm not sure we'll ever get it perfect. But as we proceed, hopefully we're getting a little smarter about identifying where some of these issues exist earlier in the process and trying to address them.

I want to say something as a way of emphasizing the importance, in my view, of ensuring that we continuously re-invigorate the Treaty Commission process, continue to re-invigorate the manner in which we have come together and engage with one another. I don't know if any of you noticed, in the last two months the world has taken on a rather different complexion. Anyone notice that?

And, Grand Chief, there were people who said you and I had nothing in common. People are uncertain, circumstances have changed the discussion around a lot of people's tables and actually, all kidding aside, I actually don't think that people sit around the kitchen table worrying about what's happened to CitiBank. I don't think they sit around the table thinking about and worrying about what's happened to someone's stock portfolio, I don't think they get too worked up when they see swings of 500 on the NASDAQ and the TSE.

But I do know this. They know there's a whole host of people out there talking about a measure of economic uncertainty descending across, not just North America, but much of the world, and they worry about what the impact of that might be on them.

The premier made an address last week about some of this as a way of trying to be honest with people about some of the things that fall within our control as population wise, a relatively small jurisdiction and some of the things that are happening on a global scale that are outside of our control.

Here's something that is entirely within our control, however. That is ensuring that people's attention does not divert our attention. If you're in this room you know how important this work is that takes place within the context of the BC Treaty Commission. But we can't let people's attention outside of this room divert away from the importance of this work.

And, folks, you and I both know that in times of economic uncertainty that is a risk. That is a risk. Now more than ever, in my view, is when we have to lock arms and remind people that this work needs to be done, that it is important, that it is just and in many ways the economic future of our country and the communities within our country depend on us moving forward. Now is not the time to diminish the level of effort we are making as partners within a process.

I want to emphasize this. People in this room, some of whom have dedicated a lifetime to the work that's taking place, we can't let that be in vain and we can't let the modest amount of momentum that has begun to develop disappear. That's why we want to make sure our third partner, the federal government, as soon as they — I heard the Cabinet's going to be announced tomorrow — that we engage with them right away around some of the work that we've done. I'm going to talk about the common table in a moment.

So if that's important and if people agree that ensuring that our enthusiasm for this exercise and our re-invigoration of this is constant and ongoing, how do we do that? I'm going to suggest to you that a couple of things have happened, and these are by no means the ultimate solution, this doesn't mean I'm saying to you great, we've done this that's all we need to do and everyone should be happy. But I'm going to suggest to you this: that some of these new measures, some of these new tools are significant and the question now is how we put them to use to demonstrate yet again that we can have success. That we can move forward.

How many of you have heard the term incremental treaty? There's a few on that side of the room. The people on this side, incremental treaty, anyone heard about that?

The Lieutenant Governor, his Honour Grand Chief Steven Point, in the Throne Speech earlier this year, he said we move forward by moving beyond positions that hold us back. In short, sometimes we have to change our approaches. Sometimes we have to be prepared to admit that we come to a point where people are concerned enough about a particular model that we need to change and consider some other model.

That, in part, is what incremental treaties are about. It's a big step for a community and there are people in this room who can talk about that step. And maybe, just maybe, one of the ways we take that step is through a series of smaller steps and that's why for communities like Tla-o-qui-aht and Haisla, we're moving ahead with incremental treaties.

I'll take Haisla as an example. The chief came to me about a year ago and he talked about a circumstance in which they had a reserve, reserve land here, reserve land here and a parcel in the middle and they actually had some plans, some economic development plans, that could be built around that parcel.

Well, formerly the approach has been fine, let's talk about a treaty and when we get to a final agreement I guess we'll see what happens. That didn't make a lot of sense to me, to us. We're not going to do anything with that land, it's smack dab in the middle of a traditional territory, it's going to be part of a final agreement if and when we get there.

So if our primary concern is: how do we develop some economic potential, some jobs, some hope for the people that live in that community, why don't we look at an incremental agreement that would see that property transferred to the Haisla so that they could put it to work. And that's what we're doing.

And yes, as a province we ask the Haisla to acknowledge that this is a transfer measure that we'd like taken into account at the time we get to a final agreement, if we can get there and we ask the same of the federal government. But, ladies and gentlemen, that is, I hope, evidence of the measure of importance we attach to working with First Nations and communities to see things happen on the ground so that when you as leaders address your people or are addressed by your people and they say how is this working for me, you're able to say here's how it's happening for me. Here's how it's working for you.

I'm going to tell you one other thing, very candidly. I can't pretend for a moment that that is a model or approach that we can unilaterally and simultaneously apply in 203 communities across British Columbia. I'd be kidding you if I did. But it is something I think can be the recipe for success in certain circumstances and help establish one of the key elements that I think, and I believe most of you think, needs to be present if you are going to

move to a more comprehensive agreement. That's trust. And how do we build that between one another? Maybe that's a way, I hope that's a way. And in the case of the Tla-o-qui-aht and the Haisla, they believe that it is a way.

I talked a moment ago about the common table. I think it's still premature to be characterizing the common table exercise as a success, but I can tell you this. What we were confronted by — I mean all of us — a year ago was a situation in which a sizeable number of First Nations were saying we think you other governments — the province and the federal governments — are coming to the table with mandates in some key areas that for us are non-starters, and there's that principle of self-determination.

That doesn't mean that was the case for everyone. In fact, we're working with, as I just alerted you to, some communities who have indicated their comfort level is higher. But a number of communities, leaders, said we need to see some options because if you are going to remain steadfast on some of these key areas — recognition, certainty, governance, status of lands, then we don't think our prospects for success are that great, and we have to begin to question the amount of energy we are devoting to the treaty exercise, final agreement exercise.

And at a meeting that took place in December as I recall that the Treaty Commission kindly offered to chair, we had a pretty candid discussion about that. I recall at that meeting saying to people as I had an opportunity to look at what some of those issues were, the first confession I'll make is, you tend to get entrenched. You tend to get entrenched around a certain set of beliefs — we have to do it this way because one, two, three, four.

Well maybe we have to take a step back and find out if there are some alternatives. And I don't think you do this by taking one set of approaches and replacing it with a second. Maybe you do this by establishing a set of options that people can look at and say well, "I don't think that works for me, but maybe this one has some promise, maybe this is something that my community would authorize me to move on."

I think we're part way there. And I want to say thank you to the upwards of 64 First Nations that participate at the Treaty Commission and of course that played a role in those discussions, but I think we're only part way there.

I think we've got to take the next step, ladies and gentlemen, and I think that next step involves re-engaging with the federal government now and seeing if we can actually turn the ideas that revealed themselves in the report that Jody provided me with not so long ago, and turn those ideas into something tangible that we can talk about at individual tables.

And it's big stuff, but I think it's worth doing and I think it's been worth the time we spent. But I'd like us, again, as one party to this exercise, I'd like us to get to that next level. I'd like us to challenge ourselves to take that discussion and turn it into something tangible that we can bring to the table and help move the process forward.

We are trying to build a New Relationship. Not we, the provincial government, we all of us. I've got to tell you in the time that I've had the honour of holding this position the strength of the desire on the part of First Nations, their leaders and communities to actually realize on the hope and promise of developing the same opportunities, economic opportunities for their people as others enjoy is very real and has affected me very deeply.

The New Relationship, of which treaties are but one way we do that. Treaties are one tool, an important one, an extremely important mechanism by which we affect that genuine sense of reconciliation. But there are other ways.

I think about the reconciliation agreements that we struck with the Kwadacha around the Williston Reservoir. They just ratified last week, the capital payment of millions of dollars and ongoing payments to deal with the dislocation that community felt; the Songhees and Esquimalt, a dispute, a claim involving the very lands upon which the legislature sits that has gone unresolved for over a century and a half



and is now resolved to the satisfaction of those communities and the leaders that represent them.

Land use agreements, aboriginal healthcare agreements and an aboriginal housing plan, educational jurisdictional agreements, these are the tools that we build together to help give effect to that goal we are seeking to achieve of genuine reconciliation. None of them are perfect. None of them accomplish that goal themselves. But they help, hopefully, to build that trust, to build that spirit of reconciliation in a very real way.

At the end of the day, it's not this stuff; it's not the paper that actually is the measure of success. It's what happens on the ground, it's that single mom in your communities who says to you look, I get it, it's actually starting to have an impact for me or that young man who's graduating from high school, or young woman, who says you know what? I actually see some prospects for staying home and getting a job and raising a family. That, at the end of the day as leaders is what we strive to achieve.

What I'd like to do is show you something, it's about 10 minutes and then I've got a couple of concluding remarks and then I'd like to engage in a conversation with you about some of the issues that are on your plate.

(POWERPOINT PRESENTATION)

Sometimes, ladies and gentlemen, when we're confronted by the issues that we have to deal with on a day-to-day basis, as they relate to us and our communities, it's easy to lose sight of the myriad of things that have taken place and are happening.

This New Relationship, this child, is still an infant and it needs our care, it needs our attention on a constant basis. We have to continue to work at it. But you know what else we need to do? We actually, like any child, when those things happen that we're proud of when they walk, when they talk for the first time, let's not be shy about celebrating that and saying how do we do more of it? How do we take the agreements that we saw referred to here and apply them in a way that works? How

do we take the lessons that we've learned in a series of negotiations and apply them so that more communities and their leaders will feel comfortable getting to the destination, to the place that others before them have gotten to? That's the challenge.

We are working together in ways that only a few short years ago, people never would have imagined. We have an internship program where young people out of your communities, and by the way this is an invitation, tell us, tell me who are those young people that you've identified as future leaders who might benefit from an internship within the provincial government that can come and teach us and perhaps, learn something in exchange. There's a lot of mutual teaching and learning that has to go on, ladies and gentlemen.

We talk about economic development and I look around this room and I think of all the incredible things that are happening in communities, right around the province, for example, when I think of the fact that for the first time we are moving ahead with revenue sharing.

Now forestry isn't exactly at the top of my list of economic success stories these days. But would it surprise you to know that \$224 million in forest revenue sharing takes place in the province now, in British Columbia? It's still a tough industry to make a buck in, but contrast that with when I became forests minister in 2001.

First Nations, except in a few instances, had been all but excluded from the forest sector in a meaningful way. Now tenures in the amount of almost 35 million cubic metres — there's still some challenges about how to cut and make a buck doing it — but revenue sharing dollars of \$224 million. A couple of weeks ago a firm commitment, to move ahead with revenue sharing in the mineral sector became a reality now.

In the energy sector you saw reference to the Blueberry River First Nation, the Treaty 8 Bands revenue sharing of millions of dollars literally in economic development around the energy sector. These are tools, ladies and gentlemen that we

have to put to work with one another and make successful.

There's something else that I'd like you to help me with as I look around the room and think of the communities that you represent and the success stories that already exist in some of them. We'd like to honour that success next year with the British Columbia Aboriginal Business Awards. Let's not be shy about taking the people within our communities, your communities, who have worked hard, developed economic opportunity, put people to work and been successful. Let's not be shy about putting them on a pedestal and saying well done, congratulations. Teach us, show us.

We do that nationally. I've been to it for a couple of years now, the National Aboriginal Business Awards, and every time I go, I sit there and part of me is thinking we've got to do this in BC because we have success stories in British Columbia. We have tremendous success stories in British Columbia. But, folks, if we don't talk about it no one else will. So we have to talk about it, we have to celebrate it.

I'll leave you with one last thought. Talking about the New Relationship, reconciliation, and the fact that there are many paths towards reconciliation, our preoccupation, in a good way, today and through the Treaty Commission, there are final agreements in treaties. But I know as well that as those discussions are ongoing and they won't be settled this year or next or probably the year after that. That in the process there are frustrations relating to consultations and management of resources, lands within traditional territories and that is what lies at the heart of the discussions that are taking place around the recognition and reconciliation legislation. We are indebted — I am indebted — to a great number of people, some of whom are in this room who have contributed to that discussion.

That work is taking place at the very highest levels. The joint working group that involves the Leadership Council and the Province, it relates to rights, to title, to governance, to consultation and

accommodation and how can we address that in a way that has never been addressed anywhere else in Canada. We're hoping to complete that work in a way that will allow us to move forward legislatively prior to the expiration of the term of this government. The term of this government ends, the election is in May next year, and for all practical purposes, of course, by the time the writ drops in April any legislative work ceases.

This would be precedent setting. It would be the first of its kind anywhere in Canada. If we can work together and establish a model that we are comfortable with and build that legal model, it would be — British Columbia would be the first and only province to establish legislation that would enshrine aboriginal title, rights, governance, and consultation and accommodation requirements in a provincial statute. We're committed to that exercise and it is precedent setting and it hasn't been done or tried anywhere else in the country, but we will only do it together. We will only be able to accomplish it together.

It is going to engage all of the communities and all of the leaders and require that measure of involvement for us to take that step together. I hope we can do it. I hope we can get it done. I am cautiously optimistic that we can. But if ever there was a project that depended upon us working together, this is it.

So, madam acting chief commissioner, I have gone on too long. Let me say thank you for sharing those thoughts. I was thrilled at the opportunity to come and meet with you, to speak with you and give you some of my impressions on what we've accomplished together, where some of the hurdles are and what some of the tools might be to help us overcome those hurdles. Now I think my task is to listen to you and answer, if I can, any questions that you may have in the time we have available.

So, thank you very much for the invitation to be here, ladies and gentlemen.

# Keynote Speaker:

## Grand Council Chief John Beaucage, Union of Ontario Indians

Good evening commissioners, chiefs, elders, ladies and gentlemen. It is a distinct pleasure to be here today and to bring greetings on behalf of the 42-member First Nations of the Anishinabek Nation in Ontario. I wish to thank the BC Treaty Commission for the invitation to address you tonight. I always feel welcome here in British Columbia and I love Vancouver. I am not afraid to be controversial. I wish to give thanks to the Coast Salish for allowing us and allowing me on their territory.

Forging linkages and finding solutions is a significant theme for First Nations across Ontario, especially the Anishinabek Nation. There are a number of themes that are being discussed at this conference that all First Nations can relate to. The themes of governance, economic development and capacity building are among the highest priorities for the Anishinabek Nation, especially within the context of treaties, treaty rights and treaty relationships.

There need to be definite linkages between the treaties and economic development. Without treaties in Ontario and the rest of Canada the Crown would have no access to the territory and resources necessary for development. For us, however, the treaty making process is over. We must use the treaty relationship we already have with the Crown to give us the access and the involvement in the greater resource-based economy.

Unfortunately, the treaty relationship that exists leaves a lot to be desired. We must spend time to redefine the treaty relationship between First Nations and the Crown in Ontario. We must assert our goals and our priorities. We must also spend time to develop and foster a positive economic and investment environment within our nation throughout our territory. These are, indeed, our top priorities.

The Anishinabek Nation has been part of treaty making for centuries. We have a long and storied tradition of making treaties with the newcomers. Our sacred creation story tells us that the Anishinabek lived here on Turtle Island, known as North America, since time immemorial. Archaeologists would like to argue that we have only been here since the ice age, approximately 12,000 to 14,000 years ago — semantics. I don't give that theory any credence whatsoever. I will take our creation story long before we listen to archaeologists. And as far as 1,000 years are concerned, we were here first. Sometimes these archaeologists and other people use those stories to denigrate our story and our place in the history of North America.

Our own history tells us of a prophecy that foresaw the coming of the light skinned race. The great prophecy tells us that two things may happen — either the light skinned race will offer us their hand in friendship or from our two nations one great nation will emerge and flourish. However, it is also stated that the light skinned race will come wearing the face of destruction and will begin an era of disease, poverty and loss of our culture for our people. We would lose our land as well. It is said that the rivers would run with poison and the fish would be unfit to eat.

Our people long held the view that we could benefit from a friendship with the Europeans. We befriended them, offered them our foods, showed them our ways and cured them with our medicines. We shared the land with them. We offered them our most sacred gift — tobacco.

As a result of this friendship we began to sign treaties with the British Crown. Our most important treaty we signed as a nation was the Treaty of Niagara in 1764. This created what is

known as the covenant change between the British and the three fires Confederacy and a number of affiliated nations. As a result of this Treaty an important alliance was created between the British and the First Nations. This was instrumental during the war of 1812 and 1814 where the British, with the help of the First Nations in Ontario, pushed back the United States so that when they were trying to take over our country at that time that was the only war that the United States ever lost.

We pushed them back so far that we pushed the American army right to Washington and then we burned down the White House. I've heard they've since rebuilt it, and next week I guess somebody new is going to move in. So there is good news all the way around.

The most tangible result of these treaties is the realization that they contributed greatly to the wealth of Canada. As a result of the Royal Proclamation of 1763 the Crown required treaties to be negotiated with First Nations in order to speculate and develop land in the new British colony. Most of these treaties were signed between 1850 and 1923. Within our territory it began with the Robertson/Huron and Robertson/Superior Treaties of 1850 and ended with the Williams Treaties of 1923.

For the Crown this was very much a formality. Land was surrendered by the First Nations in order for the government to begin licensing development. This licensing continues on to this very day.

For First Nations, however, these treaties were not merely formalities. Treaties were considered sacred. They were not concluded with a simple signature or an X; they were concluded and witnessed by the Spirit through the smoking of the pipe. We invoked the Creator to bear witness to everything that was said during the treaty making process so the treaty wasn't just what was written on the paper. The treaty was everything that was said during the treaty making process because we began our ceremony with the lighting of a pipe and we invoked the Creator to bear witness to the truth of

the words that were said during the treaty making process. That is why it's sacred.

For First Nations there was no concept of land ownership or land to surrender. The treaties meant that the land would be shared and, that in return, full use and benefit from the traditional use of the territory would continue in perpetuity. First Nations expected to share in the wealth of the development of forestry, fishing, mining and agriculture. In return, First Nations were provided with small sums of money and gifts.

For the 1850 Robertson/Huron treaty bands, literally this was in the form of hundreds of dollars in exchange for vast tracts of surrendered lands. Each 1850 treaty citizen was provided with an annuity of four dollars every year. This was certainly not expected to be compensation for the entire treaty. My ancestors did not sign the treaty expecting to consign their descendents to poverty. We signed it expecting to share in the benefit of all of the territory that we were sharing.

Each and every year, under the watchful eye of the Indian and Northern Affairs person and the RCMP guard in full dress we lined up for a four dollar treaty entitlement. And for obvious reasons an annuity claim against the Crown is in the works.

Other treaty areas were provided with commitments for a schoolhouse or a medicine chest and today this means the right to ensure education and health care. Yet First Nation's right to education is limited to basic education. It ignores special education and has a vast underfunding of post secondary education. Healthcare is limited to cost containment measures that don't take into account the health indicators of First Nations people.

