



# A First Nation, Again

The Nass River flows through a land of rugged lava beds, dense forests, and sacred mountains on Canada's Pacific coast. In 1858, the British Crown created the Colony of British Columbia, which included the Nass Area where the Nisga'a Nation has lived since time immemorial. In 1887, the Nisga'a began petitioning government to recognise their ownership of, and rights to, Nisga'a territory. On August 4, 1998, the Nisga'a Final Agreement was initialled by the Nisga'a, Canada and British Columbia, in New Aiyansh. This marked the completion of a quarter century of negotiations.

On May 11, 2000, the effective date of the treaty, the *Indian Act* ceased to apply to the Nisga'a (except for the purpose of Indian Registration). This momentous day marked the end of a 113-year journey — and the first steps in a new direction. For the first time in modern history, through the self-government provisions of the treaty, the Nisga'a had the legal authority to conduct their own affairs. The treaty ended the uncertainty regarding land ownership and has opened the door for joint economic initiatives in the development of the Nisga'a Nation's natural resources. It benefits all Canadians.

News of the Nisga'a Final Agreement has travelled far beyond the Nass Valley — across British Columbia, Canada, and around the world. Governments and aboriginal peoples are all watching the implementation of the treaty with keen interest. They are also seeking the advice of Nisga'a negotiators and government members.

The Nisga'a Final Agreement serves as an example. It demonstrates that governments and First Nations can, in good faith, work together to forge a more secure future for everyone.

## **Nisga'a Lands**

The Nisga'a Nation includes approximately 5,500 people. About half of Nisga'a citizens reside in the four communities on the Nass River: Gingolx (Kincolith), Laxgalt'sap (Greenville), Gitwinksihlkw (Canyon City), and New Aiyansh. A significant proportion of Nisga'a also live in the British Columbia urban centres of Terrace, Prince Rupert, and Vancouver. For administrative purposes, these urban communities are identified by Nisga'a government as Nisga'a "Urban Locals."

The Nisga'a Nation owns approximately 2,000 square kilometres of Nisga'a Lands in fee simple. Under the treaty, the Nisga'a harvest fish in the Nass Area (26,838 square kilometres), and harvest wildlife in the Nass Wildlife Area (16,101 square kilometres). Through their participation on management committees, established by the treaty, the Nisga'a provide advice and recommendations to federal and provincial government ministers on fisheries and wildlife management. Nisga'a government has the authority to make laws regarding the Nisga'a Nation's rights and obligations related to wildlife, migratory birds, fish, and aquatic plants.

British Columbia continued to survey the boundaries of Nisga'a Lands in 2002. This involved

completing surveys of eight areas along the boundaries of Nisga'a Lands, including those portions adjacent to the Nisga'a Lava Bed Memorial Park and the Gingietl Ecological Reserve No. 115. Preliminary survey returns were submitted to British Columbia, Canada, and the Nisga'a Nation for examination.

The Nisga'a Nation has its own land title system and its own land registry, known as the Lisims Land Registry. The Lisims Land Registry is modelled on British Columbia's system. Since the effective date, the Nisga'a Nation has granted a total of 5,001 hectares of land to the four Nisga'a villages and, in turn, a total of 493 Village Entitlements have been granted to Nisga'a citizens. Additionally, through the Lisims Land Registry, 74 interests on Nisga'a Lands (including licences of occupation, rights of way, and special use permits) have been granted to over a dozen private and public institutions, including provincial government ministries, the RCMP, CBC, and Skeena Cellulose, Inc.

#### **Representative, Responsible Government**

The Nisga'a Nation has the right to self-government and the authority to make laws. Nisga'a government is composed of Nisga'a Lisims Government (NLG) and four Nisga'a Village Governments. The Nisga'a Nation acts through NLG, which consists of executive and legislative branches, as well as a Council of Elders. Each

Nisga'a Village acts through its Nisga'a Village Government in exercising its rights, powers and privileges, and in carrying out its duties, functions and obligations.

The Nisga'a have always governed themselves according to Ayuukhl Nisga'a, the traditional laws and practices of the Nisga'a Nation. The Council of Elders provides guidance and interpretation of the Ayuuk to Nisga'a government. Composed of chiefs, matriarchs, and respected Nisga'a elders, the Council of Elders is appointed by NLG in accordance with Nisga'a law and the Nisga'a Final Agreement.

Nisga'a government is democratic, representative, and responsible to its citizens. The President, Chairperson, Secretary-Treasurer, and the Chairperson of the Council of Elders are elected by all Nisga'a citizens and serve as the four Officers of NLG. The Chief Councillor and Councillors are elected by Nisga'a citizens resident in each village. The executive consists of the Officers, the Chief Councillor of each Nisga'a Village Government, and one representative from each Nisga'a Urban Local.

