

Treaty News

Federal Treaty Negotiation Office



*Providing general news and
Canada's views on BC treaty negotiations.*

July 1997

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*Providing general news and
Canada's views on BC treaty negotiations.*

Business at the Summit advocates joint ventures



It is a well-known truism that prosperous coexistence demands mutual understanding: we need to know each other to live well together. Like all truisms, this one can be interpreted as a cliché, but recognition of its validity can also bring renewed respect to communities that have historically existed in separate solitudes.

The power of respectful collaboration was the lesson gained from a recent encounter of 130 people interested in building the cooperative capacity of business and First Nations. "Business at the Summit" brought Aboriginal entrepreneurs together with non-Aboriginal business leaders for a special one day session on the nuts and bolts of partnership-building.

In his opening remarks at the session, Business at the Summit co-chair and BC Hydro executive Brian Smith said, "the goal of this exercise is to give participants a chance to explore various partnership possibilities and learn more about the various perspectives which non-aboriginal business and First Nations bring to a partnership." In Smith's eyes, the challenge of working together is one we cannot ignore. Without a proven track record of joint ventures, Smith says, the prospects for success in BC treaty negotiations are weak.

Chief Ed John of the First Nation Summit provided another perspective. "Through focused dialogue, understanding and commitment between our respective communities ... I think there could be a brighter future for our peoples," John said.

So how do we get to a brighter future at a one day workshop? The answer, according to Business at the Summit organizers, lies in face-to-face communication.

To give participants the opportunity to interact, organizers focused the day's activities around a role play exercise in which the fictional Eagle River First Nation and Sun Mountain Resorts Ltd. are challenged to create a business partnership.

The role play pairs a growing company that has recently been listed on the Vancouver Stock Exchange with a small Aboriginal community struggling hard to maintain its traditional way of life, despite poor

living conditions and 50 per cent unemployment. Both partners have a lot at stake in the deal, and both stand to gain significantly if they can find a way to work together.

The object of the role play is to develop a common strategy to deal with a complex set of issues. The Eagle River First Nation is involved in treaty negotiations and is looking for strategies to enhance its economy post-treaty. The Crown Lands that make up the First Nation's traditional territory are known for their beauty, but also for their significant natural resources, notably the timber being harvested by the Kalamazoo Forest Company. Eagle River Provincial Park wilderness area is also located nearby. Finally, one of the Eagle River First Nation's best known members is Sandra Hope, an artist of great renown. Is there a role for Ms Hope and her family's art gallery in the joint venture?

In panel discussions after the role play exercise, participants learned that the multiple challenges they faced in a fictional setting are also present in real life, and can be overcome. Some examples of tourism joint ventures that have beat the odds are on page 3 of this issue.

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In brief

- **New First Nations in the treaty process**

There are now 50 First Nations involved in the BC treaty process. The latest to enrol are the Gwa-Sala-Nakwaxda'xw, Namgis, Tanakteuk and Tlatlasikwala First Nations, located on northern Vancouver Island. In other news, the Kwakiutl Treaty Society has divided into two negotiation groups: the North Vancouver Island Kwakiutl, and the Kwakiutl Laich-Kwil-Tach Council of Chiefs. Also, the Lheit-Lit'en Nation, of the Prince George area, has changed its name to Lheidli T'enneh Nation.



- **Federal Treaty Negotiation Office Speakers' Bureau**

Are you a member of an organization that would like more information about the BC treaty process? The Federal Treaty Negotiation Office is pleased to offer the services of its speakers to groups interested in learning about treaty negotiations with BC First Nations. Our speakers can address issues pertinent to your community, geographic region, industry or special area of interest. For information on the Federal Treaty Negotiation Office's speakers' bureau, please call 1-800-665-9320.

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Treaty News

Federal Treaty Negotiation Office



Investing in the Future: Aboriginal Tourism



Aboriginal tourism is a major growth industry in Canada that generates revenues in excess of \$250 million and creates jobs for Aboriginal people across the country. In BC, where the overall tourist industry brings an estimated \$7 billion into the province, Aboriginal tourism is a hot property. More than ever before, visitors seem eager to include Aboriginal tourism experiences on their holiday itineraries.