The Crown's historical role in treaty making was one-sided and dishonourable. Further, their role in resolving land claims, historical grievances, and facilitating First Nations treaty rights has kept us poor and has kept us for generation after generation.

This fundamental unfairness and ignorance of the treaty must come to an end in order for First Nations to overcome poverty, to establish self-sufficient economies and thrive under self government nationhood. First Nations are entitled to their historical, modern, and future share of the wealth generated from the treaties through the sharing of our traditional territories.

The treaties secured a number of treaty rights, not only for First Nations but for all Canadians. Yes, all Canadians have treaty rights, too.

The most significant right obtained by the treaties was the right to economic wealth, through the development of our territory. This treaty right has amounted to billions upon billions of dollars which has accumulated for the past hundred years. For all intents and purposes the treaty right of economic wealth has exclusively benefited the crown and non-native Canadians. As we know, First Nations poverty continues to be one of the highest social issues for all Canadians.

The second most significant right obtained by the treaties was the right to the land. The treaty right to land has almost exclusively benefited the Crown and non-native communities. Less than 2 per cent of the territory is under control of First Nations while Canada enjoys 98 per cent control to all of the lands in Canada.

At one time First Nations had full jurisdiction over their reserve land. However, this was also immediately removed with the imposition of the *Indian Act* in 1876 which regulated all aspects of Indian life, including lands management on reserve. At that point the Chief Superintendent of Indian Affairs had the power to dispose of lands reserved for Indians.

First Nations continue to have certain treaty rights, including the right to hunt and fish on our traditional territories; the right to education, healthcare, and housing; and the right to be exempt from foreign taxation. However, many of these rights have been subject to regulation by the Crown.

For example, the treaty right to housing provides a limited sum of dollars to First Nation bands for their housing programs. Although the bands have control over their housing programs, INAC subsidies are insufficient to build quality homes. As a result homes on reserves are smaller, not built to code, and are often times incomplete and unable to withstand the cold climate. The average community has subsidies to build less than seven of these homes per year.

The right to income tax exemption is limited to those few people who are fortunate enough to live and work on reserve. These opportunities are few and far between. Over 60 per cent of our people are forced to live and work off reserve. The treaty right to healthcare is limited by Health Canada policy, with the majority of the responsibilities covered under the *Canada Health Act* and provincial healthcare programs. All Canadians enjoy the right to universal health care.

The treaty right to post secondary education is limited by government policy and budget. The majority of First Nation people make use of student loans like everyone else. More and more, Supreme Court, lower courts and public opinion are moving towards equality in the legal rights of First Nation people under the treaty. Canadians are demanding reparations, fairness and improvements in the social issues that face all aboriginal people.

The Ipperwash Inquiry brought forward a number of recommendations that highlight the need to improve relationships based on the treaties, including calling for an establishment of a treaty commission in Ontario. The Anishinabek Nation is currently working on an initiative to restore the balance in the treaties. The Anishinabek Nation is calling for the establishment of a new, modern treaty implementation process for Ontario.

Our five-point proposal includes a treaty-enabling framework negotiated between Canada, Ontario and First Nations on a treaty-by-treaty basis to look at all aspects of the treaties, to negotiate its modern interpretation and implementation,

establish treaty-enabling legislation that will ensure adherence to the treaties, including treaty-enabling language in all development agreements, entrenched legislative requirements for consultation and accommodation and engagement of First Nations in all developments on land and transactions.

One thing that really bothers me is the non-derogation, non-abrogation clauses which are currently in just about all of our agreements. Basically those are negative clauses. They say we've been taking away from you for hundreds of years and we promise we are not going to take away any more.

What we are proposing and what we are saying right now with our enabling language is that we want the governments to put in there "we affirm your treaty rights under this agreement," — positive language not negative language. And every community, every contract across the country should have treaty-enabling language, not the language which means the negative; we're not going to take away anymore. We don't want that. We want to add to the cup not take away from the cup.

We want resource benefit sharing which would include the negotiation of an Ontario-wide revenue sharing agreement similar to the Ontario First Nations gaming agreement. This would include negotiation of a treaty-based revenue sharing framework.

We want to establish the Treaty Commission of Ontario as recommended by Justice Linden in the Ipperwash final report. This would consist of treaty commissioners and an office of the treaty commission appointed from every treaty region in Ontario. Roles from the treaty commission would include treaty administration, natural resource management, licensing, and coordination of consulting, regulation with the regulatory authority and enforcement of treaties.

Finally, we are calling for a significant treaty education mandate. This would include public

education for all people in Ontario on treaties, as well as a formal curriculum in the Ontario school system.

Although we are calling for a new relationship with the Government of Canada and the Province of Ontario based on the treaties, we are not content to be wards of the Crown and to continue a long cycle of the dependence on government. Many years ago when I first became involved in First Nations politics, I kept hearing the term fiduciary duty when talking about our relationship with the Crown. Essentially, the definition of fiduciary is a person to whom property or power is entrusted for the benefit of another. Children or the elderly typically need a fiduciary. A fiduciary looks after the assets of another and is expected to act in the best interest of the person whose assets they are protecting. This is known as fiduciary duty.

How this concept has been translated for First Nations — by imposing the *Indian Act* upon us and virtually controlling our lives for more than a hundred years — the Government of Canada was a de facto fiduciary. Sadly, even though First Nations considered treaties a sacred document the main reason treaties were instituted was in fact to find a legal way to exploit our lands and resources. The reason for the *Indian Act* was to control, subjugate and colonize Indians. Our best interests were not seen as a high priority at all.

To our credit, since the 1960s, First Nations citizens have become more politically astute. Our past leaders fought well to preserve our rights. Through the work of the Union of Ontario Indians, the National Indian Brotherhood and others, we fought for and achieved constitutional recognition. We also have legal precedents that confirm our rights. Today there are several meaningful self-government agreements in place and over 80 more are being negotiated throughout Canada.

Our own Anishinabek Nation restoration of jurisdiction process represents the largest self-government table in Canada. In 2007 the minister of Indian and Northern Affairs and I signed an agreement in principle on core governance

principles after a decade of negotiations on behalf of our 42-member communities across Ontario.

We talk about our nation-to-nation, government-to-government relationship with the federal and provincial governments. Yet despite all of this momentum and political awareness, we still cling to the sacred fiduciary relationship — a failed concept that has done us a great disservice. By its very nature the fiduciary duty must end at some point. A parent/child relationship changes and at some point it reverses itself in terms of duty of care. Let us be the first ones to talk about ending the fiduciary relationship on our terms. Let us talk about the contractual relationship that was brought about by treaties.

When I say contractual relationship, I am not talking about demeaning the aspect of treaties. The treaty is the highest form of contract. It is a treaty between nations. It is a contract between nations. It provides for honour between the two nations in dealing with each other. Let us negotiate fiscal equalization transfers that are due to us because of the resources taken off our territories.

The province has discussed equalization payments over time with the federal government. Only we should be responsible for our futures and ourselves. To cling to the concept of maintaining a fiduciary relationship is like saying we need a safety net. And that is not being self-sufficient or self-reliant.

In order for self-government to be a reality, the concept of fiduciary duty must perish in order to give life to our aspirations for our children's futures and strong First Nation governments. We must begin to take steps to get beyond the fiduciary duty. We must begin to ask ourselves: do we really need to be dependent on the Government of Canada? Are they really working in the best interest of our people?

We must look forward toward sovereignty, success and self sustainability. These are the keys to true self-government and true self-determination.

In 2006 I published the Political Manifesto, a document that would guide my leadership. Article 15 of that manifesto boldly states that we shall collectively work towards the elimination of Anishinabek poverty in 20 years. In order to achieve that we need to take broad, definitive steps to develop an Anishinabek Nation economy. The key to a prosperous, stable and healthy Anishinabek Nation is the establishment of a self-sustaining Anishinabek Nation economy.

In article 16 of the Political Manifesto I stated we must continue to assert that the Crown has a fiduciary duty to finance our governments, a concept that is based on our treaty rights. However, we can no longer solely rely on Indian monies and government revenues to finance our communities and Anishinabek Nation governments and social needs. Therefore, it is a primary goal of the Anishinabek Nation to support the coordinated approach to development of an Anishinabek Nation economy. A long-term Anishinabek Nation economic strategy will be developed and will act as the foundation for a new economic outlook for our nations.

Our economic strategy will be based on obtaining and sharing benefits with the whole of the Anishinabek Nation, including sharing and equalization of resources and benefits with each of our four Anishinabek Nation regions. Resource revenue sharing agreements must be negotiated and implemented with the Crown as part of the Anishinabek Nation economy. Impact benefit agreements must be negotiated and implemented with business and industry within Anishinabek Nation territory as part of the Anishinabek Nation economy.

In April, alongside Minister Tony Clement, the federal minister responsible for the federal economic development initiative for Northern Ontario, FEDNOR and Minister Michael Bryant the minister of Aboriginal Affairs for Ontario, I had the pleasure of introducing the Anishinabek Nation economic blueprint, our 10-year plan to establish local and regional economies. This 10-year economic strategy will develop a practical

and measurable master plan or blueprint for Anishinabek Nation economic development.

The blueprint involves roles and objectives for all of our member communities, tribal councils, economic development offices, economic development corporations, business development corporations, the human resource sector, key sectors, private, and public partners and government. It looks at the economy from the perspective of our entire Anishinabek Nation territory, a bird's eye view of the full potential of our First Nation economy.

Our economic strategy was led by true leaders and economic professionals through an innovative think tank component. This included our chairpersons, Dawn Madobe and Ray Martin, Chief Clarence Louie was part of it, Bert Christmas, David Tuccaro and Dr. Jack Burroughs among others.

The final strategy outlines 21 key recommendations utilizing a First Nations progression model under three teams: step one, building local capacity in financial and quality management; step two, preparing for economic development; and step three, pursuing economic development.

I am going to include a few recommendations that we have. Recommendation 2: all members of the Anishinabek Nation need to make economic development a priority. It has to be a part of our culture that we want to make economic development a priority with all of our citizens. Recommendation 12: develop and implement Anishinabek human resource strategy. Recommendation 14: utilize the entire traditional territorial land for economic purposes not just reserve land. Recommendation 15: develop and implement Anishinabek tax policies.

Yes, I said tax. We will tax others who are coming on to our territory. We won't tax our people, but we will tax them for coming on to our territory. Ontario Hydro, Bell Canada, the mining companies, we will tax them and we will put the tax into our coffers.

Recommendation 19: plan to participate in the regional Anishinabek Nation and global economy. In essence, we will all be on the same page, working on the same plan and be working toward the same goal at building a sustainable, self-sufficient First Nation economy. This economic strategy will not simply be a report or a stand-alone initiative that will fester on a dusty shelf over time. This is a practical, living, breathing entity, a strategy consisting of principles, best practices, networking opportunities, key objectives, deliverables, tasks, and momentum, but most important of all is people.

Our Anishinabek Nation economic blueprint and our five-point plan to establish a new modern treaty implementation process are instrumental to our overall goal to eliminate Anishinabek Nation poverty in 20 years. However, we just don't want to stop at eliminating poverty. We should all have the right to earn and generate wealth. Yet, in the Supreme Court case of *R. v. Marshall*, the decision affirmed Donald Marshall's right to commercially sell fish, and from it, earn a moderate living.

Would Canada's top court ever intercede in a Bay Street decision and require the plaintiff or defendant the right to only make a moderate livelihood? Would a court ever make a decision in favour of the Canada Revenue Agency, but limit the taxable takings to something moderate? I think not. But why do they expect that First Nations should have only the right to earn a moderate living? That is a systemic barrier that goes right up to the Supreme Court.

Why are we always meant to stay poor? We should not be ashamed of individual wealth and our right to generate wealth on behalf of our nations. First Nations are not going to close up shop and go away.

We are making changes to our economies and our government to ensure that we counter the assimilation policies that we have faced for many years. We are choosing to move out from under the *Indian Act*, set our own priorities, and govern ourselves according to our goals and aspirations.



Our overall goal is to re-establish a nation of revitalized, sustainable First Nation communities where each community will become a contributing part of the fabric of Canada. We seek to end the cycle of dependency that has kept us living in poverty.

You may have come here and expected a leader to call for implementation of the treaties and more government funding, to bang my fist on the table in defiance, to paint a picture of squalor and despair, to talk about third world conditions in our own backyard. However, poverty doesn't mean we are victims. A single mother who works two part-time jobs just to get by, she is not a victim. The family of five with parents who work two jobs to support a child with special needs, they are not victims. The extended family of 10 crowded in a dilapidated two-room house, living only on social assistance, they are not victims either. Their strength and their defiance are in their will for survival and their goal to overcome adversity and make life better for themselves and their children to the seventh generation.

We must continue to come together and support each other to ensure that the poor are not forgotten. We can and will meet the goal of eliminating poverty within 20 years. This can be done by building our own economies and creating wealth for our nations and our citizens.

First Nations need more access and more opportunities to develop our own economies based on our own resources within her territories. And this can only be achieved through implementation of the treaties and in the case of British Columbia, through the negotiation and ratification of new treaties. In that, I wish you well over the next two to three days that you are going to be here and I know that you will be successful.

Thank you very much.

# Keynote Speaker: Grand Chief Andy Carvill, Council of Yukon First Nations

I want to begin by acknowledging the Coast Salish people and thanking them for allowing me to speak in their traditional territory. I wanted to say to the elders, the chiefs, distinguished guests, thank you for taking time out to hear my speech.

Good morning, ladies and gentlemen, it is with great pleasure that I speak to you today about a subject which engulfs my people, a process that is so absorbing that nearly all our resources are consumed in the task of achieving it. The process is the implementation of our land claims and self-government agreements.

I want to thank the BC Treaty Commission for again inviting me to speak at this conference and for hosting a conference such as this. It is very important that we get together, especially from different areas and different jurisdictions and look at ways we can work together, how we can truly make a difference through the connections and the networking that we are able to do at conferences such as this to truly make a difference in our people's lives.

As we know, or some of us know all too well, the government is not truly our friend. However, I am glad to see and to hear that Minister Strahl has been given the portfolio once again to be the minister of Indian and Northern Affairs Canada. Far too often we spend time having to re-educate our ministers on issues of claims and treaty processes that we have in the Yukon. And we have a very limited amount of resources and time to do that. So I am pleased that the prime minister had decided to keep him on this file.

Since 1993 our First Nation public service has been engaged in an exercise seconded only by the process of the negotiations before it. I will share with you our experience over the last 15 years.

It has been an experience of successes, many frustrations and failures generally speaking, and a continued process of negotiations where we are trying to find advantageous interpretations of the various chapters and clauses of our agreements that we entered into.

The process of negotiations is one of compromise between parties. The consequences of such can leave the language in an agreement watered down and very vague. Although an expeditious method to finalize a deal without closing off opportunities, it does become problematic for some implementers who must spend an inordinate amount of time and energy finding the original intent of the parties. And in a lot of cases we found this leaves it open to interpretation; interpretation by the other parties that isn't always in our favour.

This, in the end, slows down the process of the implementation and can also lead to new, unintended definitions and interpretations. Every effort should be made by the parties in a negotiation to ensure that the loose ends and ambiguous language are closed off and that they are clear in their intentions.

For the cost during the negotiations phase is more easily absorbed than in the implementation phase. We have been settled for a number of years now. Our claims were brought into effect in 1995 and we just recently completed the nine year review. We have just finished the GEB, the gross expenditure base, and it has taken us that long to complete the nine-year review.

Through the review process, we found — and as many of you know because I heard about it in our breakout sessions yesterday — our governments are grossly underfunded and we cannot truly carry out the services that we need to really make that

impact in our nations and in our communities being so underfunded.

I was talking to a couple of individuals who sat at my table yesterday, and one has six files that she has to work on. In the Yukon, we have experienced the same issues, the same problems where our staff are swamped with issues. But you get the territorial government, in our case, and each one of those six files has one member or one person, one staff member assigned to it. So there is definitely a big, big problem with funding. I think that as we go through this process, as part of the lessons learned, we need to make sure you have a lot of funding that is geared towards the implementation phase. Start looking at the implementation as you are going through the negotiations.

Like I said, we have been at this since 1995 when the agreements were ratified and we just completed the nine-year review; it's a long, protracted, costly process.

Compounding the delays in the implementation is the issue of capacity. Or more specifically, the limited level of human and financial resources committed to the process of the implementation. Both Canada, as well as the Yukon government, have not adequately resourced themselves for the monumental task of implementing 11 settlement agreements concurrently, compelling our First Nations to consolidate positions and tables to accommodate them to get the government to the table to finish off these reviews that should have been finished a long time ago, in our opinion. They are still not finished.

We had a meeting recently with Minister Strahl before the election. Our mandate on the funding arrangement that we have is about to expire in March, but we could not get any commitment from this government to sit down and negotiate a new mandate with us. The best that they could give us was an extension after March.

We are hoping that we can move forward with respect to the extension and see what we can do to finalize some of these parts of our agreements.

But in the meantime, as we continue to go through these issues and these delays our people continue to suffer. We all know it well, we all have the same experiences — education, health, the lack of adequate housing — and the governments sit idly by or put their monies in other regions.

This causes time delays, trying to negotiate uniformity amongst our nations, which I might add is inconsistent with the intent of our agreements. Our agreements were deliberately designed to accommodate individual community development and local government delivery in each community. This causes a lot of frustrations as nations feel pressured into compromises and yet more delays in critical areas such as those areas I mentioned — education and healthcare. If possible, parties must ensure the implementation process is front-end loaded with sufficient dollars and personnel to get the job done in a timely and efficient manner.

Operationally, Canada and the Yukon have also failed to design themselves properly. Each has chosen to bottleneck their implementation activities through a single ministry or secretariat. Our settlement agreements cover a wide range of public sector responsibilities including education, healthcare, land management, environmental protection, infrastructure development, fish and wildlife management. Yet, responsible federal and territorial ministries play no active role in the implementation process, virtually ignorant of any responsibilities they have as a result of the settlement agreements.

More importantly, they have no mandates to undertake any implementation tasks even if they were aware that their departments are responsible for these areas. A major disconnect exists between legislators and the administrators. It would be advisable for the governments to de-centralize implementation tasks and provide each ministry with clear mandates that are consistent with the settlement agreements.

What I mean by that is when we go to Ottawa and we try to move certain issues with respect to education or health or any of the issues that

we all share in common, we always have a lot of difficulties getting any doors to open up to us even though they say we are governments. We are recognized governments. When we try to meet with certain ministers it is, again, difficult. We often end up meeting with their junior bureaucrats.