Wilp Si'ayuukhl Nisga'a is the legislative body responsible for considering and passing Nisga'a Lisims Government laws. It includes every Officer of NLG, the Chief Councillor and Councillors of each Nisga'a village, and two elected representatives from each Nisga'a Urban Local. Wilp Si'ayuukhl Nisga'a has 39 members. During the



reporting period, there were five sittings of the Wilp Si'ayuukhl Nisga'a (April 24-25, 2001, July 25-26, 2001, October 25-26, 2001, January 24-25, 2002, and March 12-13, 2002). Eleven laws were passed along with numerous resolutions relating to the operation of Nisga'a government.

Under the terms of the Nisga'a Final Agreement, Canada and British Columbia provide annual capital transfer payments to the Nisga'a Nation until 2014. During the reporting period, payments of \$20.3 million from Canada and \$1.67 million from British Columbia were made to the Nisga'a Nation.

#### **A Working Partnership**

Because three governments share responsibility for the implementation of the Nisga'a Final Agreement, an Implementation Committee was formed to provide a forum for sharing information and ideas. The committee works to ensure that the treaty responsibilities are fulfilled in a timely manner, and to resolve issues that may arise. Canada, British Columbia, and the Nisga'a Nation report that the Implementation Committee has worked in a spirit of co-operation to ensure a smooth transition of authority. Communication and co-operation between the parties continues to mature as the implementation moves forward. This report, funded by the federal Department of Indian Affairs and Northern Development, summarises

the progress made by the parties in the second year of treaty implementation.

#### **Experience Gained, Experience Shared**

Nisga'a representatives have traveled across Canada and abroad relaying the Nisga'a experience in both treaty-making and treaty implementation. During the reporting period, members of Nisga'a Lisims Government participated in numerous conferences and symposia, including: the Summit of the Americas in Quebec City, the Aboriginal Governance Conference in Yellowknife, the Assembly of First Nations Annual General Assembly in Halifax, the Northwest First Nations Governance Symposium in Prince George, and the British Columbia Provincial Congress in Vancouver.

*Hak'ak'a'a*, the official newsletter of Nisga'a Lisims Government, is produced bi-monthly to tell the story of the implementation of the treaty. Editions are posted on the NLG web site and are distributed to Nisga'a citizens, the media, and business and government leaders.

I was born on a gill-netter. My family was moving home to Gitlaxt'aamiks from Prince Rupert and I showed up around Gingolx. It was pretty rough, my mother had me in the boat. My parents had eight children, our father supported us on odd jobs and fishing.

I fished with my uncles when I was ten years old. My first job was in the cannery. It's been a hard life. We didn't have anything. We were isolated and didn't know what was going on in the outside world. I've been here all my life, except for when I was shipped out to a residential school. We were bewildered when we went out, we were lost. It was an experience a person doesn't like to talk about.

I've been a fisherman, a logger, a trucker, a jack-of-all-trades. Then last year, I was posted with Nisga'a Fisheries. I drove trucks for them. This year they gave me

a promotion to supervisor and co-ordinator of their machinery movement. I co-ordinate all this machinery, trying to cut costs, making it more efficient. It has worked well for me. I enjoy working here.

The way I see it, there are two kinds of people, two different temperaments: you are either a doer, or you're not. Most of our people are doers.

Employment from fisheries is a new thing for our people over the past ten years. You can see the changes coming. They are tremendous; they have affected our lives. I think people are finally starting to grasp the whole idea that this fishery is also ensuring sustainability for the future.

Nisga'a Fisheries is creating something for our grandchildren and their grandchildren. On other rivers, they're running short of fish — not these rivers. Here you can see the improvement coming, the stocks are coming back.

We are not the kind that follow, our people create their own objective. If our government

stays on this steady improvement, it will work fine for everyone. Not just the Nisga'a, but everyone in the valley. We employ people from outside the villages, not just Nisga'a people. It's a good atmosphere to be in. You are not just employing our people but other people too.

But this treaty is just starting to create the work our people have needed for years. A few years ago, I figured we were just changing the colour of the fence that was around us... But now we are governing our own people. We're the only ones who have a say and we're the only ones who are accountable for the changes that come about. It can go down or up — it all depends on the people. We weren't sure about the treaty at first. Like everything else, it takes time. If we're patient enough, we'll see the fruits of it.