Just what is an Aboriginal tourism experience? In general terms, it is about people and opportunities. It is about First Nations sharing their cultures, traditions and customs, learning from one another, and promoting economic development. More specifically, Aboriginal tourism encompasses a range of services and activities of interest to both domestic and international visitors. Aboriginal tourism operators can be found conducting adventure and eco-tours, leading cultural excursions, catering traditional meals, and operating hotel and other accommodation services. Given the richness and diversity of First Nations cultures in BC, the Aboriginal tourist industry in the province has also become a leader in the field of putting together custom tour packages for travelers who want a diverse cultural experience during their holidays.

For First Nations communities, the benefits of being involved in tourism are clear: economic opportunity and the ability to celebrate and share their cultures. For non-Aboriginals, First Nations tourism also reaps rewards through spin-off activities and joint ventures.

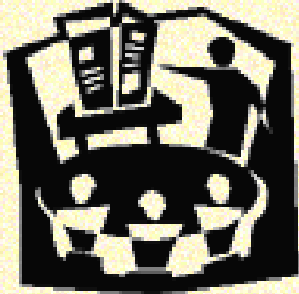
When the Kamloops Band decided to develop its capacity in Aboriginal tourism, its leaders approached members of the established tourism industry in the hope of forming a partnership. Now, the Band is working with local and international developers on the largest Aboriginal tourism project in Canada. The Kamloops development, which is expected to create 2,000 jobs in its initial phase, includes plans for a 2,000 housing units, an 18 hole golf course, an old-style western town, an airstrip, and redevelopment of a historic train station that will serve as a stop for the Rocky Mountain tourist trains.

Of course, few tourist developments of any kind take place on the scale of the Kamloops project. Smaller joint ventures are therefore often the norm in the Aboriginal tourist industry, but even these can have a big impact on Aboriginal communities.

In the heart of the Nass Valley, the Nisga'a Tribal Council and BC Parks have created a unique partnership of their own at the first park to be jointly managed by a First Nation and the provincial government. The Nisga'a Memorial Lava Bed Park is an 18,000 hectare site defined by the presence of

the large Wil Ksi Baxhl Muhl volcano. The volcano, which erupted 250 years ago and destroyed two Nisga'a villages as it unleashed its wrath, plays a special role in Nisga'a history. Through their partnership with BC Parks, members of the Nisga'a First Nation hope to share volcano's story with visitors and enable hikers to experience the unique landscape created by the eruption.

The joint venture at the Lava Bed Park also allows Nisga'a members the opportunity to be involved with the management of one of the Nass Valley's most spectacular resources, prior to reaching a treaty with the governments of Canada and BC. When the decision was made to build a hiking trail through the park's fragile landscape, 12 Nisga'a workers received extensive training in trail building techniques. They applied their skills in the construction of a 3.5 km trail, which now allows Nisga'a guides to escort hikers to the top of the volcano.



Where exceptional natural resources exist, they provide an excellent opportunity to develop Aboriginal tourism projects. However, cultural assets are also valuable tools in the tourist industry. For the Ktunaxa-Kinbasket Tribal Council, culture is the key to success in Aboriginal tourism.

At present, the Tribal Council is engaged in a joint venture with Coast Hotels and Resorts to convert the former St. Eugene Mission residential school into a thriving tourist centre. Through the project, the Tribal Council plans to open a resort and museum that would offer Aboriginal hospitality services and a large serving of Ktunaxa-Kinbasket culture to visitors.

Prior to partnering with Coast Hotels and Resorts, the 5 member Bands in the Tribal Council spent several years preparing a joint venture proposal which they then used to approach a number of hotel chains about the project. The work paid off: the deal with Coast Hotels and Resorts provides the Ktunaxa-Kinbasket Tribal Council with a majority equity position and training opportunities. For the Coast company, the venture provides a unique investment opportunity and an equity position in the development of the project.

Chief Sophie Pierre, who has actively worked on the project since it began, says, "It is very challenging to work on this kind of development, but it's worth it. Aboriginal tourism ventures like the one we are undertaking ensure that Aboriginal culture becomes a living part of Canada."

Chief Pierre also stressed the need to go ahead with development while treaties are being negotiated. "What concerns me is that there is a belief out there that everything should be put on hold until treaties are finalized. In actual fact, economic development must be encouraged and supported by Aboriginals now. There are many opportunities to seek and we must go ahead," she says.

With annual revenues of \$250 million and growing, Aboriginal tourism ventures are going ahead full steam. Their success lays the groundwork for economic prosperity in the post-treaty period, and builds new relationships between First Nations, government and industry.