When I talk about opening up the line to ministries, we need to meet with the minister of finance; the minister of health and other various ministers. Each one of them is affected by our agreements, yet it seems like they virtually turn a blind eye to it. We need that to change. I think that by working together we can send a strong message to Ottawa that this change has to take place right away.

Now allow me to speak briefly about mandating. Governments must identify inconsistencies between the settlement agreements and their policies, their regulations and their legislation and they have got to do this upfront.

We spend an extraordinary amount of time identifying legislative barriers to implementing our agreements. Once identified, we then patiently wait for the slow mechanisms of government to change their inconsistencies. And if governments are not prepared to undertake this exercise then they should provide the resources to First Nations so we can do the work ourselves. Many problems and time delays would be solved if this simple step were to be taken.

Generally speaking, I believe that we have good agreements, remembering that they are agreements derived from a process of compromise. Nonetheless, they are very strong in governance and the sharing of public health and safety responsibilities. Criticism of the body of the agreements, in my opinion, is unwarranted. The bulk of the problems exist in the implementation phase.

A careful attempt at attention and due diligence by the parties to this critical process during negotiations can ensure clarity and expeditious actions where it really counts. Our people have ratified these agreements and expect deliverables

in short order. When we witness delays our confidence in the agreements becomes weakened. I implore all people considering such arrangements to learn from our experience and join us in the advocacy of change necessary to implement our modern treaties.

At the capacity building workshop yesterday, one of the common themes coming out at the table was that we need to get rid of the *Indian Act*. We need to start becoming a government and becoming more involved in the governance of our people. For us in the Yukon, the agreements aren't the answer to all of our problems but they definitely give us the tools that we did not have before under the *Indian Act*. They give us the tools that can assist us to make our own laws, implement our laws. They give us the tools to really make a difference in our communities and our people's lives. They make a difference in the economy and the relationships that we build.

Listening to some of the discussion yesterday, when Chief Robert Louie and Chief Sophie Pierre talked about the economy and how we need to develop those relationships and foster relationships to really be able to build economies and any type of economic base. I know in our area we have a pretty good relationship in some communities where the mayor and council and the chief and council have regular meetings, joint meetings. They make joint decisions for their communities, for their area. They discuss funding and different initiatives that can bring infrastructure and development into their communities.

I also sit on the Yukon Chamber of Commerce so I directly impact some of the training opportunities and initiatives that businesses can and will bring to the Yukon, training opportunities that will stop seeing a lot of other people coming in from different areas and taking our people's jobs. I know in the Yukon we have a lot of people that are being brought in from different areas such as the Philippines and Mexico and I understand it is fine, that they need jobs, too, but through my opportunity to work with the chamber we are

looking at different mechanisms that we can put into place, training opportunities, that will get a lot of our people these jobs.

When we talk about relationships, it is very important that we develop these relationships, not only with chambers and other governments but also with each other. Like I said in my opening comments it is conferences such as this that give us the opportunity to meet other people, to hear stories from other jurisdictions. We do have a lot of common issues and a lot of commonalities right across this territory, this land, this nation. But how do we come together?

We were in a meeting in one of our breakout sessions yesterday and that's what one of the gentlemen was speaking about. He was giving a presentation and he said that when you all go away from here we won't hear from you anymore. How can we start to truly work together? How can we make a difference so that we know that those who are coming behind that are going to ratify agreements in their communities that they have a much easier transition and a much easier process?

Like I said, it has taken us — we had our agreements ratified in '95 — we are talking 12 or 13 years later are just doing the nine-year review, just finishing that. So by working together and truly networking and maintaining these contacts and learning from one another we can really make a difference together. We can really make a difference and become strong in ourselves, in our people, in our nations right across this land. We can make a difference in how Ottawa delivers programs to us. We can make a difference in how business and industry wants to do business with us.

We want to get to a point, and we will get there in the Yukon, where we no longer have to depend on government program dollars. Right now collectively the 11 First Nation governments, the 10 that have agreements in the Yukon bring \$80 to \$100 million a year into the Yukon by way of their agreements and their funding. I know some of our First Nation governments have purchased businesses in Kamloops. We are looking in Vancouver; we

are looking in various areas. We also have four members that joined us from the Northwest Territories that are part of CYFN, four Gwitchin members we are talking about the monies that they brought in and how they want to start networking as well.

We all have common issues. The Gwitchin have common issues; that is why they joined CYFN so we can become a strong voice for the First Nations people in the north. We are working to be able to provide one strong voice for First Nations out of the North. When we go to Ottawa we are working together on joint lobby efforts on common issues we know we have. We are going to take a joint message, one message to Ottawa and that is for the Northwest Territories as well as the Yukon.

Again, these agreements have really given us the tools to make these impacts, to make these changes in our people's lives. Government continues to push their implementation on us.

We went through a process that took us a number of years, a number of man hours. A process that, to us, was very near and dear to our hearts and very important to us. We are talking about our children, our families.

To me the residential schools and the atrocities that happened have changed a lot over the years. People have healed, people are on their healing path, but we still have our kids being taken away from us, taken away and put into government systems.

In the Yukon, we are working to put a stop to that. We try to work with the local government. We entered into a process; we were working with them for four years to come up with joint legislation that we could both be comfortable with. While we were going through this process they would still come in and take our children away and put them into care.

At the end of the day the government walked away. We were meeting with the premier and some of his cabinet members and some of the chiefs, and we had four issues that we could not agree on. We asked the premier if he was going to sit down and

if we could extend this process a little longer and he said no, “We are going to push this through to legislation.” I thanked him for that because that helped us to move forward at a faster pace with respect to our governance, because now we have three First Nation governments in CYFN looking at our own legislation for our own children and our own families.

One of the First Nation governments, the Carcross/Tagish have developed their own act, *Family and Children Act* that goes back to our core beliefs and our core teachings from our elders as to how we treat one another and how we bring up the family and the child. Again, I thanked the premier for that because it is allowing us to move forward and recognize our governance and the powers that we have, the powers that came by way of these agreements.

They are tools to assist us to make these differences in our lives that will greatly impact our lives and we want to get that experience out there. We want to be able to work with other nations, our brothers and sisters from across the country. If they want that help, we are there to help them. We are there to assist them if they have any issues or any problems with implementation, if there are any files they want assistance on or any general knowledge, we will kindly offer that up and we will work with them.

It is an honour to be here and I want to thank the Treaty Commission again for inviting me to speak and give you a small taste or insight as to some of the problems we have and some of the many, many successes that we have and that we can continue to have. I think when it comes to relationships it is important that we start and we develop and we maintain a relationship with each other. There are many ways we can stay in touch — the Internet, telephones, conference calls — and we have to be able to work together, whether it is joint investments or issues we can take to Ottawa to make a difference in our communities and our nations. We can do that together. In the Yukon we want to work with others and we are willing and we are prepared to work with others.

Chief Sophie Pierre spoke about the need to take the lead on building relationships. I fully agree with those comments that relationships are very important, especially with other governments and industry. If you cannot get government on side — and I’m sure many of you have done this — we started going directly to industry, and we tell them what we want to do and how we can work together and then we approach government together. There again, we are building that relationship up front to make a difference, to make industry know that we are not the enemy; we are there to work with them. But there are areas where we are going through court cases. Little Salmon Carmacks is going through another court case in the Yukon because industry has come wanting to open a mine and just push their way through the First Nation government.

The agreements have given us the tools to stop that. And Little Salmon Carmacks at the end of the day I know will be successful. All Little Salmon Carmacks wants to do is to be able to sit down with industry and come up with an memorandum of understanding that is going to benefit both parties.

Again, I just want to thank everybody for taking the time to hear what I had to say. On a personal note I appreciate these conferences. It gives us an opportunity to hear others’ thoughts and ideas. I will be taking a lot of this back home and taking back some of the connections and some of the people I have met. I will take a lead on developing relationships with people I have met down here. Thank you for your time.

# Keynote Speaker:

## Dr. Stephen Cornell, University of Arizona, Native Nations Institute, Harvard Project on American Indian Economic Development

Thank you all very much. It is always a pleasure to be in Canada and I appreciate the chance to come up here again. I want to thank Brian Mitchell and the BC Treaty Commission for inviting me and I thank the Coast Salish people for the privilege of being in your territory and homeland.

I wasn't able to sit in on many of the workshops today, but I have a feeling I may be preaching to the choir here. You have been talking about governance and economic development — a set of issues which are very close to my own activity. I hope that I can give you a few thoughts to add to what you are discussing over these few days. I understand this conference is part of the treaty process in the sense that it's one of a series of dialogues organized by the Treaty Commission. But there are also other issues that are coming up in the treaty process here in British Columbia.

In some sense it is about treaties, but I think it's about much more than that. You're all involved in much more than that in things that are more important than treaties. Treaties after all are really just tools. Treaties are tools that nations can use to do the things they want to do.

It seems to me that what you and your nations are engaged in most fundamentally is not treaty making, it is nation building. Or, if I listened to Chief Oren Lyons, chief of the Onondaga people, it is nation rebuilding. It is rebuilding nations that once exercised governance over lands and peoples in this entire region and did so superbly well.

This treaty process, I would think from a First Nations' point of view, is about bringing that kind of a world back to life again. You are engaged in a profound and colossal effort to rescue your nations

from the legacies of colonialism, to reclaim your place on this land and to reassert your voice in the major decisions that affect your lives. That's what this conference is about, and to me, that's what rebuilding native nations is about.

Treaty making is just one part of that. It's laying out a system of rights and obligations and understandings between yourselves on the one hand and the Crown and the Province of British Columbia on the other. But it also represents a very special kind of opportunity. The treaty process represents an opportunity not only to make a treaty, but to put in place the kinds of tools that you need to exercise your rights effectively.

Some of you know this better than I do because you are actually doing it right now. You are seizing the opportunity of treaty making to build capable governing systems, and in doing so, you are getting even deeper into the process of nation building.

About two-and-a-half years ago I had the privilege, partly with the help of Neil Sterritt, to host a group of aboriginal Australians — the indigenous people of Australia — on a visit to the United States and Canada. They spent some time in Arizona and New Mexico and then visited some First Nations here in British Columbia to talk about governance issues. One of the places we visited was Nisga'a to talk about their treaty, which of course took place outside of the BC treaty process, and about the Nisga'a Lisims Government.

Our group was received by Edmund Wright, whom I'm sure many of you know, and he told us an interesting story. He talked about the 20-plus years it took Nisga'a to secure that treaty. He said it

completely absorbed them. It was an enormous effort requiring incredible amounts of time and energy and they pulled it off. They got a treaty that recognizes their claims to land and their rights to govern themselves.

He said the day the treaty was signed they all looked at each other and said, “Ay-yi-yi, now we have to govern. We pulled it off; we have these rights in our hands and now we have to deliver.”

“You know,” he said, “We really hadn’t thought about that. Nobody had had the time to think about what happens the day after you sign the treaty. What do you do then? We hadn’t prepared ourselves for what would happen next and suddenly we had to act like a government.”

I don’t think that’s an unusual situation. I have a colleague, Jim Anaya, a professor of law at the University of Arizona. Jim is probably the leading litigator for international indigenous rights in the world today. Not long ago Jim won a big case in the World Court. It had to do with the rights of the indigenous people of Belize, a small country in Central America, to control what happens on their lands and to govern themselves.

The indigenous people there are Mayan Indians. When the court decision came down the Mayans looked at each other and said, “This is fabulous, we won. No one expected us to win. The World Court just told us you have these rights, now what do we do? What do we do with those rights? How do we use them to pursue our goals?” They hadn’t really thought about what happens the day after the treaty.

While this is what happens in these kinds of situations, in some ways I think about it as at the end of the struggle for rights for self determination. There is a prize for the winners; it’s called the governance challenge. It’s what you face next and it’s a very different challenge. Can you deliver for your people? You have to translate rights into a good life and finding the solutions to problems, into wise decisions, into selfless leadership, into a better future.

The rights challenge and the governance challenge are very different things. The rights challenge has an endpoint. It’s this point where you’ve either got them in your hand or you don’t. You have a treaty in hand that specifies your rights or you have a court decision that specifies your rights or you have an agreement that specifies your rights.

Granted that’s not the whole story. Even when you have those things in hand you may still have to defend them; it doesn’t mean you can relax. But once achieved, those rights are no longer the focus of political and community life, the focus changes.

But that’s not true for governance. Governance doesn’t come to an end. You don’t meet the governance challenge once and for all. It happens every day. There is no endpoint. It’s this daily task where you have to deliver for your people what the rights made an opportunity out of. The rights open the door; then it all depends on what you do with it.

So you have to deliver not once, not twice, but every day from now on. And, it’s not just you; it’s those who come after you. They have to deliver as well, over and over. The question is: Do they have the tools in hand to do it?

Furthermore, in the governance challenge, the focus of your work isn’t on some opposition out there, on the feds, the province, or somebody who has been leaning on you for decades, generations. Now the focus is you, it’s on what you do. It’s not on what they agree to; it’s on what you are capable of delivering.

I’m reminded of a tribal leader in the United States who once said to me, “The trouble with this self determination and sovereignty stuff is that once you’ve got it you can’t go around blaming the feds for everything anymore. Now it’s up to you.” He said it gets pretty uncomfortable.

Furthermore, governance turns out to be a critical piece of defending your rights. If you can’t govern well, then eventually somebody is going to step in and take those rights away again, particularly in the countries that you and I live in where there



is skepticism to begin with about whether First Nations can govern effectively.

I remember another tribal leader who told me and some colleagues that the best defence of sovereignty is to exercise it effectively. It's not to litigate or to march in the streets, it's to govern well, that's how you do it. Governing well is the best revenge. That's where you win not only rights, but you win respect and support.

I think governance is the name of the nation-building game. Yes, rights matter. Toothless governance, that's governments that have no real power, they're useless. If you don't have real power, why be in the governance game? But rights without capable government are useless, too. They don't get you anywhere. They state you have a right but they don't do anything else for you.

What good is it to have a right to the land if you can't make and implement good decisions about what happens on that land? What good is it to have the right to decide what happens in your community if your community is in such disarray that it can't decide what to do? You can have rights, but if you can't deliver on what the rights promise, you're dead.

I think this is true in the economic arena as well. Consider two indigenous nations. Let's call them nation A and nation B. I'm calling them that out of respect for them. They're real nations from the U.S. but I'll keep them anonymous here.

Nation A is asset rich, it has a large land base with diverse and pretty substantial natural resources. It has a large supply of educated people. It's in a promising location for economic development. It has a vibrant cultural heritage that is still apparent in language, ceremony, social relationships. It has the right, in the view of the United States, to govern itself, but its history over the last few decades is of failed initiatives, failed enterprises, persistent social problems; very little works at nation A.

Despite the assets it remains heavily dependent on federal dollars and every federal dollar is a leash

around its neck. It's dependent on federal dollars not only to support its people, but even to run its own government. Where is the self determination in running a dependent government? Its people, for the most part, are unemployed, mired in poverty, angry, discouraged.

Then there is nation B, another real story. Nation B has far fewer assets. It actually has a very small land base that's broken up into pieces, some of them a 20-minute drive from each other; depleted natural resources, almost nothing marketable that is in the ground; a location far from major markets and transportation links; and lower rates of educational achievement than nation A, although it, too, displays a vibrant cultural heritage.

It, too, according to the United States has the right to govern itself, but in contrast to nation A, nation B has done very well. It has created businesses and jobs in such profusion that it has to look outside the nation for new employees. It's importing labour because there aren't enough tribal citizens to fill all the jobs they have created. Its businesses yield significant revenues that the nation now uses to fund its own court system, police force, schools and health clinic, and to meet its peoples' social needs. It's investing in cultural and language activities, and it has dramatically reduced its dependence on federal funds, thereby it dramatically increased its own freedom of action.

Now what's the difference? Both of these nations face pretty much the same legal and political environments. Both face notable amounts of racism in nearby non-native communities. Both have talented, visionary leaders. Both have fought hard to protect their rights. But those factors cannot explain why one goes this way and one the other.

It turns out that the key difference between these two nations has been in how they organized themselves to pursue their own objectives. Nation A, the one in such difficulty, has a written constitution that specifies how it governs itself. It's a constitution that came largely from the U.S. government. It provides no stability in the nation's

governance, no accountability in the nation's governance. It includes dysfunctional decision-making tools.

Tribal government has few roots in indigenous conceptions of authority, how you should exercise power. The tribal council is a battlefield where various families and factions fight with each other over who gets to control the jobs, the houses, the services. Some years one extended family wins and they throw anyone who opposes them out of office, hire their friends and relatives and monopolize the resources. A couple of years later another family wins and they throw out the last bunch, bring in their friends and relatives, and monopolize the goodies. Business ventures are politicized. Some disputes within the nation have ended up in violence. Each new administration brings new priorities, systematic firings and massive turnover in personnel.

One result is that a lot of talented employees, many of them citizens of the nation, get tired of banging their heads against the wall and simply move away. They head for Chicago or Minneapolis or someplace where they think they might get a better shake.

As result, all the assets that nation A has — natural resources, an educated workforce and a location close to markets — all of that goes to waste.

Nation B, on the other hand, has a radically different situation. They, too, have a written constitution, but they wrote it; it's their own system of governance. It provides a stable foundation for them. It makes the rules clear so everyone knows who has what rights and powers and how things should be done, and the rules are enforced. No one is above the law.

Politics are kept in their place. People are hired on their merits. Changes in tribal administration don't lead to upheavals; they lead to continuity. Operating in this more secure and encouraging environment, the nation's employees stick around, they invest in their own professional development. The result is, despite limited assets, the nation is thriving.

I think perhaps the most important indicator is that people who moved away years ago when things were much worse are coming home. The former chief of that nation said, "That is my measure of success. My people used to leave; today they come home."

These are governance stories. That is the difference in these two nations. It's not the assets. It's whether or not you can take whatever assets you have — generous assets, minimal assets — and put them to work in effective ways. Governance turns out to be fundamental to everything.

I often talk to foundations or federal agencies that want to address particular issues of First Nation communities. They are interested in health or they want to do something about education or they want to start an economic development project, something like that. I often ask them, "Have you considered the governance issues?" And they ask, "What do you mean?"

Let's think about it. You want talented people to run these programs you're going to start, right? How long will talented people stick around on the reserve if they discover that every time there's an election and a new administration comes in half the people working for the government get fired? In fact, if you didn't vote for the right person you might lose your job, too. Would you stick around under those conditions? Probably not.