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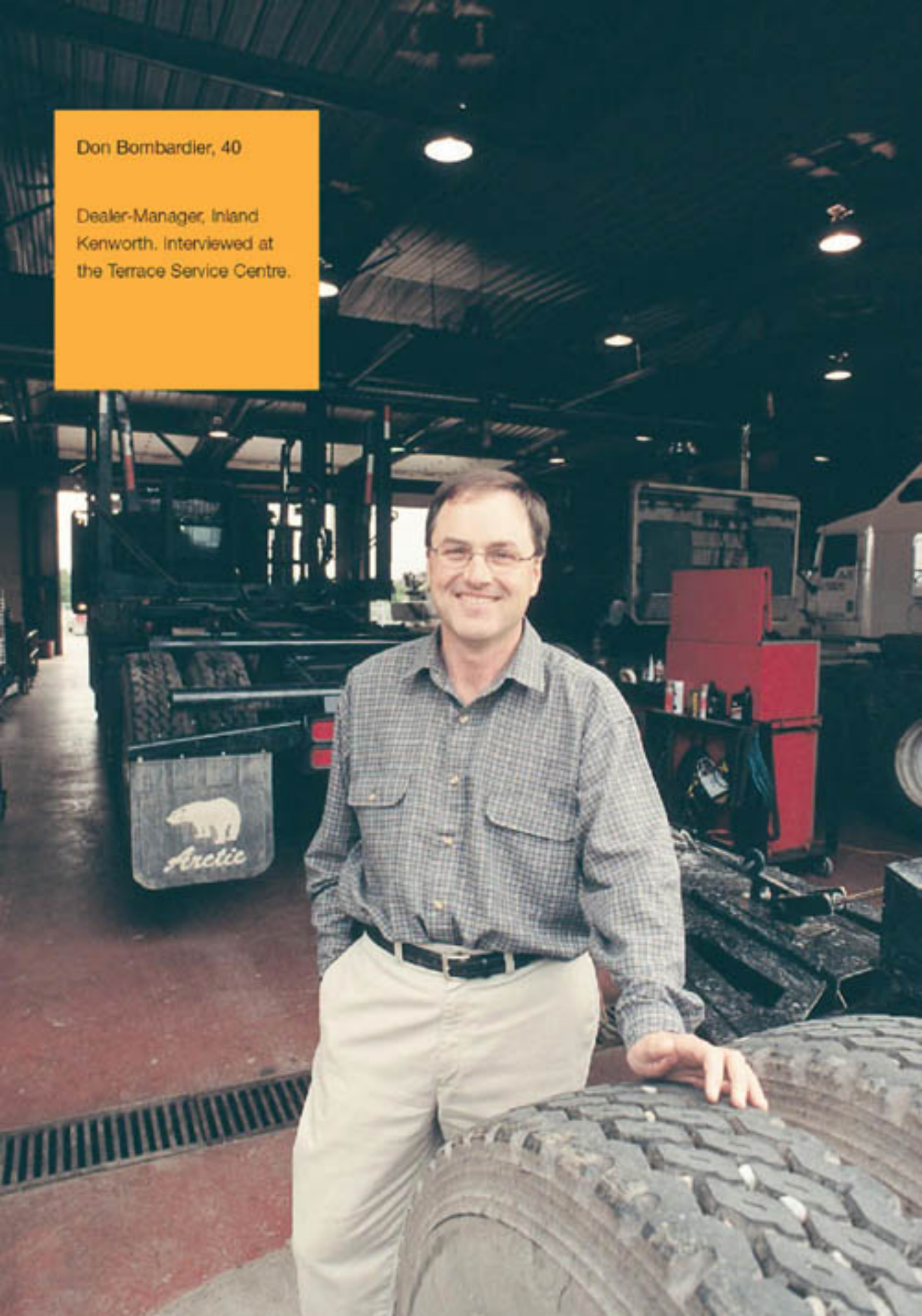


Alan Clayton, 59  
Raven clan

Transportation and  
Maintenance Supervisor,  
Nisga'a Fisheries.  
Interviewed at the Old  
Ayanah fish landing site.

Dori Bombardier, 40

Dealer-Manager, Inland  
Kenworth. Interviewed at  
the Terrace Service Centre.



The Nisga'a are an important part of the local economy in Terrace. Without them, our downtown would be in serious trouble. We've lost almost all our industry. The Nisga'a people have been massive supporters of the downtown businesses — clothing stores, grocery stores, hotels. We would be in very serious trouble without the Nisga'a.

We've been involved with the Laxgalt'sap Forest Corporation since the beginning. We sat in right from the start, when it was just a concept. It's been on a steady incline. They've purchased well over \$1 million worth of equipment in the last five years — five trucks, one self-loader, a log loader, and a road-builder. We've also sold a new truck to Nisga'a Fisheries.

The Nisga'a have become a large part of our business. I see their role expanding as time goes on, as they update and increase their business volume.

For a brand new company, Laxgalt'sap Forest Corporation has grown by leaps and bounds. Some things go up and down, but the general trend is that it has been climbing like a sustainable business. Their core lands have lots of timber, and they have found markets for it. It's coming together for them. There's a ton of potential in the Nass Valley. They bring a huge amount of money into town.

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