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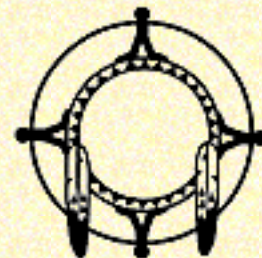
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FirstHost

"Firsthost offers Aboriginal hospitality like no one else" is the motto on an innovative customer service workshop for Aboriginal people in the tourist industry.

Through one day sessions, the program provides basic information about tourism to Aboriginal people, teaches communication and customer service skills, and builds capacity by encouraging more Aboriginal people to get involved in tourism.



Sandra White, FirstHost Manager at the Urban Native Indian Education Society states, "It's a program owned by First Nations, delivered by First Nations to First Nations." White says that if treaties are signed in the future, "the goal would ideally be to pass the program over to First Nations and get licensing jurisdiction to deliver FirstHost across Canada, and in the long term, to have the same opportunities overseas."

There are currently 12 FirstHost leaders trained to deliver the program. To date, there have been 40 workshops attended by over 350 people.

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Negotiator's News: Ted Hughes

This is the first anniversary of my appointment as a Chief Federal Negotiator: an appropriate occasion to record my thoughts on the BC treaty process.

I did not come to this position with an extensive background in treaty negotiations. Rather, I brought experience gained as a lawyer, judge, senior provincial bureaucrat and an officer of the Legislature of the Province of BC. The overriding requirement for the successful performance of those positions was an unswerving loyalty to fairness, justice and equity.

I believe it is my commitment to these principles that fitted me to my present vocation. Central to my new responsibilities is a recognition of the injustice of the past, insofar as First Nations are concerned. Their predecessors did not have the opportunity to sign the treaties that would have provided for sharing on an amicable basis. It is the Chief Federal Negotiator's mission to provide leadership in building fair, new relationships through negotiated agreements. This past year I have received considerable satisfaction from playing a modest role in this process.



It would have been my wish to see the process move more rapidly. I have come to understand, however, why negotiations must move step by step rather than leap by leap. Careful work is required to successfully negotiate treaties that respect all our citizens, and enjoy public confidence. I have come to realize that the legacy of history cannot be resolved in haste.

I look forward to giving future progress reports on this historic, necessary and satisfying journey.

Mr Hughes currently works on negotiations with First Nations on Vancouver Island.

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Policy: Eligibility and enrolment



Who will be entitled to treaty benefits when land claims are settled in BC? How will beneficiaries be chosen? These are the key questions involved in the issues of treaty eligibility and enrolment. They are important because eligibility and enrolment contribute to certainty in treaty-making.

The purpose of determining eligibility is to identify individuals who are members or descendants of a First Nation that claims use and occupancy of a traditional territory as defined in a Statement of Intent accepted by the BC Treaty Commission. If a reasonable effort is not made to identify eligible beneficiaries, any individuals left out could later claims rights over the settlement area and jeopardize the certainty of

the treaty.

Individuals who are found to be eligible must also be enrolled. The purpose of enrolment is to provide a lawful, public record of all those who are entitled to ratify the treaty and receive benefits from it.

To make the enrolment process work, the parties to negotiations must agree on how enrolment will take place. They require a process that is fair, democratic and results in the recording of accurate information. A flawed process could prompt challenges to the enrolment list.

In negotiating eligibility and enrolment procedures, Canada has three goals. First, to achieve certainty in treaties by ensuring that the eligibility and enrolment processes cannot be challenged by dissenting individuals. Second, to ensure that eligibility and enrolment occur in a fair and democratic manner. Third, to ensure that eligibility and enrolment make cost-effective use of taxpayers' money.

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Progress in Negotiations

The following provides an update on the status of BC treaty negotiations as of July 1997.

6 Stage Treaty Negotiation Process:

- Stage 1 - Statement of Intent
- Stage 2 - Preparation for Negotiations
- Stage 3 - Negotiation of a Framework Agreement
- Stage 4 - Negotiation of an Agreement-in-Principle
- Stage 5 - Negotiation to Finalize a Treaty
- Stage 6 - Treaty Implementation