How about strategic direction? If you're running a program for the nation, wouldn't you like to know what the nation's priorities are so that you can be sure your program is on the right page? What if the nation hasn't identified those priorities? What if the priorities change every time there's an election? What if they're priorities that nobody actually pays any attention to? They were written up in a document at that strategic session we did last year and they've been gathering dust on the shelf; nobody's looked at them since.

What if you discover that the nation has six different social services programs — this is coming from a nation in my own state of Arizona — but

the managers of those programs never talk to each other, there's no team building and everybody is just covering his or her behind. What do you think the chances are that your new social program is going to have a major impact under those conditions?

Or let's say you set up a health care program and discover you can't get rid of incompetent people because they have friends in powerful places who force you to reinstate them.

The stories can go on. How long will these programs and development initiatives last under these conditions? While all of those are governance issues, if you don't address the governance problem, then you probably won't be able to address the education problem or the health problem or the economic development problem because governance is the foundation upon which all of those other things sit. It's the thing that has to work if the other things are going to last.

What is governance? I am going to give you a broad definition. To me, governance is how a nation translates the will of its people into sustained, organized, effective action. What do your people want on this land 50 years from now for their grandchildren? Governance is about how you translate that vision into sustained, effective, organized action today. It is how the decisions in front of the council this afternoon get decided on the basis of what gets us closer to that vision and what keeps us further away from it.

Governance to me refers to a set of principles and mechanisms that enable you to translate that vision, the will of the people, into action. And by principles, I mean fundamental understandings of the community that come out of your own experience and culture of what the community is about, what its purposes are, the basis of authority in the community and the appropriate organizational use of that authority.

We have done some work with some of the Pueblo nations in the southwestern United States. In the more traditional of those Pueblo nations a key

principle of governance has to do with the primacy of the sacred, and a division between sacred and secular aspects of governments.

What does that look like? It means that ultimate authorities within these Pueblo communities, the more traditional ones, rest in the hands of spiritual officers — not elected leaders — spiritual officers who come up through an apprentice system in the traditional, spiritual societies in those communities. They are the ultimate authority. But they never deal with the U.S. government, the state of New Mexico or the school systems. That is all in the hands of secular officials. They pick the people who are skilled at doing that and they say to those secular officials, "Your primary responsibility is to protect the spiritual core of Pueblo life from the impositions of that white man world out there. You have to be good at dealing with that world because that world threatens what is most important to our people. It threatens the place where ultimate authority in Pueblo life lies." That is a governance principle.

They have organized a system of governance to try and realize that fundamental value, but they've done it realistically saying, "Okay, we are going to organize governance around protecting that sacred core and we are going to use hot shot negotiators, skilled people who know that outside world and can help us keep it at bay. " They combine the two.

Other principles may be critically important. One nation may view it as dangerous to place great power in the hands of single individuals. Some of the nations I have worked with in Canada and the United States in their cultures don't think it's a good idea to give one person a whole lot of power. If you go back and look at the ways they governed themselves under traditions of freedom they dispersed power to various bands and people. You can run this operation, but that doesn't put you above the rest of us. When that operation is over the power comes back to the centre.

Yet another nation may believe that constituent villages, districts or kinship-based units within the nation should have a lot of authority in their own

affairs. Don't concentrate it at the centre the way the U.S. government or the Canadian government wants you to do. No, they want a centralized government with one man or woman who is in charge, so they know who to talk to and the decisions get made and all of that.

That's one idea of governance. But if these are going to be successful nations, they have to respect their own ideas of governance and find ways to make them work in the contemporary world.

Ideally, each nation's principles are reflected in the practical mechanisms of government that each nation adopts; things like written constitutions, designated sets of offices, legal codes, the laws that your nations pass and the mechanisms for enforcing those laws, your agreements with other governments, a host of other practical tools that form the nuts and bolts of governments, and how you get stuff done on a daily basis. Those mechanisms, which are the way you operate every day, are informed by those underlying principles that say in our governance operation here's what we're trying to protect, here's what we're trying to change, and here's what we're trying to achieve.

I think the task of identifying what those core principles are and then finding mechanisms that are capable of addressing the real world you live in today is an extremely difficult world to survive in. The task of combining those principles with the effective mechanisms is the hard work of nation building. That's where a lot of the work of moving from rights to successful nations gets done; building governance systems that respect your core values but are capable of dealing with the real world you face.

Let me close with a few questions you might want to ask yourself as you confront what I call the governance challenge, because at the end of a process like the British Columbia treaty process it seems to me that is where everyone is headed.

The first question is: are you using the treaty process to address governance issues? My guess

is most of you are one way or another. Some of you are doing it in these workshops yesterday and today and the treaty process asks you to address those issues. But it's not just a question of talking about it. So I have rephrased the question a little differently.

First, will you come out of the treaty process with genuine, substantive power over what happens on your lands, over the form of your own governments, over the form and process of economic development on your lands, and over the organization of your communities? Will you actually be in the driver's seat of your own affairs, and if not, what is the point?

Number two: are you creating the governance tools that you need? Not the *Indian Act* — that was never conceived as an instrumental power of substantial governance as far as I can tell. As John Beaucage told us last night it was a control mechanism; today it is a burden on First Nations. You need governance tools that are robust, that are capable of realizing your dreams. That means constitutions, separations of powers, and limits on the abilities of politicians to disrupt enterprises and programs, provisions for continuity instead of upheaval when there are elections, sound management practices and the like.

I compare nation building to house building. If you are going to build a house you better have some pretty good tools. They have to be precise, they have to hold up under hard work and they have to be capable of the job at hand. The same is true of building nations — you better have some good tools in hand. That is the governance challenge.

Third, and it may be a little late in the game of this treaty process to raise this issue, but have you considered the boundaries of governance? What do I mean by that? I'll give you a couple of examples, one from BC and one from elsewhere.

Chief Sophie Pierre is here with others from the Ktunaxa nation, which decided to organize its own governance system, not at the First Nations level but at what we might think of as the tribal level.

Five First Nations joined together in the Ktunaxa Nation. Those five First Nations retain powers of their own, but they are building governing institutions at a broader boundary, linking arms together, and they are going to be far stronger as a result.

They are not the only ones. This summer I was up in the Northwest Territories visiting the Tlicho people, formally the Dogrib people. They were four separate First Nations that have joined together to create the Tlicho Government. Again, some powers remain in the hands of the member First Nation communities, but they are building something much stronger, much more potent and much more capable by joining hands together to form an overarching system of governance and acting as a single people.

There are others who are doing it, too. I think this is a remarkable kind of nation rebuilding. I am very interested to see how those things play out because I think it's an effort by First Nations to reconstitute the nations that were here before Canada, the nations that Canadian policies shredded into tiny postage stamp reserves and villages which they then designated as the appropriate units for everything. It's an attempt to recreate the nations that Canada pulled to pieces. I think it's an inspiring effort.

By the boundaries of governance, I simply mean to raise the question: are there other nations with whom you share culture, language, perhaps history, even a watershed, with whom you should be linking arms, knowing that in the long run such relationships are a source of power?

Fourth, and I will leave you with this one: do you have the leadership you need? In our experience, good leaders have vision, we all know that. They can communicate, they're willing to work brutal hours, you all know this much better than I do — I just observe it, you live it. We could go through an entire list. But I want to leave you with a slightly different thought: do you have the kind of leadership that lives what it talks about?

If your leadership talk about serving the nation, is that what it does instead of just serving a portion of the nation, a faction or a family? Does your leadership obey the rules? These aren't indigenous questions; these are governance questions any community anywhere in the world faces. Does your leadership do what it expects everyone else to do?

I'm going to finish with a leadership story, partly because it illustrates what I'm talking about and partly because it's a good story. I come from a country where we ought to be thinking more about the kinds of questions I'm raising — not indigenous nations — the United States. We specialize in going around the world and telling people how to govern themselves, typically with our system. "Hey, you've got a problem? We're Americans, we've got the solution." I hope I'm not fitting into that profile here.

I think these issues I'm raising — I really want to underline this — these aren't indigenous issues; these are human issues. Human societies have spent generations trying to figure out how to govern well. Your nation solved that. You wouldn't be here if sometime in the distant past you hadn't solved those problems. There is a lot that nations around the world could learn from what you have done in the past and maybe will be able to learn from what you do today.

Here's the leadership story. It comes from someone many of you know, Mike Mitchell, former Grand Chief of the Akwesasne, the Mohawk Council of Akwesasne.

Akwesasne has been engaged in the nation building effort for some time. One of the things they've done that I think it is pretty interesting is they tried to find openings in Canadian and provincial law where they could assert their own governing power, where there were issues they were concerned about where they could fill a void. One of the areas they discovered was the regulation of the waterfront on their land, along the St. Lawrence and what happens in those waters and what happens to the animals and the wildlife on their land.

They had some issues with Quebec and Ontario and the Canadian government about that and they decided the best way to address these issues was for them to assert their own governing power over these things. If they were going to do it, they said, “We better do it well because we don’t want to invite the kind of court action or other actions that might pull the rug out from under us. So let’s be smart.”

They decided the first thing they would do is write a conservation code that specified what the law was along the waterfront in dealing with animals, the land and wildlife. They looked at other conservation codes and they did a careful job of putting a conservation code together. Then, they said they were going to have to have some people to enforce these laws. It’s one thing to have a law but if you can’t enforce it, it’s pretty meaningless.

So they decided they would establish some conservation rangers. They got some tribal citizens and they asked Ontario if they would let them put the rangers through Ontario’s police academy. Ontario said, “Are you kidding? No.” So being creative, they looked to the State of New York — the other side of the river — and asked the state of New York, “Can we send our guys to your state police academy?” New York said, “If you’re willing to pay the fees, sure send them along.”

These rangers were sent through the full training course at the New York State Police Academy and certified as law enforcement officers in the state of New York. They were brought back to Mohawk, sent out and then the nation realized that if these guys actually apprehend violators, they would need a court to deal with those cases. So they set up a conservation court and trained judges. They wanted people who walked in the door to know it’s a court, it’s serious and it does things right. They set up a room with Mohawk flags, big desks, and made it look like a real court.

A few years ago, Mike Mitchell, as Grand Chief, was talking to a group of elders in the community about this. He was telling them why the nation was doing this, what nation building was all about sharing his pride in what the nation was

accomplishing. Suddenly the door at the back of the room opened and a couple of the conservation rangers walked in. Mike was thrilled. He said, “By chance here are a couple of our rangers. These are two of the guys we sent off to Albany to get trained and here they are. They’re doing a great job.”

One of the rangers said, “Chief, when you’re done with the meeting can we have a word with you?” Mike finished the meeting, went up to the two rangers and one said, “Chief, we’ve got a problem. You know that neighbour of yours up on the hill that raises pigs? Something has been killing some of his piglets. He called us up there to investigate and we found a blood trail, chief, and that blood trail led from his pig sty to your door. It looks like that Siberian husky of yours has been having pork for dinner lately. We’re going to have to cite you, Chief Mitchell, for failure to control your animal, which is a violation of this section of the Mohawk conservation code.

So the rangers wrote Mike up and he had to go to Mohawk court. The judge said, “Chief Mitchell, you violated this section of the code, which specifies compensation to the owner of the piglets. I’m going to hit you with \$80 a piglet and on top of that there’s a fine.” Mike wrote a cheque, paid it and the case was closed.

Not long after, he was walking down the street and ran into one of the elders who’d been in that community meeting. The elder said, “We were watching you, Chief Mitchell. We weren’t sure those guys would actually cite you — you’re the chief. But they did. We wondered if you would show up in court and if you would pay that fine. You showed up and you paid. We’ve decided that you’re okay, Chief Mitchell.”

Mike’s response was, “Of course I paid. That’s Mohawk law.”

That story is a nation building story. That’s what it was about. Not just the conservation code, though that was one piece of it. Not just the court and the rangers, those were pieces of it, too. It’s the leadership that put the nation first. That one

incident suddenly demonstrated to every Mohawk that when the Mohawk nation adopts a law it is serious and nobody in the nation is above it.

I think that's what makes it a nation building story. I think you are nation builders here today. You have a lot tougher job than I do. I get to go look at nation building stories, but you have to try and live them. I salute you for that and thank you for your time, letting me share some thoughts with you. Thank you very much.

# Community Engagement Session:

## Chris Corrigan, Process Artist and Community Facilitator

Good afternoon. It's good to see you, it's good to see many old friends here — not old friends, but friends I have known for a while — and connect with some new folks as well. It's really good to catch up and be back here.

I have done work with the Treaty Commission over the past number of years, as well as working with a number of First Nations and the provincial government and federal government. I've been lucky to see the treaty process from all sides. As a result, I have some stories to tell and some questions for you on the nature of community engagement.

While I am setting up, I want to take a minute, just in silence, and think about the challenge you have right now engaging your community in the work you are doing. One of the hardest parts of doing this work, whether it's community planning or treaty making, at this huge level where all the stakes are so high, is how do you work with your community members? How do you engage them? How do you get them to own what it is that we're doing?

I invite you to take a moment on your own and right down the number one challenge that you face in doing this work now, in moving to doing more engagement work with your community.

I want to begin this afternoon by saying I think consultation is dead. That is my first provocative statement. I think the idea that one person can stand up in front of a room like this with all the answers and people can meaningfully contribute, I think that idea is dead.

I think it's dead because I think people are jaded about those kinds of processes. Think about the kinds of consultation processes as First Nations

you are subjected to by the province or the federal government all the time. I'm not talking about consultation in terms of the Haida/Taku; I'm talking about community consultation staff.

People are jaded because they give their best thinking but they don't know where it goes. They spend time and energy coming up with ideas and nobody ever gets back to them. People don't show up to ask questions that they don't know the answer to in consultative processes.

I don't think it's dead because we're not doing a good job of it; I think it's dead because people are over-done with it. I don't know how many of you feel like you would love to — if you had the opportunity this afternoon — to go to a consultation session. Put your hands up. On whatever topic — health, economic development or whatever it is. It's just dying as a practice.

What I think it's time for now is engagement that brings community back to life, because that's what our communities really need. These are businesses we're running here. These are groups of people, our family members, our friends, our enemies in some cases. People who we're in relationships with and have been in relationships with because our ancestors were in relationships with each other and our descendents will be in relationships with each other.

There's a reason for living together in a community — it provides us with life. When our communities are sick and when our communities are not talking to one another we get into these situations where everything we do seems to exacerbate and make worse all the stuff that's pulling us apart. Here's a fundamental principle and this comes from a biologist, Umberto Matzeramo (sic), a really interesting guy. He studied living systems and self



organization and all kinds of other things. One thing he came up with is the way to heal a living system is to connect it to more of itself.

Any time we are doing community healing work, any time we are bringing people back together, we know one thing we have to do is to connect communities to themselves again.

As I give my presentation and then accept questions from you, I invite you to start thinking about why treaties can't be the things that reconnect our communities. Why do they have to be a thing that it is so hard for us to explain, where people get in the way, that is just so difficult? It's like you want to enter into a treaty process, you want to enter into a community planning process and the nightmares that come up with it — child welfare, community planning, health planning. You start thinking, "How are we going to do it?" We go into those processes with that kind of energy and we end up encountering all kinds of issues and problems.

My fundamental principle here is that any of these big initiatives we're doing — the ones that Stephen (Cornell) was talking about — there's always an opportunity for those things to actually bring our communities closer together. Why not? Why wouldn't we do it like that? Why wouldn't we begin entering into treaty negotiations with the express purpose that it would make things better? It would actually contribute and make our community more whole.

I want to show you some pictures of the shape of consultation. These are just random. This is some Scottish rail consultation. It divides all its stakeholders into little boxes. Here's another consultation process that comes from somewhere in the UK. It's pretty, it has nice color, so maybe it's an improvement but again it's like everything is divided into little boxes — everything is chunked away. There's no way any of the people in any of those circles are talking to each other. It doesn't really look like a community.

Here's another one. Does this look more like a community to you? It might look more like a community because it's a housing strategy and

it seems to be something in the centre. That sounds familiar to us. There's stuff on the outside, but if you look, none of the things on the outside of that diagram are connected to one another. So it's still really not a community. In fact, it puts people into little boxes.

One of the things I learned when I was doing treaty negotiations or consultations for the federal government up in the Cariboo when Robert (Phillips) was with Cariboo Tribal Council, is we would go out and have consultations with loggers. We would have loggers on our regional advisory committees and we would sit there and want to talk to them about what their interests were. One day a couple of loggers came in and said, "We want to be a part of what is going on in terms of the consultation you are doing with the regional advisory committee on the Cariboo Tribal Council. And by the way, we live at Sugar Cane."

That was one of the communities. You would not believe the amount of paper that flew around the federal government about what do we do with these band members that wanted to be on the regional advisory committee.

The fact is that our communities are not divided up into stakeholder groups like that; they are much more complex than that. We belong to all kinds of different affiliations. So consultation processes that divide us up like that also divide our communities like that and contribute to some of that kind of sickness stuff.

It's kind of unfair of me to take tables like this out of context, but this one I haven't got a clue what's going on here. I just googled stakeholder analysis and this came up. One thing I think is happening here is lots of people are working at cross purposes and it seems to be a design of the process. At least they're honest. We will give them credit there.

Here's another one. These are all just shapes of consultation. All of those shapes look like the shape at the bottom to me. They all share certain fundamental things, kind of a broadcast consultation.

There is one person at some point in that process that holds the purpose for why we're doing this, whether it's a housing strategy or some rail strategy or maybe it's a treaty negotiator trying to explain to the community what's going on. You have the purpose that's kind of hidden. I don't know how many of you have been in band meetings — has anybody here not been in a band meeting before? I'm going to come back to band meetings.

At band meetings one thing happens. People sit up at the front and it's almost like someone has secrets and we're trying to tell people what's going on. We're doing our best to communicate. A lot of times people out there are going, "I don't get it, what is it you're not telling me? What's the secret?" And you start getting into this cross examination.

I think watching too many courtroom dramas is really not teaching us how to talk to one another anymore. There are always cross examinations going on. "Did you take my advice into consideration?" Yes and no questions, these kinds of things. Or, impossible questions — "How much did what I say mean to you?" "I can't answer that question."

Broadcast consultation like this is very difficult. It divides, it isolates us. The leadership owns the results of the work. This is something we were guilty of when I worked for government and I think we're all guilty of that to some extent. We go out, we consult and we take the results back. What about these people we just spent all our time with? Do they own the results? You're talking about treaty implementation here. Who do you think is going to implement these things? We got them signed off. It's not going to be the negotiating team. If they are community members maybe, but you need a lot more people to do the heavy lifting of actually living in a community that's implementing its rights. So who owns this stuff?