North-East

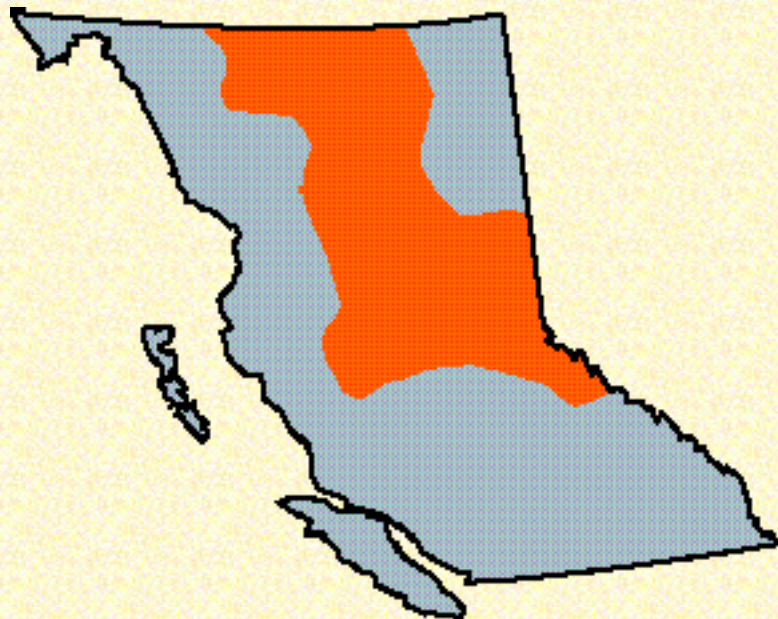
Chief Federal Negotiator:
Eric Denhoff

Senior Negotiator:
Bill Zaharoff

**Public Information and
Consultation Advisor:**
Nola Landucci

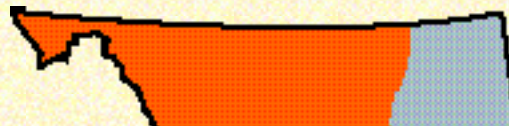
Status report:
Stage 2: Cheslatta Carrier Nation

Stage 4: Carrier Sekani Tribal Council
Lheit-Lit'en Nation
Tsay Keh Dene Band
Yekooche First Nation



North-Coast

Chief Federal Negotiators:



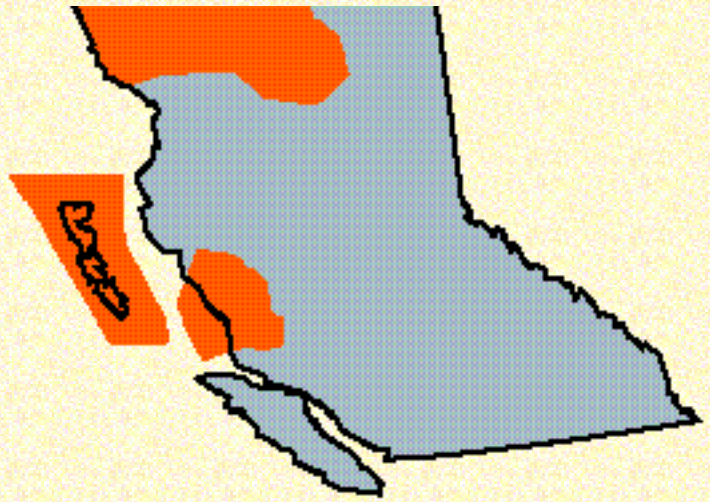
Tim Koepke
Pauline LaMothe
Wendy Porteous

Senior Negotiator:
Bill Megill

**Public Information and
Consultation Advisor:**
Mark Podlasly

Status report:
Stage 2: Haida Nation
Stage 3: Oweekeno Nation

Stage 4: Champagne and Aishihik First Nations
Heiltsuk Nation
Kaska Dena Council
Taku River Tlingit First Nation
Teslin Tlingit Council