One thing that's good about broadcast consultation is, despite everything else, it seems to be very efficient, which is why we do it. We have these three-month consultation processes and we get in love with the idea that the efficiency factor

will be really good for us. We also get in love with the idea that you know we are actually talking to one another. You could make some legitimate objection to the community at this point and say, "No. In all these things we're having good conversations back and forth, there's lots of to and fro."

I think that's probably true and that we don't spend a lot of time thinking about what the whole conversation is; the one where community members can actually care for the whole. Where, as a stakeholder, you can come into a process and say, "Yes, it's about my interests but I can also see it's about the community's interest, too." You need to spend more time building containers like that.

Those containers have that shape, their co-ownership over the results of all this work of treaty making. And co-ownership has shared purpose. Somebody asked the grand chief earlier how do you get everybody on board? He said the first thing was you have to make sure that you're all doing the same thing and you've got a shared purpose.

A shared purpose is like one that's in the middle, that's not owned by anybody. When you put something in the middle of the circle the only way to understand it is if everybody around the circle makes a contribution about what they're seeing, because it doesn't look the same from every angle. So, shared purpose is important.

Dialogue is important as opposed to cross examination. Actually sitting with one another and asking what the hell is going on. That's a really good question. What does this mean? How are we going to do this? Questions you don't know the answers to and then engaging in dialogue like that. Co-ownership unifies communities and it actually provides a container in which there can be a collective ownership of results. But there can also be dissent in there. It's a good, healthy place for dissent because there are no right and wrong answers when you're trying to figure out your way in the world. The bad news is it takes time, but the good news is we're not going anywhere.

Here's what I think the shape of community engagement sometimes looks like. You will notice — look at the shape on the top there — you see all these people standing around. There's this purpose in the middle. This is a Haida canoe coming back — probably the repatriation, some bones or something they're bringing back — and here they all are, everybody pulling together, everybody co-owned this purpose. That canoe is not going to move on its own and it's not going to stay upright if they keep standing up like that.

Here's another depiction of what community looks like. This is a piece by Bo Dick and it's commemorating a memorial, it was prepared for a memorial in 1993. Look at that shape. Everybody is standing around the outside. Everybody is contributing to remembering the person that has passed and caring for that family and making sure that everything that goes on in that memorial keeps the culture intact.

Here's another one. This is more for my culture where I come from in Ojibwa country. We're gathered around playing and this drum in our tradition represents the heartbeat. As everybody in the community is playing, we're all contributing to the community heartbeat. If you play music of any kind with people, you realize that in music making there's a lot you can learn about community engagement and co-ownership in music making.

Here's another one. Anybody recognize that? Yes, that's Bella Bella. That's a big supper that was put on for some ball teams that came back from the all native tournament, but everybody is there. Everybody is showing up and you see what's happening in the middle — people are being honoured. But these kinds of things can't happen unless people do the work of cooking, do the work of eating. And you can't really honour people as a community if you don't even show up. So even to show up here and be a part of the celebration and a part of what is going on is really important.

These are really key shapes in these communities. This is a community that's engaged. This is a community that's doing work. You go back to the

Haidas — these guys are doing work. This is serious business bringing home the bones. This is not just how to reorganize ourselves for a good time.

Here's the first question I invite you to think about this afternoon. What is the current challenge in designing and implementing community engagement that contributes to healing in your community? In other words, if you were really going to do this work of making treaties that heal, what is the number one challenge you are facing right now as a leader, as someone involved in the treaty team, as somebody who is maybe involved in doing this engagement? Are there any that come to mind? Just shout them out.

Intergenerational trauma. Residential schools. Are you talking about the difference between adults and youth? The layers of trauma, intergenerational trauma. What else?

Complexity and the amount of information that has to be discussed. Is it possible for every community member to know every single thing about the treaty? No, of course not. But the huge amounts of complexity.

Yes, it is hard to knit together a community when you have people in three or four different cities and two or three different countries. This colonization piece that Lydia raised is a really good one. If there is one thing I invite you to take away from this it's about being conscious, being aware of the processes we use when we talk to the community to make sure they are our processes; to make sure that we're not operating out of a colonized mindset.

This is, for me, is a key piece of leadership that I discovered as I have travelled around, a key piece that leaders are getting a handle on. The stuff that's going on in their communities, that they're working on their own mental models, the way they see the world. They're re-establishing themselves in connection with some of these other shapes, some of these shapes that make sense rather than some of these ones that don't really make all that much sense.

This is a box of kindling. I want to elucidate. I want to explain three principles that I have learned about community. These principles I have encountered through my time working in consultation and my time working with First Nations here, in the States and in other places. They all inform my practice really deeply and a lot of the places I've seen people working, they really inform their practice as well.

This box of kindling is a reminder of a story I heard from a Cheam elder. I was working out in Cheam doing some work bringing some youth and elders together — there were about 25 elders. We were gathered for lunch one day and one elder said, "You know things are not like they used to be." I asked how so. He said, "In the old days if someone was coming up your path to visit you you would go out and cut kindling. Today, we just pull down the blinds."

I think about this every time I'm out cutting kindling. I wonder who is going to come and visit. But for me there is a key teaching in here, which is about hospitality. A real authentic community is about welcoming each other, it's about hospitality, it's about feeding each other and keeping each other warm when we come together; a key principle. I'm going to elucidate principles we can use to design community engagement that is different from consultation.

First one, hospitality and welcoming the visitor. Second one, anyone recognize this building? It's kind of a strange angle. Yes, it's Fort Rupert. The elders gave us permission to have this photograph and to work in here.

I was working with a network of aboriginal youths from around the province. Some of you probably know them — BOLT — Building Our Legacy Together. One of the things they started to do a couple of years ago was to go around to different communities and run events where youth could find their own strength in the community and be able to participate in what was going on in community life. When the elders and the chiefs discovered we were coming up to Fort Rupert

they said you have to meet in the big house. You have to meet in there because that's where it all starts. We had a lot of elders there that day, a lot of youth there that day and the kinds of teachings and the kinds of connections that went on were incredible. This reminds me of a story from an elder of mine from Ontario, Bruce Elijah, an Oneida elder.

Bruce told me one time when I was starting out in my career, about 15 years ago, and running a consultation process... I asked him, "What kind of advice can you give to somebody that's never done this before?" He asked if I would do a lot of community healing and told me that when I go to communities the first thing I should ask the people I'm meeting with is to take me to the place of power in this community and let's work from there. It's funny; sometimes they'll scratch their head and take me to the band office, or sometimes the church. But we don't have the conversation about why.

A lot of times it will be to a sacred place in the community, it will be to a place where we have traditionally met, it will be the long house or it will be to some other place where ceremony goes on. And we start to work from there. I asked Bruce, "Why do you do that?" He said, "Because that's the place in which we are absolutely who we are. That is absolutely the core place. We can start there from our power; then we can begin to work out from there." That helps to get our key purpose together.

The thing about that place of power is that it can be a physical place but it can also be a kind of psychological place. Who are you when you're strong? Who is this nation when it's at its best? These kinds of questions begin to take us right to our place of power from which we can then work.

Here's the last principle, and it's a very simple principle, but it's captured in this little diagram I did. I've been working the last couple of years in the Navajo country with some people that are doing some health promotion and community outreach around diabetes prevention specifically,

but around a bunch of other stuff. The Navajo elders tell us all the time that nothing will happen, nothing ever happens without 'ka', this word: 'ka'. For them 'ka' is the word that describes the connection we have between the two of us, between the four of us, between any of us.

So when we're in a relationship with each other we have some 'ka'. They talk about it like there is a flow that goes between us. They said if you don't have that you can't do any work. So the most important thing, our elders are saying, is you have to foster that right. You have to foster that 'ka'.

What do you do when things really start to go haywire? The elders were saying you can walk through, you can take that courageous walk through politics if you're still connected going into it and coming out of it at the end of the day. But when we sever the connections we have with each other — and this is something Stephen was saying — when we choose people, when we privilege people in the community and we sever the connections we have with them and we lose the 'ka' it actually makes it harder for us to do things in the future.

The thing to guard against any time we are doing community engagement is: "Are we sacrificing relationships at the altar of the efficiency." Sometimes, we just have to get it done. We haven't got time for all this talk. We haven't got time to include everybody. Okay, that's fine, but if you're going to make that decision, I am always advising people, let's measure the cost first. Are we going to be able to come back to people and expect them to participate in processes after we have done that to them? Are they going to worry that if things take too long next time the same thing will happen? Are we contributing to the social capital we need in our community?

The Navajo call this 'ka' and I've heard this principle all over BC, and I pronounce it badly but the way it's pronounced in Tsimshian and Nisga'a country, is sayt ki'lim goot. It means of one heart.

In Nuu-chah-nulth country we have [native word] — it's a key principle. It means everything is one.

I've heard Hawiik (sic) when I'm out on the West Coast meetings and ask whether what we're doing has sawack (sic). They will do that because they want to make sure there's interdependence here; that there's one that's represented here. It's a key principle.

Down in the Coast Salish territories one of the words I have learned is 'nautsa mawt' (sic), meaning one mind. It shows up everywhere. The Navajo call it 'ka'. It's a key principle for designing community engagement, for working with our people. Are we living our own principles? As Stephen was saying, are we living into our own laws?

I always love having elders, and if I am on the coast as we are, in meetings because they will hold us to that accountability that that is who we really are.

Here's a question, and I am actually going to give you a few minutes to talk about it with your neighbours. Turn to one another and have a five-minute go at this question: why is it even important that we live in communities? What do communities give us? What we get from it? It's not a question we think about all the time. Yes, we're making treaties to sustain the communities, but we should think about why it's actually important that we even live together. We could all just move to the city. Why is it important that we stay in a community? And what can we learn about engagement from the way we do it in daily life?

Turn to one another for a few minutes and whatever comes to mind on that think of a few principles on your own.

[GROUP DISCUSSIONS]

Wrap up the current thoughts. Did anything come up for anyone? What are some of the answers out there?

Answer: Sense of identity

Chris: A sense of identity is why it's important to live in a community because then we know who we are.

Answer: Source of strength.

Chris: It's a source of strength? How so?  
Communities provide a sense of support that makes it possible for individuals to do better than if they were on their own and that's key to our culture.

Answer: Culture and tradition.

Chris: The culture and traditions are there, right. Land in the community and they are held there. There's a reciprocal, there's a gifting piece in here. You've got to give to live in it. Give to live — there's a slogan.

All those teachings, that good way of life, it's all there when we have the language, when we have a culture and we have the identity together.

This is key. I want to move into seven principles that in some of the work I've been doing with some of you here in this room and others that we've learned actually fosters community engagement that comes out of who we are as people.

I was doing some work the last number of years on the community linkage around all of this, with the Child and Family Services regionalization. It wasn't always popular work, but I was working in communities that were saying, "If we're going to do work for our kids and on behalf of our children, let's ask the question about what's at the centre of that work." What's at the centre of that work is the kids themselves. So we chose a principle of some of the work we were doing on Vancouver Island of putting children at the centre.

When we put children at the centre, the next question we had was, "How do we create engagement that flows from this idea of putting children at the centre?" How would we do engagement with community people from that perspective? So we asked this question, "How do children inspire us to engage?" It's a really interesting question. It's a fascinating document recovering process.

The question of how children inspire us to engage came up and we came up with all kinds of different answers. One of which was that children inspire us to engage. There were about 40 of us in the circle training together and this elder told a story.

She said, "My granddaughter was asked if she played violin, and she replied, 'I don't know I've never tried.'"

Children inspire us to engage out of possibility. Most of us would say, "I don't know. No, I don't. I've never done it, I don't."

This is the piece here. Children inspire us to listen to one another. Children inspire us not to make false promises to one another. Children inspire us to play.

We were thinking about how we act when we have children in the room. There are some meetings that happen in the world, very few of them, but some that I wouldn't bring my children to for what goes on. And some of those meetings I know that if I had my children there everything would be different. It's interesting.

We were thinking about how we can create structures in which we put children at the centre and what would happen if we actually brought children into those settings. How does it change us, because we have teachings about how to behave when we're around children.

The first key principle: find a centre, find something that you can continually come back to that roots you in who you are.

Second principle: I said it before; don't sacrifice relationships at the altar of efficiency.

If you're going to do engagement, for me there's a balancing of three things: work, co-learning and relationship building.

Work, if you just do it on its own. This is one way to tell the story: if you just do work on its own, it's just drudgery. Like I've got to wash the dishes, change the diaper.

If you're doing just relationships on their own, you know you're just being in relationships with each other. It's like a party or something.

If you're just doing learning on its own, it's like going to school. There's no work, there's no relationship, there's just learning, learning, learning.

If you're doing work and learning together — that's how you get innovation. That's how you get innovative thinking because together we're working and together we're learning, co-learning. That's where innovative thinking comes from. But there are lots of people who do innovative thinking that end up hating each other afterwards — high performance work teams they're called. They get into some pretty high performance anxieties with each other. If you don't pay attention to the relationships, that suffers.

And if you're just doing work, good work, and good relationships without doing any learning together, without doing any innovation, that just provides a nice happy status quo, right?

Put up your hand if you've worked in the federal government. I shouldn't knock our federal friends but I have so I'm telling you.

It's like we get along really well, we do good work together but we're not really innovating, we're not really learning, we're not really doing things differently.

If you do relationships and learning together without doing any work, that's like a road trip. It's like, hey, let's go on a trip. We'll go see somewhere we've never been and have a good time and we'll be fast friends when we come home. We're not doing anything though. That would be called a holiday, not work.

But if you do these three things together and you pay attention to work, relationships, learning with people, and you're including lots of people in this, you can sustain the sweet spot of engagement because this will result in sustainability. This will

mean that when times get tough we're going to hang in there with each other instead of just saying, "You're no good; we're voting you out of office." If we're working in it together here, this provides the sustainability we need to implement treaties, to implement community planning. That's the second principle: balance, work, relationship, and co-learning.

The third principle... this is another map. I showed you those other maps of consultation processes. This is a map of a consultation process, a community planning process actually, that I was doing with some other friends at the Quinault nation down in Washington State. Some of you have relations down there, some of you know them. They are hard ass on sovereignty. Do you know Joe Delacruise? That's his community — sovereignty fighters from the sixties.

Okay, Boldt decision, Quinault. These guys are hard core. Strong, powerful community and they're stuck. So they needed to do some strategic planning. This contract actually began because they couldn't make their entire band operations fit into a data base because nobody talked to each other in the band office or in the tribal office anymore. All the departments were doing totally different things, so we said, "We need to do a planning process that thinks about the future and we need to start from a good key centre."

What's the best story about Quinault? The one that everybody tells whenever they go anywhere else and everybody told us? It's about the Blue Backs. Do you know what Blue Backs are? They're sockeye salmon. The southernmost sockeye run in North America. They come up the Quinault River. You see those sockeye in the middle there? Those sockeye represent everything they wanted the planning process to be because they wanted to involve as many community people as they could in creating a future. They were very cognizant of the fact that sockeye are born orphans, they die childless, they give their entire life for a generation they'll never see and they've never had any schooling in how to live. It's fascinating how salmon get back.

For them this was a really inspiring story. We made it — you can see the basis of a healthy sockeye habitat is these core values, for a strong community down here at the bottom there's forest. It's a respect and leadership, wisdom, learning and stewardship — those are all things they identified as we went forward.

This little piece was actually a 12 x 8 foot mural that we harvested from a community conversation but we reduced it down to an 8-1/2 x 11" or 8-1/2 x 14" thing and everyone started carrying it around the community.

I get what the planning is about. It's about the Blue Backs and it's about thinking about the future the way the Blue Backs do.

The next thing we did was took it to a conversation with people in the community and we asked what the really important areas we need to work on were. They came up with these domains: wellness, community, prosperity, learning and land. In the middle there's a Quinault word: it says Tsóoto. It means plan and it also means hope in the Quinault language.

They began to organize all the tribal operations around these domains. It was really interesting because none of the tribal operations were named any of these things. There was no prosperity department, no wellness department. There's a health department but there are others that were involved in other things.

What happened was the community set these — 200 people came to some consensus on what these were. Then 200 more people met and came up with some end states based on these domains. What's interesting about all of these is that the tribal government at every level needs to talk to each other if it's going to meet these end states because there is no wellness department. There's a health department but the education department needs to be involved and the land department needs to be involved, as well as the economic development department.

So we started convening these conversations within the Tribal Government. The point is that this principle and the story that comes from it is work from the deepest stories about who you are and you need to include as many people as you can in helping to tell what that story is.

The next principle, the fourth principle, is the invitation process. Anybody recognize this person? That's Lila Brown. Lila is a Cowichan member and has been associated with Squamish as well. That's her son down there, Tyee. Lila is the best person at invitation that I have ever met.

One of the ways you want to encourage people to get involved in community engagement processes is through invitation. Don't just send the flyer out in the mail. How come nobody came to our meeting? You've got to do better than that.

Invitation is a process and we know how to do it. Lila and I were working on the Victoria Urban Development Agreement a couple of years ago. We were going to have a big community meeting and Lila said, "I'll help spread the news." She printed up these brochures. She also bought a bunch of baskets, put a plant in the basket, some food and a brochure, and she took them around to all the aboriginal organizations in Victoria and left them on the reception desk. People would come out because they were watering all of the plants and they'd water this new one without even thinking about it, pick up this thing and think, "This is interesting."

After she finished doing that she was heading back home and she went past the Salvation Army and there were a couple of guys lined up, waiting to go inside. These were exactly the kind of guys we needed.

We were hired to do aboriginal engagement on an Urban Development Agreement that had been going for two years and nobody had thought to ask Indians anything. It's like, who are we working for again? Who lives in downtown Victoria? After a year they said, "Maybe we should have an aboriginal engagement piece."



So Lila goes down to the Salvation Army and there are these two guys standing outside. Lila's got a lot of songs, you can see she's singing here at this community event and they say, "Hey, pretty lady, what are you doing?"

So she came across the street and said, "We're having a community meeting, do you want to come?"

They asked, "Is there going to be food?"

She replied, "Yeah, of course, it's going to be a feast."

"Is there going to be music?" they asked.

"What kind of music?" she responded.

"Like this kind of music," the guy says and he starts playing air guitar and singing old country songs.

She asks, "Do you know this one?" and starts playing air drum and singing an old Squamish song.

These two guys went, hey, she does Indian music. Cool. Hey, here's another one. She gave another tune and they went back and forth like this for an hour and a half before they finally went into the shelter.

At the end of that, these guys said, "Listen, how many of those invitations have you got?"

She said, "I've got a hundred of them right here."

"Just give them to us," they said. "We'll take care of them. We'll spread them out. We'll make sure everybody is there"

"Great!" she thought. "The community can co-own the invitation."

They went all over Victoria and the day of the community meeting the way I knew we had the community in the room was because at lunch somebody made an announcement and said,

"There's an illegally parked shopping cart in the back and it needs to be moved."

One guy got up and said, "It's mine. I've got to take care of it because it has a coffee holder on it." Three other people stood up and said, "A tricked out shopping cart. I've got to see this." That's how I knew we had all the right people in the room.

The invitation wasn't sent out by the mayor's office. The invitation was co-owned by the community. Community can do this. This could be good. There's going to be some singing. We're going to be talking about our future. We're going to eat. Why don't you come? I'm going.

Think about invitation beyond just a brochure. Invitation is a process.

The next principle is a key one. Have a good question. When you're doing any kind of consultation or engagement, have a question you don't know the answer to. It always boggles my mind whenever I work for government and we're doing consultation processes that there's somebody standing up at the front and they're getting asked questions.

I'm like, wait a second. This is a consultation process. You're supposed to be asking these people the questions. These are the smart people. You're the guy that's stuck. That's how it works. But they always seem to get into that pattern where this person is up here defending his or her work and all these people are attacking and asking questions for clarity. But we don't get any conversation going.

I would look at a room like this or I would look at a collective. This is an elder. If I look at a community as wise, as the wisest elder, what are the questions I would ask? Here's a good question we asked in the Victoria process that we didn't know the answer to. It was posed by the chief, Chief Andy Thomas, from Esquimalt. He said, "You make sure, everybody who is here at the end of two days, that the stuff discussed doesn't end up on a shelf. "

Somebody asked, "How do we do that?"

He said, "I don't know, but you better figure it out."

So we said cool, well we'll make a question. How can we continue to work together to keep this work off the shelf and make stuff happen?

A basic question, but none of us knew the answer to it. All 60 people there answered that question and many of them took ownership for the results — doing some community gardening, doing some housing work and so on and so forth. We knew that it was going to be Lila and me and a couple of government geeks that this thing wasn't going to fly. Consultants and government geeks don't make a good mix.

Second to last principle, the sixth principle: always have a participatory process. This is a group of people I was working with in New York City in May. Really amazing street youth outreach group, very radical group of people and they were stuck in their organization. It was just time to reconnect the system to more of itself.

Have conversations between people. Not like this, but between people. Participatory process builds engagement because you get voices in the room, you get ownership in the room, and you manage to tap the wisdom that's there.

Most of my pictures look like this because I'm a facilitator. So it's pictures of people doing meetings.

These guys are really interesting. They all run native radio stations in the United States.

This is the last principle. The native radio stations they run in the States get funded predominantly by their own sources, but they also get funded by foundations. Some of the foundations were saying, "We have to have a way of measuring your effectiveness."

I don't know if you've travelled in the States or if you have a radio station at home. We're talking about tiny little radio stations. They asked, "How do you want us to prove that were effective?"

The foundations said, "You have to show the number of listeners you have. "

"Is 15 enough, because that's how many we've got? This is so confusing," the stations replied.

This project I'm working on with this organization, a network in the States called The Native Public Media, is to actually invite the community to define its own evaluation standards because the foundations need to measure impact.

So we said, "How do you measure the impact of a tiny little radio station when all it does is language programming? It's a very important role with very few listeners. So we began by asking the question, "What would happen if the radio station disappeared overnight?"

When you confront your own death you get really clear about the role you play in the world. If they started recording all of their ideas around, here's what we really do, here's who we really are, here's how you can measure us, so the number of language speakers in the community, the number of people that get vaccinated, the number of people that get out of the way of the floodwaters when we broadcast emergency messages, these are all ways to measure our impact. If we didn't have that media then people will be swept away all the time.

People are totally capable of coming up with measuring their own work. That's another principle.

I'm going to leave you with this. I want to say that the work here is to continue. These are principles that I learned but you have your own stories of community engagement. All of you are doing innovative work at some level, and the approach here is to work on developing what works. It's sometimes called an appreciative approach. We take our assets and we appreciate them. We take what's working and we grow it, we learn from our best successes to make more success elsewhere.

To create the principles of community engagement what other practices can you add to the list?

Because when we get it all right, when we get it all right and we sometimes do, we get community meetings that look like this.

This is my little buddy from Ehattesaht who was at one of our gatherings. We need the children there to hold us accountable. He was pretty happy with the way the day went.

Thank you very much for your time and the invitation to be here. Good luck with the work.

# BC First Nations Political Panel: BC Regional Chief Shawn Atleo, Assembly of First Nations

Good morning everybody. It's an honour to have been asked by the Treaty Commission — and I thank you Acting Chief Commissioner Wilson and your colleagues — for inviting me to be a part of this panel. It's always an honour to be here with Grand Chief Stewart Phillip and Grand Chief Ed John as one of the seven members of the Leadership Council. Grand Chief Doug Kelly is here, Dan Smith is here, our other colleagues on the Leadership Council.

I wanted to begin this panel with a bit of a reflection on where I think my entry point comes in, where I end up sitting with these gentlemen, being on the Leadership Council, and where we find ourselves at this juncture, an important juncture in my view.

I recall that when the treaty process got initiated I was working for my people, Ahousaht, who are part of Nuu-chah-nulth. I arrived at a conversation in Ahousaht representing our big house. My name, A-in-chut, comes from that big house. Seven generations ago was the last time there was an A-in-chut. It just so happened that the last A-in-chut was there during a war that took place between Ahousaht and a group that no longer is recognized as being in existence. But we still have people with those roots and lineages. In fact, we have people in Nuu-chah-nulth that carry that name.

I begin here because I think that when it comes to the objectives of this conference — and the portions I have attended have been fantastic — and the focus of this panel, I believe relate to a lot of these experiences that many of us bring from our respective territories, whether it's up in the Interior or up in the North and for us on the outer West Coast of Vancouver Island, and it has to do with our relationships with one another.

When the treaty negotiation processes commenced I was asked by our people to ensure that I was stepping forward and working with my father, Dr. Richard Atleo, who at that time held the hereditary chieftainship. One of the first things we had to determine was how it was that the hereditary chiefs were going to work with the elected chief and council that had been in place since my late grandfather's day. He was involved in putting the chief and council system in place. Of course we all know that history we're coming from over the last number of decades.

In villages like Ahousaht and in villages throughout all our territories we know that this is still an ongoing project we have underway. That's our internal relationships, that's reconciling with one another and it's recognizing that we didn't create the conditions under which the *Indian Act* was brought into place. We didn't create the conditions, these were very powerful efforts that resulted in the situation we find ourselves in where we are 203 First Nations in British Columbia but probably more accurately we're 30 different family groups in this province. We're 633 across the country but we're more properly 50-plus family groups or linguistic nations across what is now known as Canada.

I wanted to begin with this because it relates to where we are now and instructs us to a certain extent about where we should think about heading and how to overcome some of the challenges that face us when it comes to the questions that have been posed here at this session.

Ahousaht is one of 14 with Nuu-chah-nulth, but more accurately Ahousaht is probably one of 40 historic groups that are Nuu-chah-nulth. So, we arrive at a place where we can't, as my late grandfather instructed me, let go of any of this. It's not in our right to do that.

At times I think there are many of us who carry hereditary traditional responsibilities that end up in elected roles that sometimes feel like we're in the midst of a walking conflict or that we have roles that are diametrically, at times, opposed to one another. Yet we are also at a time when we have to find a way past, over or through what could otherwise be divisive conflict, and find a way for that tension to be about bringing forth the best of our historic principles around governance. We have amongst our people — and we know this very well because we are in the midst of trying to recapture the very best — the brilliance of the historic governance system.

But we also know the kinds of pressures that are out there. The kind of mindsets that exist that suggest that what we had and what we have is not something that should be recognized or held in high regard.

Some of you might have heard the comments that were made by a fellow by the name of Dick Pound, chancellor of McGill University back east, who is involved in the Olympics. He made a comment, “when you talk about only 400 years ago there were only savages here,” expressing this notion that our ancestors did not have laws, morals or systems of government. It's a pervasive notion that in the fall of 2008 we are still faced with this.

We're all working hard so that our children and grandchildren — and I know the gentlemen to the left and right of me have grandchildren for whom they're concerned about this issue and my kids, who are now 19 and 21 respectively, — aren't faced with this, but now they're faced with it again. For how many more generations are we going to have these kinds of sentiments still being expressed?

From Ahousaht to Nuu-chah-nulth, I have the great privilege of now serving a second term as regional chief, again working in an elected role, keeping an eye out for how it is that I support my fellow hereditary chiefs in Ahousaht. We are working with our elected chiefs.

Ten, 11 years ago we signed a protocol between our two respective forms of government that we

would work as one, and we have been doing that. But of course we have been doing that outside of any framework that would recognize Haa-wiih-ness, which is our term for giving expression to the governance of the hereditary chiefs.

As a regional chief working at the national level, which is where I would mainly like to make comments to this panel, I have observed and learned over the last five years what's going on in these areas across the country and in the international arena. The national chief asked me to be involved when I first arrived in the role — how it is at the Organization of American States — indigenous communities from 34 countries make up the OAS in North, South and Central America. I have had the opportunity to learn how the indigenous people are coming together to ensure their rights are respected and recognized.

I grew up with a father who pursued his education, and the main aspect of history and modern times. He wanted me to be aware that in the mountains of various South American countries it's not uncommon, even up until recently, for indigenous people to be mowed down with guns if they got in the way of land developers. Yet we can see even here in Canada that there are many who have experienced similar things in terms of being displaced from the land and being completely non-recognized.

I have the great privilege, in my role as regional chief, to hold a number of files nationally. The one I wanted to reference is referred to as the Recognition and Implementation of First Nation Governments work. I want to reference this because in January 2004 I started work as regional chief with the Assembly of First Nations. In the summer of 2004 there was a national assembly in Charlottetown at which there was a resolution that I still look back on as being one of the most pivotal or fundamental resolutions in my tenure as regional chief. It was a resolution that was moved and seconded by Ed and Stewart, respectively. It talked about needing to revise the comprehensive claims and policy foundation and inherent rights policy foundation, and to do it in a joint manner.

It was at that time that I thought about our history in BC and where I'd come from — Ahousaht — and knowing the work the Union of BC Indian Chiefs had been doing over the years, the First Nations Summit had been doing over the years, and recognizing that there's a common thread here that has to do with the non-recognition of who we are in a fundamental way. That still is the foundation upon which negotiations are happening, not just in British Columbia but across this entire country.

It's a policy foundation of non-recognition that impacts not only those who want to pursue the negotiation of modern day agreements, but those who are seeking to have 200-year old agreements respected and implemented and enforced. Those who have signed agreements throughout the North that are now involved in the Treaty Coalition (First Nations Land Claim Agreements Coalition) are saying to governments, "We're seeing that the agreements we negotiated are not being implemented with the spirit and intent with which they were intended. "

We hear that from those who have signed recently and we also hear that from those who signed many centuries ago. There's a common theme that leads us back to a national policy framework that's built on this foundation of non-recognition and cuts across all our territories.

What does this mean then for us in BC? We see what's happened most recently, after that resolution in the summer of 2004, that in the spring of 2005 after work on a number of areas — most, I think, focussed on children and families — the crisis that we were experiencing at that time, when the Leadership Accord was signed. Three organizations in the spring of 2005 said, with the instruction of the chiefs, "We have got to find ways to work together. "

The underlying message is that in isolation it's going to be incredibly difficult because collectively we still are only four per cent of the national population. It's extremely challenging to move and shift policy if we're unable to find a way to come

together and overcome the differences that we may have and work hard to find the common threads. In my view, the common thread of dealing with non-recognition really has to be something that binds us together. It impacts every single one of our policy files from children and families to all the resource sectors, etc.

Then we talk about being able to work across regions. Most recently our colleagues sat down with the regional chief from Ontario and several grand chiefs, exchanging notes about things like gaming. As Chief Sophie Pierre said, we're the only jurisdiction in this country that doesn't have a gaming revenue sharing agreement. We've been learning what Ontario's looks like and how they were organized politically and able to successfully arrive at an agreement. They don't think of it as the panacea, that it's the end all and be all, but nevertheless, they're pleased with where they were able to get. We've also been talking to the Quebec region and we'll be having more conversations with them.

I also note that there are other processes happening across the country, like in Nova Scotia, a process that's referred to as a made-in-Nova Scotia process. When I look at this from a national perspective, I get a sense that even if we are working in isolation between regions, are we then able to achieve the policy shifts at a national level that we so desperately need for our people?

I'll leave that and table this as one of the questions for consideration for this delegation: how can we and the Treaty Commission and the Leadership Council come together to tackle these fundamental policy issues that we deal with across the country? We know that we can achieve joint policy success.

It was BC that was the principal impetus behind pursuing the specific claims resolution. So now we have a law, Bill C-30, that was jointly developed — and I was honoured to be co-chair on that task force — with a man from the prime minister's office. So there is now an independent tribunal in place.

How can we take advantage of Senator St. Germaine's recent report on treaty implementation? I told the senator, "I think you're focussing on an important aspect here, looking at the issues around the implementation of treaties, because if you don't have a treaty yet, and if you're pursuing one, what does the implementation process look like? Right now we know there isn't a framework at a national level that would support full treaty implementation based on what we would understand the spirit and intent of these agreements to be." I wanted to reflect on that.

We still have this policy basis at a national level. It's a mandate that exists through the Assembly of First Nations that was strongly supported by the chiefs in assembly in March of 2005. It was a national report that talked about joint policy development. It was a national report that said the government is in a conflict of interest; they are both judge and jury when it comes to resolving outstanding land question issues with our people.

So Bill C-30 was an exercise in joint policy review. It was not without its challenges because while we've had joint policy development exercises in the past, we have yet to be tackling some of these major policy issues on a national basis. Policy issues like the non-recognition and the extinguishment policies that the federal government still insists on.

We find ourselves today on the heels of major developments like the apology, something that the national chief had been working hard and pursuing. We're sitting here on the heels of the passage of the UN Declaration, which I'd been involved in a number of years ago — and most recently Grand Chief Ed John was involved in — in a significant way. These are major, major developments.

Stateside we may have the election of the first African American president, who I believe has expressed a strong commitment to tribal nations down there. I don't know if it comes with a willingness to sign on to the UN Declaration. Maybe Ed has more information about where Barack Obama sits on that particular point.

Then we could reduce that isolation of Canada being one of four right now to being one of three who haven't signed it.

Lastly, the Hul'qumi'num are as we speak returning from — if they haven't returned from — Washington, DC where they're filing a human rights complaint with the Organization of American States. They're filing a human rights complaint with an organization that normally just receives complaints from countries like Nicaragua or Columbia. You can add Canada to the list of countries that Indigenous peoples are going to the Organization of American States with complaints about. They're saying Canada has failed to deal with, in this case, a railway grant on Vancouver Island, resulting in the privatization of the entire southeast quarter of the Island.

It brings us to this moment here, to what we have been talking about over the last several days. I was honoured to participate in the economic development session with Sophie. As we talked about in that session, in February 23rd to the 25th, I will be hosting a chief's assembly on economic development and the environment. Our working title — *Rebuilding Our Economies and Repairing the Environment* — was in fact inspired by Sophie. To continue on this track, we know what's happened in the federal election — we have another Conservative minority. We also know that we're heading into a provincial election and municipal elections.

Working together we can impact elections. Working together, not only within our own regions but between regions, in my view, we can impact national policy as well. If we're divided and if governments see that we're unable, on key policy issues, to stand together, then we're going to be easy pickings. The government knows, and we share that notion, that over 40 court cases have been in our favour. When court cases go the government's way, they're implemented the next day. But we also know that the kinds of policy shifts that we're trying to achieve, they're sea change. They're not minor, they're a sea change. It should also be understood that these things are going to

take time, but are going to be more difficult if we don't find a way to continue to work together.

I know my colleagues will have things to talk about on a regional basis, whether it's our provincial recognition act pursuits, etc., but those are my thoughts because that's my point of entry as an Ahousaht member, who has served on the Nuu-chah-nulth Tribal Council executive and who is now honoured to be serving as regional chief, one of seven on the Leadership Council and one of three organizations.

I look forward to this conversation and to working with everyone in this room. I really appreciate the commitment that is there to make this a better world for our kids. That's what it's about.  
Thank You.



# BC First Nations Political Panel: Grand Chief Edward John, First Nations Summit Task Group

Thank you, good morning. To the Salish people, I thank them and acknowledge that we are on their traditional home lands, to our chiefs who are gathered here, to our elders, to the young people and to the organizers, the BC Treaty Commission. Good morning.

To the Treaty Commission, one of the really important functions it has is the ability to inform the public and to provide forums for public education. It's written in the mandate of the Treaty Commission, the legislation that set up the commission as well as the agreement preceding it.

I want to begin by acknowledging that I come from the northern part of this province. People further north from me say, "You're not really from the North, you're from the South." It's all relative. From the geographic centre of this province and at the watershed of three major rivers — the Skeena, the Fraser and the McKenzie River Watershed — and the convergence in the great plateau of the Interior, that has really served as a bread basket in a way through the forest resources to the province's economy. Those are my people who come from that part.

Even though I am from up there, I had a really good opportunity last night to see the opening of the Little House at Musqueam. To see the babies there, to see the elders there and to see, in this city of a million-plus people, that the people from that community, as well as many of the other Salish communities up in the Valley, over on the Island and south of the border, carrying on and recognizing the importance of their traditions, their practices and their cultures of who they are.

I think it's significant and it's really important that those relationships — forging of relationships — are not only between peoples but between

generations as well. Between generations is really significant and it's important to know those relationships. I saw three or four little ones, just babies — one, two, three months old. The parents and grandparents made a point to bring those little ones in to introduce them to hearing the drums, hearing the songs, smelling the smoke, hearing the laughter, seeing the people dancing and seeing the individual people who are singing their songs.

I say that out of complete respect for what I see one part of our peoples in this province doing — forging relationships between generations. I heard one of the elders lamenting the fact that as he looked around he saw a declining number of elders in these places, mostly because the elders were going on. But we see the generations, and between the generations, how these relationships, these teachings, these beliefs are being carried on. It's fundamentally important to have that and to build other relationships in the community and between First Nation communities.

This small panel up here is really just a representative body of the fact that First Nations in this province agreed to come together, forging relationships with each other to make a greater impact amongst ourselves; to work together and find solutions that are common. When it comes to land claims the Comprehensive Claims Policy is at the very root of one of the reasons why we're together. We've undertaken, as all of the chiefs here know, many steps to find solutions between ourselves. Of course the children were the fundamental basis on which we started to come together in the first place, to find those common grounds.