North-Central

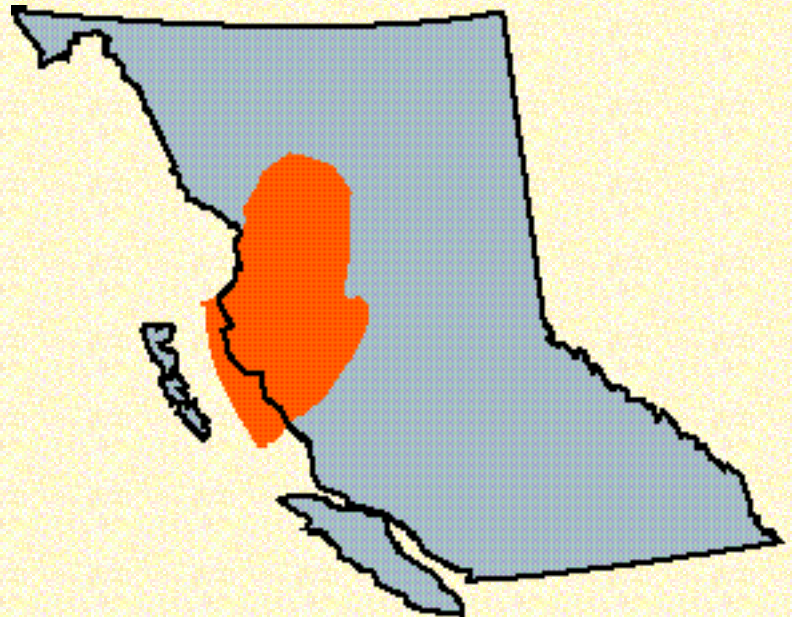
Chief Federal Negotiators:
Eric Denhoff
Wendy Porteous
Pauline LaMothe

Senior Negotiator:
Bill Zaharoff

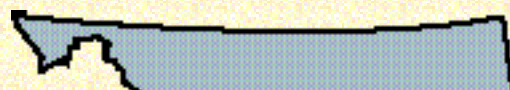
**Public Information and
Consultation Advisor:**
Nola Landucci

Status report:
Stage 3: Lake Babine Nation

Stage 4: Gitanyow Hereditary Chiefs
Gitksan First Nation
Haisla (Kitimaat) First Nation
Tsimshian First Nation
Wet'suwet'en First Nation



South #1



Chief Federal Negotiators:

Eric Denhoff
Robin Dodson

Senior Negotiator:

Mike Sakamoto

**Public Information and
Consultation Advisors:**

Diane Gielis
Chris Corrigan

Status report:

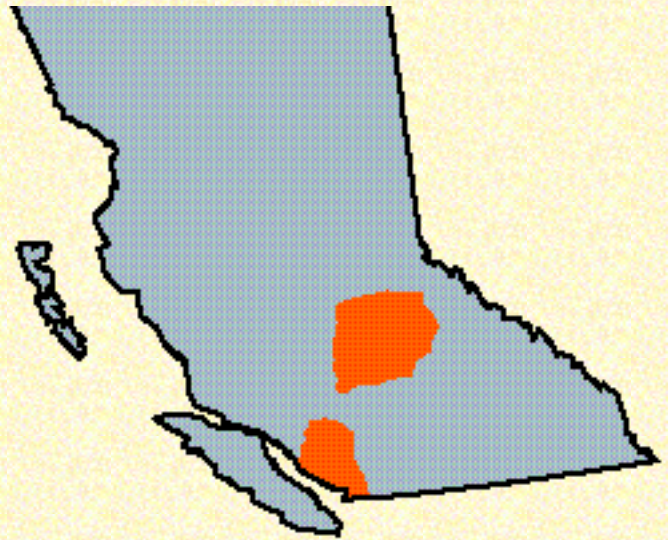
Stage2: Katzie First Nation

Stage 3: Cariboo Tribal Council

Esketemc (Alkali Lake) Nation
Nazko First Nation
Squamish First Nation

Stage 4: Sechelt Indian Band

Tsleil-Waututh (Burrard) First Nation



South #2

Chief Federal Negotiators:

Robin Dodson
Wendy Porteous

Senior Negotiator:

Mike Sakamoto

**Public Information and
Consultation Advisor:**

Chris Corrigan

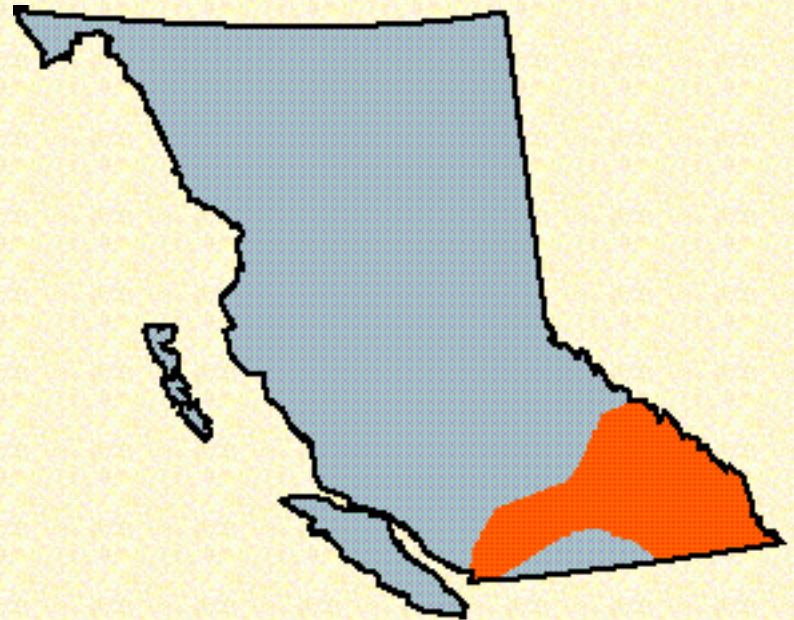
Status report:

Stage 3: Ktunaxa-Kinbasket First Nation

Musqueam First Nation
Sto:Lo First Nation
Tsawwassen First Nation
Xaxli'p First Nation (Fountain Band)

Stage 4: In-SHUCK-Ch/N'Quatqua

Ts'kw'aylaxw First Nation (Pavilion)
Westbank First Nation
Yale First Nation



Vancouver Island

Chief Federal Negotiators:

Ted Hughes
John Langford
Eric Denhoff
Wendy Porteous

Senior Negotiator:

Ross McKinnon

Public Information and Consultation Advisors:

Jonathan Rayner

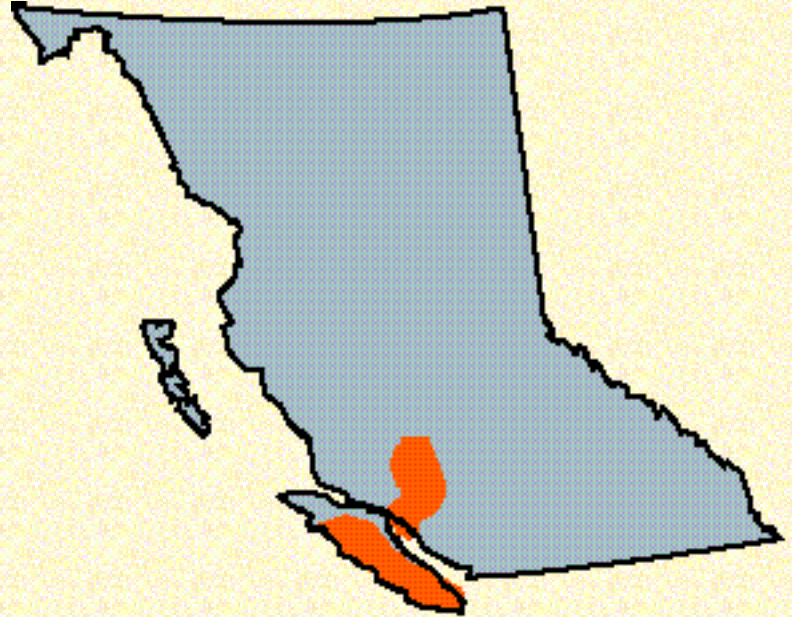
Status report:

Stage 1: Gwa-Sala-Nakwaxda'xw
Kwakiutl First Nation
Namgis First Nation
Tanakteuk First Nation
Tlatlasikwala First Nation

Stage 2: Kwakiutl Laich-Tach Council of Chiefs
Quatsino First Nations

Stage 3: Hul'qumi'num Treaty Group
Pacheenaht Band

Stage 4: Ditidaht First Nation
Homalco First Nation
Klahoose First Nation
Nanaimo First Nation
Nuu-chah-nulth Tribal Council
Sliammon First Nation
Te'mexw Treaty Association



Nisga'a

Chief Federal Negotiators:

Tom Molloy
Florence Roberge

Acting Senior Negotiator:

Jim Barkwell

Public Information and Consultation Advisor

Joseph Whiteside

Status report:

Agreement-in-principle concluded March 1996. Negotiations toward a final agreement now underway.

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Regional Advisory Committee conference enhances communication



The first Regional Advisory Committee (RAC) conference took place this spring in Vancouver. The conference brought together representatives from the many RACs at work throughout BC. Over the course of a day, 20 RAC members, and 12 officials from the federal and provincial governments discussed some of the major issues involved in consultation around the BC treaty process.

A seven-member steering committee organized the conference, entitled "Toward Effective Consultation during Agreement-in-Principle Negotiations." The organizers -- all advisory committee members --

decided that the workshop should focus on two topics germane to consultation during stage 4 negotiations: representing constituency interests and coordinating work planning. Those attending the RAC conference had their work cut out for them: they tackled the substantial job of discussing what steps RAC members need to take to be accountable to the people they represent. The participants also considered the question of how RACs in sometimes distant communities can plan some of their work in common.

The conference began with a plenary discussion outlining the main issues encompassed by the conference agenda, but the attendees soon divided into four small groups to brainstorm on specific topics. The groups reconvened in the afternoon to discuss their findings. A conference report, *Toward Effective Consultation During AiP*, summarizes their animated discussion.

Among other things, *Toward Effective Consultation* outlines the recommendations from the conference. Participants urged an increase in public information around treaty negotiations. They stressed the need for more networking between members of community-based RACs and the pan-provincial Treaty Negotiation Advisory Committee, which advises the federal and provincial governments on matters of concern across the province. Conference delegates also advocated more contact between RACs and neighbouring First Nations. Finally, they recommended that steps be taken to enhance accountability between government negotiators and the RACs they consult, and between RAC members and the constituencies they represent.

Feedback about the conference has been positive, with much praise paid to the conference organizers. In general, participants said that they valued the opportunity to come together from around BC and share

their experiences in the treaty process.

Dan Berkshire of the Desolation Sound RAC said that he found the conference to be "extremely useful and very informative." He expressed his hope for an annual RAC conference, possibly a two-day event. Said Berkshire of the group discussion, "It was absolutely amazing. Within a few minutes of people talking about issues in their area, I realized that they were the same as in mine."

Keith Bishop of the Northern Interior RAC also praised the conference, saying that he found the participants to be eloquent, well-informed, and pro-active individuals who efficiently tackled the large agenda set for them.

Valerie Fehr, a member of the Babine Local Advisory Committee, concluded that the conference was "very much needed and very worthwhile" for RAC members. By the end of the conference, Fehr said, participants felt they could more easily approach other RACs to discuss common issues and problems, and to share in the work involved in treaty consultation.

Like the advisory committee members that attended the conference from all over BC, government representatives were impressed by the hard work of the conference organizers and the vigour with which conference participants tackled their agenda. Now, as the governments and RACs work together to address the conference's many recommendations, they must apply the same vigour to ensure that consultation during agreement-in-principle negotiations is effective and accountable.

For further information on the Regional Advisory Committee for your area, please telephone 1-800-665-9320, or fax the Federal Treaty Negotiation Office's Public Information and Consultation unit at (604) 775-7149

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You Say: Milton Wong

In the global marketplace, international companies who may wish to invest in BC are well aware of, and seriously concerned about, the economic uncertainty that surrounds the province as a result of *unresolved* land claims. The assumption is that once resolved, following any initial disruption, land claim settlements will pave the way for future investment based on a solid foundation of common understanding.

The bottom line is that political instability is always a strike against any area that is hoping to attract investment or hoping to generate and support a lively and successful business community.

As the CEO of an investment management firm, I can point to examples of how instability harms investment. One example is emerging markets mutual funds, which invest primarily in developing countries. Of the 12 Hongkong Bank mutual funds my company offers, the Emerging Markets Fund is the smallest: our clients have invested \$9.7 million in that fund as of the end of 1996, compared to \$493 million in the domestic money market funds. This points to the reality that people do not want to invest their money if there is a good chance that, due to political instability, they may lose it.

We do not want investors — foreign or domestic — to consider BC in the same light as an emerging-market country, with unpredictable, rapidly shifting social and political conditions. For this reason and others, I believe a fair and honourably negotiated Nisga'a treaty would send an important economic message to boardrooms around the world.

Milton Wong is the founder, chair, and CEO of M.K. Wong and Associates Investment Counsel. Mr Wong is also the co-founder of UBC's Portfolio Management Society and of the Vancouver-based Laurier Institution, which studies social conflict arising from diversity.



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Crossing the border: links between BC and Yukon treaty negotiations

Along the dotted line that separates the province of BC and the Yukon Territory, there are First Nations that have lived and prospered since time immemorial. Their members may be citizens of either the territory or the province, and the lands they have traditionally used are on both sides of the 60th parallel. For First Nations with members in both the Yukon and BC, treaty-making entails negotiations on both sides of the boundary. For observers of the treaty process, the parallels and differences between negotiations in the province and territory, and the way that Yukon and BC-based agreements come together, could prove to be very interesting.