On the 24th of October in *Indian Country Today*, a daily Indian newspaper in the U.S. that I read all the time, there was an opinion piece by Barack Obama on the Native American Indians. I know

and you know Barack Obama is going to be the next president of the United States. I've never seen a document like this from any presidential candidate, nor a Canadian candidate for prime minister or provincial premier.

But here's a statement — it's a couple of pages long — that reads:

“And the truth is, few have been ignored by Washington for as long as American Indians. Too often, Washington pays lip service to working with tribes while taking a one-size-fits-all approach with tribal communities across the nation.”

“...My American Indian policy begins with creating a bond between an Obama administration and the tribal nations all across this country. We need more than just a government-to-government relationship; we need a nation-to-nation relationship, and I will make sure that tribal nations have a voice in the White House.

“I'll appoint an American Indian policy adviser to my senior White House staff to work with tribes, and host an annual summit at the White House with tribal leaders to come up with an agenda that works for tribal communities.”

In respect of treaties with Indian Tribes in the U.S. Barack said, “I believe treaty commitments are paramount law and I will fulfill those commitments as president of the United States.”

He begins by saying that Indians need more than just a government-to-government relationship. We need a nation-to-nation relationship. He concludes and talks about some of the quality of life issues, education, housing, and some of the things that are so fundamentally important here as well.

He says, “Where I grew up, there were not many black families so I know what it's like to be viewed as an outsider... You deserve a president who is committed to being a full partner with you; to respecting you, honouring you and working with you every day. That is the commitment I will make to you as president of the United States.”

I bring that out as an example of an approach and a policy and a strategy that I think is required in this country to forge different kinds of relationships and to recognize that there's an important historic foundation we have and to recognize that important foundation to build relationships on. Personally, I'm tired of hearing the dual nature of Canada, French and English.

Over the last number of years we've been hearing more about the 'third solitude'. We've heard that from the premier of this province, and we've heard that from the former prime minister about building and forging links, forging relationships.

The transformative change the previous government had talked about had a lot of buy in from our communities. There are a lot of questions, a lot of scepticism out there, but a healthy one at that. How do we build those relationships based on important fundamental principles? Personally, I don't see that with this new Conservative government, but we may have the opportunity. I'm mindful of the fact that historically we seem to have made more progress with the Conservative government than we've had with other governments. All you have to do is check the record to see that we have actually made significant and substantial progress.

I'm not suggesting that one party is better than the other; it's just to view some of the historic commitments and the historic changes that have happened, and where and how those have happened. This process began with a Conservative government, under Prime Minister Brian Mulroney. Of course there was the failed Meech Lake Accord and then there was the Charlottetown Accord that had a wide-sweeping recognition of Indian self-government in it.

In hindsight when I look back, if that package had been approved, and it had the political support necessary from the national government, from the provincial and territorial governments, and First Nations peoples across the country who were significant parts of that development. And it had that (support). Then the prime minister goes to

another step to hold a national referendum where that particular package got defeated. Of course, they have unresolved issues. In Quebec many in that community still figure they're on the outside and they're not really a significant part of Canada. We see that as the only place in this country where you have a political party like the Bloc that holds a significant number of seats from that province in the House of Parliament.

I wanted to lay some of those big context pictures in place and come back to the issues of governance and economic development capacity. I like the line that Shawn used about the walking conflict.

In many of our communities we have traditional systems of government that are hereditary, that we know. It's not everywhere across this province. We also have elected council systems, the only form of government that the government of Canada formally recognizes. It was for that very reason that Delgamuukw and the Gitksan hereditary chiefs and the Wet'suwet'en hereditary chiefs brought their important and famous case to the Supreme Court of Canada. It wasn't the elected chief and council who brought that litigation forward; it was the hereditary chiefs because they wanted to stand on what was truly theirs and they were able to tell their story from that perspective. We've seen fundamental ground shifts.

But we still don't see the governments say to the Gitksan or the Wet'suwet'en, "We fully recognize your form of government." There's a reluctance and even a refusal to go down that road, to go down that line. So inherent in that, you're going to find room for conflict within the community because of the roots that people stand on.

The economic development side of this is that our people need work. It's as fundamental as that. It's simple. Like anyone else, our people need work, we need a roof over our heads and we need to feed our families. Those are the three essential elements that everyone faces. This is an area I believe we need to pay far greater attention to in the work that we do.

As we sit in negotiating treaties in this province, I have to ask myself this: What is there in the treaties that supports and sustains our communities and our people? Why is it that we're involved in negotiating treaties and the resolution of treaty land claims in this province? Why are we doing that?"

We say for the betterment of our communities, to improve the lives of our people, to create opportunities, to be able to provide jobs, good education. We all want to see a better quality of life for our people. We say that to each other in our communities, but why we are negotiating treaties?

The question that you have to ask is if the treaties do that. Do the treaties provide that foundation? Our hope is that they do. That there's a full and complete recognition, a revenue sharing arrangement between governments and our First Nation governments, a recognition of the authority of tribal governments to allow for open, transparent governments in our communities, and to help our communities achieve the better quality of life that we all look for, for our peoples in our respective communities.

At the end of the day what I see is that — as in the words of the UN Declaration on the Rights of Indigenous Peoples, which create a set of standards — we don't set standards in this country. In this country standards are set. We call them policies. Those standards are largely arbitrary, they're always self-serving on the part of the government and they are largely unilateral. There have been few exceptions where there has been some engagement of First Nation peoples in standard setting.

So the UN Declaration and the emerging Organization of American States Declaration that's in the works — which Canada refuses to participate in — bring hope that we will see another set of standards. I'm mindful of the fact the Hul'qumi'num Group made their presentation to the Inter-American Commission on Human Rights to plead their case about their lands that were lost when lands were granted to an individual to build a

railway from Nanaimo to Victoria. We see that right across this country with railways, including the initial railway that was built here, and how people were dispossessed but private companies enriched as a result of that process.

The last point I want to make I want to use the example of Cowichan this past summer. The ability to use those games (North American Indigenous Games) to build and forge relationships within and amongst peoples in the Valley — the Cowichan Tribes, the Cowichan peoples and the non-aboriginal peoples in that area of the province and area of Vancouver Island.

I was amazed to see the huge numbers — over 2,200 — including many, many non-aboriginal peoples who were there participating, opening doors, recognizing and understanding who the Cowichan peoples are. Some of them were even holding drums and singing, which in many parts of this province you wouldn't see, but there was an ability to have that.

As we want to move forward there are still incredibly large challenges that exist. The relationship with the governments, the Crown federally, the Crown provincially; it's still a challenge in relationship. We are by no means out of the woods on this.

Any progress we've made on this front in relationship with the Crown has not come willingly on their part. All of it can be attributed and traced back to the court decisions that First Nations in this province have won against government and/or private interests.

I want to conclude on that note and thank the Treaty Commission for convening this session as a matter of public education in this province.

# BC First Nations Political Panel: Grand Chief Stewart Phillip, President, Union of British Columbia Indian Chiefs

Good morning everyone. I too would like to express my gratitude and respects to the Coast Salish People for the privilege of being on their territory to participate in this discussion here this morning. I would also like to thank the BC Treaty Commission for the kind invitation to participate in this panel.

Just a word on the introduction, I am no longer the chief of the Penticton Indian Band as of last Wednesday night, after serving our community for the last 24 years on council. We had our elections. Joan and I made a decision after the last election, some four years ago, that it would be my last term. We held our elections and a young man, Jonathan Kruger, is now the chief of the Penticton Indian Band. He's 37 years old. He served two terms on our band council. Our terms at the Penticton Indian Band are four years in length, so he has eight years of council experience.

Last night we had nominations for the balance of the band council positions and I was quite interested in the outcome. There were nineteen nominated. My wife Joan was among those that were nominated and another council member who, at one time back in the early 70's, was one of my students. I was the education councillor back in the day. But the point I'm making here is Joan and Joanie were by far the oldest nominees out of nineteen.

Change is taking place in our communities. Quite often we talk about the demographics of aboriginal people in this country. We talk about 70 per cent being below the age of 35, and so on and so forth. It's beginning to manifest itself in our community elections and our leadership is becoming younger and younger.

As I sat here listening to my colleagues, I was glancing around the room and I notice there's less and less gray in the room and that's a reflection of the times that we find ourselves in.

I began to think back to when I first got involved and many, many of the leaders that were carrying forward the issue of what was then known as native title are no longer with us.

I remember the discussions in our community hall back in those days and a lot of that discussion was carried on in our language, as were the discussions at our band council table. We know that's no longer the case.

When the issue of native title was being fought by those leaders to whom we owe so much to, I think it's helpful to remember the attitudes of Canada and the Province of British Columbia at the time. Back in those days Trudeau was the prime minister and we all know that when he swept to power it was very similar to Barack Obama. There was something described in the national press as Trudeau-mania and when Pierre Elliot Trudeau came to power, he enjoyed incredible support across this country. One of the first things he decided he should engage himself in was the White Paper Policy, which was an initiative to basically legislate us out of existence.

When the *Calder Case* went forward in '73, or there about, he was asked about his opinion of native title and he said something to the effect that just because some historical might-have-beens believe they have title, it doesn't necessarily make it so. When the *Calder* decision came down and we began that journey forward to achieve full recognition of our aboriginal title, he was once again asked about the outcome of that decision, and he said, "Obviously they have more rights than we originally thought."

Here in British Columbia it's been reported that Alan Williams was the attorney general of the Scred's and his views were more racist in their texture. He said, "Just because a bunch of rag tag Indians stumbled up and down the Rocky

Mountain Trench doesn't mean they hold title to the land."

That's the attitude that existed back in those days, and there hasn't been a lot of progress since. When you really look at the truth of the matter, Harper has achieved a stronger minority government and we all know that the heart and soul, the inner core of the Conservative Party of Canada, centres on individual rights. They are absolutely opposed to the notion of collective rights.

When Shawn described the efforts on behalf of Ed and me at the Assembly of First Nations national assembly to begin to lobby to change the Comprehensive Claims Policy, there was no success with the Liberal government. Mr. Nault was the minister at the time and after a number of letters and meetings that included the Department of Justice, the response was, "Why would we change the policy? The policy is being utilized and we're not hearing any complaints about the policy. So, it's our intention to continue with the 1986 Comprehensive Claims Policy, which we all know does not recognize title."

When the treaty process first started, we didn't have the advantage of the many, many court cases that have been handed down since that time, beginning with Delgamuukw. Yet the process has not reconciled itself with the legal principles of those Supreme Court decisions. Many, many of those decisions are within the reference that Regional Chief Atleo made in terms of us winning some 40 cases and yet the policy and the practice of both Canada and BC remain unchanged.

The Province of British Columbia, under great pressure, losing steadily in the courts, three and a half years ago came out with the so-called New Relationship and for the first time in approximately 13 years, the Union of BC Indian Chiefs was afforded a seat at the table, so to speak. The reason we made that decision was that the New Relationship was established for the purpose of recognizing, accommodating and reconciling our aboriginal title interests with those other interests that exist throughout the province. We saw it as a means, at long last, to have our aboriginal title interests recognized within our territories.

As our work has progressed over the last three and a half years, through the Leadership Accord, through the Leadership Council and our relationship with the Province through the New Relationship itself, we have advanced a proposal to essentially bring forward a BC aboriginal title and rights recognition act. That is still our intention and it's our hope this legislation will be brought forward in the spring.

There's a meeting that's going to take place later on in the month, November 25th and 26th. It's an All Chief's Meeting in regard to the recognition act agenda. In my view, it represents one of the most important opportunities and solutions to break the impasse in regard to the BC treaty process. I think it's important that we avail ourselves to be involved in that discussion.

Many of you were involved in the two sessions in Westbank in regard to legal strategies vis-à-vis the refusal of both the Province of British Columbia and Canada to recognize our aboriginal title interests and to continue to promote processes that do not recognize those interests. I think those meetings in Westbank were time well invested and I think we need to continue that work.

Last November, almost a year ago now, we met at Tsleil-Waututh and at the Chief Joe Mathias Centre over four days. At the end of that session we brought forward a declaration around our title and rights interests in British Columbia. I think that too is an important piece of work that needs to be fundamental to the collective work that we do from this point forward.

In my view, given the fact that the BC treaty process deeply divided our communities in this province over the last 16 years, I think the best outcome so far is the Leadership Accord. I'm very pleased, I'm very proud, that we were able to set aside our personal, political and ideological differences and come together in Richmond as we did on March 17, 2005 and sign off that Accord, which commits us to continue to work together for the well being of our children and our future generations. The commitment that was made was regardless

of governments coming and going, regardless of processes coming and going. We need to understand that and we need to remain united in our efforts to deal with these issues.

We have a very, very long way to go in regard to the unresolved aboriginal title issue in British Columbia. I know that some First Nation communities have utilized the treaty process as a means to develop greater capacity, to document history, language and strength and cultural institutions and I commend those communities.

The thing I find unsettling is the fact that the issue is no closer at hand than it was 16 years ago and many of our communities are mired in a huge debt load. Quite often you hear the political rhetoric around negotiations versus litigation, and you often hear how expensive court cases are. But I would suggest we could have bought a number of court cases for the \$400 million debt load that is now being carried, not to mention the billion-plus dollars that have been expended over the last 16 years.

I know we're all aware of the deepening crisis in all of our communities. The absence of a robust economy has provided an opportunity for an underground economy to arise in most of our communities, if not all of them. It involves organized crime, drug trade and drug related and gang related violence. That issue is worsening as every year goes by. So there's a far greater urgency now than there was 16 years ago to bring this issue to a conclusion.

The Province has told us two things on a number of occasions. The first thing they essentially tell us is that we should be thankful for the many things they have done for us in the last three and a half years. They're quite upset that we're not as grateful as they would like us to be. Of course they talk about the FRO's and this and that and the other thing.

The second thing they give expression to is how great the resistance is within caucus and within cabinet and that we need to be mindful of that lack of support. We have said on a number of occasions that we're more than happy to meet with cabinet or the caucus and have a discussion around the good

sense of resolving the land question in British Columbia based on the idea that a rising tide carries all boats. But they refuse to do that.

So the upcoming election in the spring is an important election for us. The work we do between now and the election is equally important. But, again, I feel good about the fact that we continue to collaborate in our efforts on moving this agenda forward. That has proven itself to be invaluable. But I think we need to have some pretty candid discussions from this point forward.

The last thing I would like to say, generally speaking I never have been able to support the model, the fundamental model of treaty making. I find it to be archaic, that it was something that probably worked back in the 1700 or 1800's; the notion of bringing forward consideration, so to speak, and getting the indigenous people to sign a document that provides the government with, essentially, title to our territorial lands.

It's a one-time only thing and I don't think that it comes anywhere near to meeting the standards of sustainability. I've always much preferred the model based on recognition, accommodation and reconciliation. Like all governments we would have ongoing access to the wealth from the resources within our communities to meet the growing costs of healthcare, education, economic development, infrastructure, governance and all those things that will continue to represent line items in our budgets from now until the end of time.

I think that's the model we need to support. But collectively we need to put our hearts together and our minds together to be able to deal with this situation that we have in front of us.

It's been an interesting journey, the last 16 years, and I'm happy that we are where we're at in terms of our relationships. With that, I thank you for your patience and the opportunity to speak this morning.

Thank you very much for the questions and the comments. Huay Lim Lim.

# Workshop Sessions Learning Outcomes and Best Practices

Workshops on governance, economic development and capacity building provided conference participants the opportunity to engage in discussion, share information and generate ideas.

Conference attendees were divided into three groups to attend each workshop. The common themes that emerged from each group on the three topics have been summarized below and reflect the views of the participants.

There were, however, some common ideas that emerged related to all three topics. Foremost is that establishing governance, developing economies and building capacity are closely linked. As such, many of the solutions identified apply to more than one area.

As well, although each First Nation community is in a different stage of establishing governance, developing their economies and building capacity, they can learn from the First Nations that have been through some of the processes and from each other. For example, there are lessons to be learned from Westbank First Nation in its implementation of a self government agreement and Tsawwassen First Nation as it prepares for implementation of its treaty.

Lastly, the discussions helped participants realize they are not alone in the process. Participants agreed it's important they tap into the existing resources and share their own experiences with one another, especially through forums like the conference. As well, where necessary, they should seek the expertise of organizations and consultants that have experience working with First Nations in these areas.

## Governance

From negotiating treaties to developing a constitution to implementing a land or custom

election code, leaders in First Nation communities have many governance issues to tackle.

One priority identified in the workshops is the need to establish a constitution as early as possible. The constitution is the framework that will guide the First Nation as it moves forward. It must reflect traditional culture and values as well as current governance and jurisdictions.

The constitution must reflect the needs of the community and not necessarily what already exists under the *Indian Act*. There may be processes adopted under the *Indian Act* that make sense and are applicable to a First Nation; apply what works and change what doesn't.

To be successful, the constitution must be developed with the input and involvement of the community, ensuring they understand what is involved, feel like they've had a say and take ownership. It must also be a living, dynamic document that can be modified in future as the needs of the community change.

Establishing a sound governance structure is another priority. It was strongly recommended that First Nations separate governance/politics from business, establishing separate corporate entities where possible and developing policies.

Identify the type of services — such as housing, health care, social and infrastructure — the government can provide now and where agreements with other governments may make more sense. Create effective institutions and mechanisms that will allow leaders to deal with issues and establish land codes, policies and procedures and decision making structures.

The same thought applies to creating laws and establishing jurisdictions. Identify and prioritize jurisdictions, including the areas you want to take



control over in the short and long term, or those better managed under other agencies. Identify those laws that are needed immediately and establish others as needed. It was agreed First Nations need to control the management and administration of their lands and resources.

Participants agreed the governance structure must be solid and stable so it can't be altered after elections if a new council comes in. The government must also be accountable to the citizens and there needs to be appropriate funding of resources to fund self governance.

For assistance, draw upon First Nation organizations such as the National Centre for First Nations Governance and other organizations familiar with governance.

## Economic Development Workshop

First Nation communities in BC are diverse. First Nations need to innovate to create economic prosperity for their communities taking into consideration their geography, location, resources, population and community capacities.

Participants agreed healthy economies contribute to healthy communities and that the overall emphasis should be on rebuilding their economies and not just focusing on economic development. To change their circumstances First Nations have to change how they view themselves because rebuilding goes hand in hand with attitude — “we're a people with rights and legal interests in our resources.”

There isn't a one-size-fits-all approach to developing an economy and there are many existing and new economic opportunities for First Nations to consider. Each First Nation will have different economic development opportunities available depending on location and region, whether it's forestry, fishing, tourism, mining or run of river power.