Progress in the Yukon

In the Yukon, the federal and territorial governments and the 14 members of the Council of Yukon First Nations (CYFN) have been negotiating land claims through a unique process. In May 1993, they signed the Umbrella Final Agreement (UFA), a document that outlines the total entitlements for the Yukon First Nations. Since then, 6 of the 14 First Nations have concluded negotiations with the governments to decide the specific benefits that each First Nation will receive consistent with the UFA. The UFA itself and specific agreements with four of these First Nations were brought into effect in February 1995 by federal and territorial legislation.

Tim Koepke, a Chief Federal Negotiator who has been working on Yukon claims since 1986, and who is currently involved with transboundary negotiations with the Champagne and Aishihik First Nations, and the Teslin Tlingit Council, says that the UFA "intended to lay down all of the cornerstones of the Yukon claim: the total amount of cash, the total amount of land and its allocation, and all of the rules which would apply, both consistently and, with some designated exceptions, uniformly across the Yukon."

Essentially, the UFA establishes provisions for matters such as: treaty eligibility and enrolment; management regimes for land, fish and wildlife, heritage resources, water, and forestry resources; taxation; resource royalty sharing; economic measures; and dispute resolution. The agreement also provides each First Nation with an allocated share of \$242.673 million cash (\$1989) and a land quantum of 41,595 km².

By creating a Yukon-wide template for all subsequent negotiations with Yukon First Nations, the process of deciding specific allocations has been simplified. Set land and cash values and other territory-wide provisions mean that the parties to negotiations can efficiently work within clear guidelines.

The Vuntut Gwichin (Old Crow), the First Nation of Nacho Nyak Dun, the Teslin Tlingit Council of the

Yukon, and the Champagne and Aishihik First Nations have all concluded agreements. The remaining 10 First Nations have either completed negotiations and ratification and are awaiting implementation, or are engaged in regular negotiations.

What's the upshot of the Yukon treaty process? Koepke says that it is success. "We're seeing very conscious attempts by municipalities and First Nations to work together, industry and First Nations to work together...At least eight significant [business venture] programs and undertakings this year will include significant involvement from Yukon First Nations."

Links between BC and the Yukon

How will the Yukon claims affect the BC treaty process? Currently, there are two First Nations groups involved in both BC and Yukon claims: the Champagne and Aishihik First Nations, and the Teslin Tlingit Council. Both have signed framework agreements and are now engaged in agreement-in-principle discussion.

To ensure that the agreements settled on both sides of the BC-Yukon boundary are fair and practical, these First Nations and a third Yukon First Nation about to enter the BC Treaty Commission (BCTC) process are proposing to join in a regional negotiation designed to address transboundary issues. It is also expected that the Kaska Dena Council, currently making good progress in negotiations under the BCTC process, will soon commence negotiations with the governments of Canada and Yukon on its transboundary claim in the southeast part of the territory.

The challenges in these cross-boundary negotiations will come, says Koepke, as the parties address the areas of self-government and finality language. Specifically, he says, negotiators will need to take into account the differing demographic and governmental structures of the province and the territory, and consider the impact of these differences on the final shape of treaties in each jurisdiction.

Despite the challenges of meshing the BC and Yukon processes, Koepke has faith in the transboundary negotiations. He asks and then answers, "Is it unworkable? No. I don't think so for one minute, or those parties wouldn't be at the table. I think there's every possibility that we will conclude those transboundary agreements."

With northern-BC negotiations steadily moving along, it looks as though Tim Koepke's prediction will ring true.

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Q & A: Who is the new Minister of Indian Affairs and Northern Development?

On June 11, 1997, Prime Minister Chretien appointed the Hon. Jane Stewart as the Minister of Indian Affairs and Northern Development.

Ms Stewart was first elected as Member of Parliament for the Ontario riding of Brandt in 1993. During her rookie term, she served as the Chair of National Liberal Caucus and was an active member of the Standing Committee on Finance. In 1996, she was called to Cabinet as Minister of National Revenue.

In her current capacity, Ms Stewart expects to draw on her experience representing constituents from the 11,000 member Six Nations Reserves, located within her Brandt riding. Says Stewart, "For me to have the opportunity to now be the federal partner with Aboriginal people is an honour. It was a real thrill to be offered this portfolio."

Prior to her election in 1993, the Hon. Jane Stewart enjoyed a successful career as a human resources consultant and contributor to her family's farm. She continues to reside on the farm, near St. George, Ont. with her husband Jim and their two sons, Alex and Bobby.



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