Explore those opportunities that exist for your community, and don't wait for a final agreement

through the treaty process to partner with companies that want to do business in your community.

Aboriginal rights and title, as defined in case law, must be recognized and exploited in pursuing economic development and obtaining revenue sharing through resources — mining, forestry, energy projects, etc. Ensure those companies that want to do business on your land adhere to your rights, title and respect for the land. Make sure you benefit from the long-term financial and economic development through the partnership.

Separate politics from business by establishing a separate corporate entity to pursue economic development. Own source revenue must be addressed, enabling First Nations to develop economic development opportunities that bring in revenue and make them more profitable and sustainable in the long term — not penalize them.

First Nation communities need to undertake comprehensive evaluation and planning — land use, resources, human resources, economic development, etc. — to determine what's needed, what opportunities exist and what challenges need to be overcome. When looking at future development opportunities, don't limit the potential to just reserve lands.

Eliminate existing government regulations, policies and legislation that challenge and hinder economic development opportunities. Sometimes it's necessary to proceed with development on lands rather than wait for Indian Affairs to process land designation paperwork because delays can threaten the business opportunities.

First Nation communities need to build relationships with business, industry, institutions and local government to foster economic development opportunities and to improve the effectiveness of dealing with provincial and federal governments. To pursue economic development and capitalize on training opportunities look at ways of leveraging money, such as government funding and grants. As part of overall planning,

train your people so they can fill positions, tap into the growing youth population, and support small businesses and entrepreneurs.

## Capacity Building

Treaty settlement land, cooperative management regimes, business opportunities and a solid governance structure mean little to a First Nation that doesn't have the people needed to make it all work. Identifying community members and supporting them to acquire the education and skills needed to be the community leaders of tomorrow is fundamental to building thriving communities.

It isn't a simple task or a short term one. It is a long term, comprehensive process that may require work in stages. One of the first and most important steps is to conduct a capacity survey to assess and identify strengths and voids, both in people and the community. From there, create a work plan for planning and implementation, setting priorities in the short and long term. Where necessary, partner with other governments and businesses to deliver services outside your expertise or financial capability.

Identify resources to address the lack of funding to plan and implement capacity building initiatives and programs. Take advantage of training opportunities, educational programs, grants, and other sources to train and employ people and implement programs or services.

As part of the implementation process, develop a comprehensive community plan with a collective vision that incorporates input from the leadership and the citizens. Hold community meetings to obtain feedback and direction. Citizens must have a say in the future of the community and buy into the plan.

Participants agreed it's imperative to engage and focus on youth, encouraging education, training and skills development, and creating incentive to live in the community. They are the future; as leaders retire, younger ones will take over. But

there has to be continuity and harmonization between the past and the future, as well as a respect for the knowledge held by elders and the existing leaders.

Recognizing that capacity building is also about community building, it is also essential to foster healing, build pride and self-esteem in individuals and the collective community.

# Forging Linkages and Finding Solutions: Summary of survey results

1. Overall, how would you rate the *Forging Linkages and Finding Solutions* conference?

- 89% of participants rated the conference good or excellent
- 7% rated it average

2. Overall, how would you rate the workshops you attended?

a) Governance

- 73% of participants rated this workshop good or excellent
- 18% rated it average

b) Economic Development

- 75% of participants rated this workshop good or excellent
- 16% rated it average

c) Capacity Building

- 86% of participants rated this workshop good or excellent
- 2% rated it average

3. Overall, how would you rate the First Nations political panel session?

- 64% of participants rated this panel good or excellent
- 4% rated it average

## What they said:

*“The workshops have made me take a good look at what’s working and what’s not working and where I need to re-evaluate my approach to make things better for our community.”*

*“It was good to see and talk to others who are doing the same things. They had good input in other situations we have.”*

*“I leave feeling inspired. I’m grateful for the opportunity to listen to and learn from my fellow leaders.”*

*“The discussions we had were of value for all participants. The experiences shared can certainly be used as a tool to forward their economic development projects.”*

*“Overall a very excellent conference. We need to provide information like this for tribes who are near AIP. This type of implementation info is a huge eye opener to our table. This gives us an avenue to be able to make informed decisions as opposed to what is put in front of us.”*

*“After many years of community engagement and consultation, it thrilled me to hear a new perspective. I want Chris Corrigan to come and help us with the daunting, never-ending task with community.”*

*“I found the workshops very powerful. Input from many nations on many different issues. So much sharing between nations. Ideas that will be used. Tools that we lacked can now be used to move us ahead.”*

*“I certainly gained so much from this conference. There was so much information sharing at each workshop; I find new tools that my nation can use in our quest for self governance.”*

## Biographies: Treaty Commission Hosts



JODY WILSON

Jody Wilson, Acting/Chief Commissioner since February 6, 2008, was re-elected commissioner in March 2007 to a third, two-year term by the First Nations Summit. Raised in the Comox Valley, Wilson is a member of the We Wai Kai First Nation of the Laich-Kwil-Tach Council of Chiefs. Prior to this post, Wilson worked for nine months as an advisor at the BC Treaty Commission and two years as a Provincial Crown Prosecutor. She holds a Bachelor of Laws from the University of British Columbia (1999) and a Bachelor of Arts in Political Science and History from the University of Victoria (1996). Wilson has been an active member of the BC Bar since 2000.



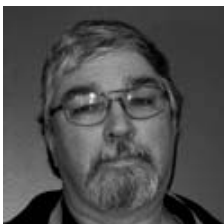
ROBERT PHILLIPS

Robert Phillips' was elected by the First Nations Summit to his first term as commissioner in March 2007. Robert is a member of the Northern Secwepemc te Qelmukw (Shuswap) of the Canim Lake First Nation. He holds a Bachelor of Arts degree from the University College of the Fraser Valley. Robert served as chief negotiator and prior to that as self-government director at the Northern Shuswap Tribal Council since 1998. Robert also has an extensive background in aboriginal justice and economic development.



JERRY LAMPERT

Jerry Lampert was appointed in December 2007 by the Government of Canada. Lampert served for 15 years as president and chief executive officer of the Business Council of British Columbia, where he was a vocal advocate for developing better business relationships with First Nations in British Columbia. Prior to joining the Business Council, Lampert was a principal in a government relations/public affairs consulting firm offering strategic and tactical advice to private sector corporations in their dealings with governments. He served as chief of staff to two Premiers of British Columbia and managed two successful provincial election campaigns in British Columbia. He has held many key political organization and advisory positions.



DAVE HAGGARD

Dave Haggard was appointed to a two-year term in February 2008 by the Government of British Columbia. A long-time labour leader and forestry advocate, Haggard has extensive experience facilitating negotiations with industry, labour, government and First Nations. Haggard has worked with a number of Vancouver Island First Nations, including the Maa-nulth. He was first elected in 1996 as national president of the Industrial, Wood and Allied Workers of Canada and has served as vice-president of the Canadian Labour Congress and the B.C. Federation of Labour. Born in Kamloops and raised in Barriere, Haggard's grandmother was a member of Simpcw First Nation (Chu Chua) located by the North Thompson River. He is married to Eileen, a member of the Nuu-chah-nulth First Nation.

## Biographies: Keynote Speakers



### CHIEF KIM BAIRD

Chief Baird has been the elected chief of Tsawwassen First Nation for five terms, since 1999. Her ancestral name is Kwuntiltunaat. Chief Baird successfully negotiated British Columbia's first urban treaty and the first successful treaty under the BC treaty process, an achievement she saw through from beginning to end since she started work for TFN as a land claims researcher in 1990. On June 26, 2008, Tsawwassen First Nation made history when their treaty received royal assent in the House of Commons. Chief Baird was the first aboriginal woman to address the BC legislature on October 15, 2007, when the treaty was introduced for provincial ratification. Chief Baird sits on the Board of BC Hydro. She was appointed as a director in April 2008. Chief Baird also sits on the board of directors for the First Nations Employment Society's, the Vancouver Aboriginal Skills and Employment Program, the Naut'sa mawt Tribal Council and the Joe Mathias Scholarship Foundation.



### GRAND COUNCIL CHIEF JOHN BEAUCAGE

Grand Council Chief John Beaucage was elected to serve the 42-member First Nations of the Anishinabek Nation in October 2004. Previously he was the elected chief of Wasauksing First Nation for eight years. An economist by education, he worked for the Canada Mortgage and Housing Corporation for over 25 years. Grand Council Chief Beaucage played an instrumental role in the First Ministers' Meeting, held in November 2005 in Kelowna and served as the co-chair for First Ministers' Working Groups for both Housing and Relationships. He currently holds the Ontario Portfolio for Housing and Infrastructure, serves as chairperson of the Ontario First Nations Steering Committee on Housing, co-chairs the National Portfolio for Housing for the Assembly of First Nations' Chiefs Committee on Housing and is chairperson of the First Nations Market Housing Fund. The Grand Council Chief is also president of the Anishinabek Nation Management Group Inc. and the Anishinabek Nation Seventh Generation Charities, sits on the Chief's Committee of the Union of Ontario Indians Chiefs which provides advice and direction to the Anishinabek Nation self-government negotiations with Canada. Eyaabay (his traditional name) is a Pipe Carrier from the Bear Clan and a band member of Wasauksing First Nation.



### GRAND CHIEF ANDY CARVILL

Grand Chief Andy Carvill was re-elected grand chief of the Council of Yukon First Nations for a second, three-year term in June 2008. He is of Tlingit and Northern Tutchone ancestry, a member of the Carcross/Tagish First Nations and a Selkirk First Nation descendant. Previously, he was chief (or Kha Shade Heni) of the Dakh Ka Tlingit Nation from 2004 to 2005. From 1996 to 2003, Carvill was the Kha Shade Heni of the Carcross/Tagish First Nations (CTFN) for two, consecutive, four-year terms and was chief when it signed its land claims and self-government agreements with the federal and territorial governments. He was also instrumental in the development and ratification of the CTFN's Traditional Clan System and sat on the Chiefs' Committee for Oil and Gas and Education and worked for the CTFN's Health Department. He continues to be a strong voice for aboriginal rights and sits on the board of the Yukon Indian Development Corporation.

## Biographies: Keynote Speakers



STEPHEN CORNELL

Stephen Cornell is professor of sociology and of public administration and policy at the University of Arizona, where he also directs the Udall Center for Studies in Public Policy. His PhD is from the University of Chicago. He taught at Harvard University for nine years and at the University of California, San Diego for nine more before joining the Arizona faculty in 1998. While at Harvard, Professor Cornell co-founded the Harvard Project on American Indian Economic Development with economist Joseph Kalt; he continues to co-direct that project today. At the University of Arizona, building on Harvard Project work, he led the development of the Native Nations Institute for Leadership, Management, and Policy. He has written widely on indigenous affairs and has spent much of the last 20 years working with indigenous nations in the United States and Canada on governance and development issues, and more recently with indigenous organizations in Australia and Aotearoa/New Zealand.



THE HONOURABLE MICHAEL DE JONG

Minister of Aboriginal Relations and Reconciliation Michael de Jong was appointed minister in August 2006. He is also Government House Leader. de Jong has previously served as minister of labour and citizens' services and minister of forests. Prior to that, he was deputy house leader for the Official Opposition and served as a critic for a variety of portfolios. He was first elected to the legislative assembly in a 1994 by-election to represent the electoral district of Matsqui. He was re-elected in 1996 and again in 2001 to the new riding of Abbotsford-Mount Lehman, where he was again re-elected in 2005. Before his election, he practiced as a lawyer in his Abbotsford firm.

## Biographies: Community Engagement Session



CHRIS CORRIGAN

Chris Corrigan is an internationally recognized facilitator, trainer and writer, focusing on leading edge consultation and conversation methodologies to gather information, build relationships and create emergent results. He has worked as a senior policy advisor to both the national and BC Associations of Aboriginal Friendship Centres and as a public information and consultation adviser for the federal treaty negotiation office. In his work as an independent consultant and principal of Harvest Moon Consultants, Corrigan has worked for more than 15 years with urban aboriginal organizations, First Nations across North America and New Zealand, non profits, corporations and with all levels of government with a focus on process design and facilitation to build collaborative relationships, engaging community leadership and help communities and organizations find new possibilities in times of change.

# Biographies: Workshop Presenters and Facilitators

## WORKSHOP: GOVERNANCE



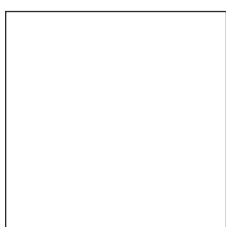
LARRY DERRICKSON

Larry Derrickson has served as an elected councillor of the Westbank First Nation for six terms (12 years). Over the years, he has participated in all aspects of the development of the Westbank First Nation as a political leader, and manager and director of various corporate entities. After a decade of negotiations and community consultation, Westbank First Nation negotiated a self-government agreement (which was ratified in 2003), along with the Westbank First Nation Constitution and the Westbank First Nation Land Code, all of which are now being implemented. Derrickson has been facilitator of community-based development projects in all areas of Westbank First Nation Government, including self-government, treaty, social programs, lands and taxation.



CHIEF ROBERT LOUIE

Robert Louie is the chief of the Westbank First Nation and a former lawyer practicing in the area of native law. He is a long time advocate for aboriginal rights and title in the province of BC, and a driver of aboriginal economic development in the Westbank/Kelowna region. Louie was chief of the Westbank First Nation council from 1986 through 1996 returning to office in 2002 and re-elected in 2004. Chief Louie is an Okanagan business owner/operator with several successful enterprises. After passing the bar in 1984, Louie entered the private practice of law until becoming involved in aboriginal governance. He was subsequently appointed as the chairman of the First Nations Lands Advisory Board and was elected as a Task Group member of the First Nations Summit.



DR. TIM RAYBOULD

Tim Raybould was educated at the University of Cambridge, receiving his PhD in 1993. His research has centred on aboriginal land rights and self-government. He was the chief negotiator on the Westbank First Nation Self-Government Agreement and is the chief negotiator for Westbank Treaty negotiations. Raybould is a senior policy advisor to the First Nations Finance Authority and was involved in the development of Bill C-20, *The First Nations Fiscal and Statistical Management Act*. He has provided advice to, and conducted research for, numerous First Nation communities and organizations including the Indian Taxation Advisory Board, the First Nations Land Management Board and the National Centre for First Nations Governance.

## WORKSHOP: ECONOMIC DEVELOPMENT



CHIEF SOPHIE PIERRE, OBC

Sophie Pierre is a respected leader among BC First Nations. She led the St. Mary's Indian Band for 30 years as elected chief and was the administrator of the Ktunaxa/Kinbasket Tribal Council for 25 years. Sophie currently serves as the tribal chair of the Ktunaxa Nation Council, chairperson of the First Nations Finance Authority, president of St. Eugene Mission Holdings Ltd. and co-chair of the International Advisory Committee to the Indigenous Nations Institute for Leadership, Management, and Policy for the University of Arizona. Previously, she served on a number of boards and committees including the BC Hydro & Power Authority Board's Environmental and Aboriginal Relations Committee and the First Nations Congress. Sophie was also involved in the work of the British Columbia Claims Task Force and served as a co-chair of the First Nations Summit. She received the Order of British Columbia in 2002 and the National Aboriginal Achievement Award in the business category in 2003.

## WORKSHOP: CAPACITY BUILDING



SHELDON TETREAUULT

Sheldon Tetreault has been the director — Governance Advisory Services with the National Centre for First Nations Governance since 2006. Previously, he was the senior administrator for the Lil'wat Nation. Sheldon completed his undergraduate degree from Trent University in Comparative Development Studies. He also has a Masters in Public Administration from the University of Victoria. His academic focus was on organizational capacity for self-government implementation. Sheldon has worked for the Kluane First Nation and the Teslin Tlingit Council in the Yukon. In BC, Sheldon has been involved in provincial aboriginal youth programs, the BC treaty process, and the healthy communities movement. He is Métis/Franco-Manitoban.



## Biographies: BC First Nations Political Panel



### REGIONAL CHIEF SHAWN A-IN-CHUT ATLEO

Shawn A-in-chut Atleo is a hereditary chief from the Ahousaht First Nation and is currently serving his second three-year term as BC representative for the British Columbia Assembly of First Nations. Atleo has served First Nations for 20 years as a leader, negotiator, facilitator, mediator, strategic planner, and president of Umeek Human Resource Development. He is also chairman of the Standing Committee on Asserting Rights and vice-chair of the National Fisheries Portfolio within the National Assembly of First Nations. In September of 2008 Atleo was appointed the first chancellor of Vancouver Island University. As the BC regional chief, Atleo is also a founding member of the BC First Nations Leadership Council.



### GRAND CHIEF EDWARD JOHN (AKILE CH'OH)

Grand Chief Edward John, a lawyer, is a hereditary chief (Akile Ch'oh) and grand chief of the Tl'azt'en Nation. He served as an elected councillor of Tl'azt'en Nation from 1974 to 1992, and served as an elected chief from 1990 to 1992. Chief John was elected in eight straight terms as a member of the three-member political executive (Task Group) of the First Nations Summit. He was a member of the tripartite British Columbia Claims Task Force which recommended the establishment of the independent BC Treaty Commission. Previously he has served as tribal chief of the Carrier Sekani Tribal Council, minister of Child and Family Services for the Province of BC and a member of the National Aboriginal Economic Development Board of Canada. He holds a bachelors degree from the University of Victoria and a bachelor of laws degree from the University of British Columbia.



### GRAND CHIEF STEWART PHILLIP

Grand Chief Stewart Phillip is currently serving in his fourth three-year term as president of the Union of BC Indian Chiefs. He was a member of the Penticton Indian Band Council for 24 years, having served as chief for four consecutive terms totalling 14 years and as an elected band councillor for 10 years. Grand Chief Phillip is also a member of the BC First Nations Leadership Council. In 2006, the Okanagan Nation, led by the elders of the Penticton Indian Band, acknowledged his lifetime commitment to the defence of indigenous peoples' title and rights, bestowing on him and his family the rare honour of the name Grand Chief Stewart Phillip. Over the last 34 years, he has worked within the Penticton Indian Band administration, holding such positions as band administrator, director of land management, education counsellor, economic development officer and band planner.





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For details on the six-stage treaty process and recommended resources, see our website.



## **BC TREATY COMMISSION**

The independent voice of treaty making in British Columbia

203-1155 West Pender Street Vancouver BC V6E 2P4

Tel 1 800 665 8330 604 482 9200

Fax 604 482 9222 Email [info@bctreaty.net](mailto:info@bctreaty.net)

Merging the 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.