

# Treaty News

Federal Treaty Negotiation Office



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

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**June 1998**

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## Youthful energy tackles Nisga'a Treaty

The treaty aspirations of a new generation were the highlights of the 41st Annual Convention of the Nisga'a Tribal Council, held at the end of April in New Aiyansh.

More than 800 Nisga'a attended the event held in the new community hall in the Nass River village, eclipsing attendance at previous conventions. The Nisga'a Treaty, which will be the first modern treaty in British Columbia, is expected to be initialled soon.



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*Nisga'a Tribal Council President Joseph Gosnell introduces the Nisga'a Youth Panel:*

*Peter McKay, Derby McKay and Keana Stewart*

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On Day Five of the Convention, a panel of three Nisga'a youth discussed the topic, "What the Nisga'a Treaty Means to Me." With nearly half of the Nisga'a population under the age of 19, the youth of the Nisga'a Nation have a lot at stake with the pending Final Agreement.

With real emotion, many of the young people spoke in both the Nisga'a and English languages, and one also spoke in French. Their youthful voices speak for themselves:

### **Derby McKay, age 17**

"Communication is the key. It binds us as one, permits understanding and unity in the Nisga'a Nation. Communication began thousands of years ago – the beginning of the Nisga'a. We came to an understanding with our Creator to live with, maintain and protect our land. This common understanding of the importance of keeping our values of life to assure future generations is vital. This link is [the] strength to act as one as we live on other lands [and] is also vital. That is why the Nisga'a Treaty means the world to me."

### **Keana Stewart, age 18**

"I believe the Nisga'a Nation will always be a part of Canadian Confederation. We don't want to be an independent state and we must reaffirm this. I also believe that it is important that our elders continue to provide guidance and interpretation of the *Ayuuk* (Nisga'a customary law, code of ethics and cultural protocols) to the Nisga'a Central Government, village governments and young people. I live in Terrace now, but by the time I have children of my own, I may choose to move back home for jobs and opportunities that will hopefully be available to them."

**Peter McKay, age 20**

"We don't want to see our artifacts and works of art locked up in far-off museums. If our people could see these works here at home, they might be more interested in learning how to create them for themselves. And when the artifacts come back home, there should be a complete history and proper explanation of the displays. On another subject, many of us would like to have more say in the high school curriculum. With existing provincial guidelines, it seems to me, we are still taught the white man's way."

Many elders were impressed with the youth's energy and observations: "They give us hope. I know that these young men and women will be a valuable asset to the people as they wrestle with the serious issues that will affect the future course of the Nisga'a Nation. And I am very moved to hear them speak in our language," said Nisga'a Tribal Council President Joseph Gosnell.

Six draft chapters of the Final Agreement were released to the Kitimat-Skeena RAC on June 3. These include draft chapters on lands, wildlife, fisheries, access, administration of justice and culture and heritage.

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## In brief

- **Readers comment on *Treaty News***

Thank you to readers who completed the *Treaty News* survey in the March 1998 issue. *Treaty News* strives to bring you worthwhile information on the status of treaty negotiations and Canada's role in the treaty process. In the present issue, we've introduced changes to our *Progress in Negotiations* pages to provide more detailed information. Look for further changes in future issues.



Meanwhile, here's what you told us about *Treaty News*:

- **What you like best in *Treaty News*:**

*Economic Development* stories and *Progress in Negotiations*, followed closely by articles on *Consultation*.

- **The five parts of *Treaty News* that most help you to understand the treaty process:**

1. *Features on pp. 3-4*
2. *Front page articles*
3. *In brief*
4. *Progress in Negotiations*
5. *Negotiator's News*

- **How much of *Treaty News* you read:**

- 33% read *all*
- 39% read *most*
- 11% read *a little*
- 17% did not answer the question

- **How often you read it:**

- 47% read it *three times or more*
- 17% read it *twice*
- 17% read it *once*
- 19% did not answer the question

- **How well you think *Treaty News* communicates about the treaty process:**

	Strongly Agree	Agree	Disagree	Strongly Disagree
<i>Informative</i>	39%	28%	8%	6%

<i>Interesting</i>	33%	36%	6%	6%
<i>Credible</i>	23%	40%	4%	14%
<i>Easy to understand</i>	31%	33%	11%	6%

Did not answer the question: 19%

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## Business opportunities abound in post-*Delgamuukw* environment

In the wake of the Supreme Court of Canada's *Delgamuukw* decision, governments and stakeholders are considering how to best continue to do business in British Columbia. The good news is that opportunities for doing business with First Nations are tremendous and partnership arrangements are increasing.

This was the key message coming out of the fourth annual Business at the Summit conference held in Vancouver on May 7, 1998. More than 275 businesspeople both Aboriginal and non-Aboriginal participated in the one-day event where they networked and discussed the A to Z's of partnership building.

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*The workshop on tourism noted that Aboriginal tourism must be a true partnership rather than mere window-dressing.*

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Business at the Summit was started in 1995 to bring First Nations and non-Aboriginal business leaders together in practical ways to advance common concerns and mutually beneficial economic opportunities. This year's conference was divided into a variety of facilitated workshops which discussed partnership arrangements across a broad range of industry sectors.



While many participants remarked that *Delgamuukw* has raised the level of uncertainty around investment in the B.C. economy, the business sector also acknowledged that this significant court case marks a turning point in the way Aboriginal and non-Aboriginal people can work together. The case, which espouses greater consultation with First Nations, supports developing partnerships.

Although establishing partnerships can be difficult, they are seen as a desirable means of creating positive new relationships that will help to foster certainty. Participants tackled critical issues such as raising cultural awareness, removing impediments to financing, capacity building, developing trust and honesty, managing expectations, and separating politics from business.

Here are the thoughts and comments of some participants:

"First Nations and industry did a lot of dancing around the issues because of the ambiguity around *Delgamuukw*. Bands want to be involved from the outset of a project and want input into the ongoing management while industry must follow government regulations. There are a lot of good ideas but no



one is quite sure how to get them off the ground." – *Mona Forster, Business Development Coordinator, Norecol Dames & Moore Inc.*

"Riverside is involved in a joint venture in Williams Lake so I found it valuable to hear what other companies are doing and what First Nations are requesting. From what I heard, bands in isolated areas seem to be more vocal than those in urban areas because there are fewer opportunities for them.

"It seems that one reason joint ventures fail is the length of time it takes to get approval through the Department of Indian Affairs. For businesses which have to wait two years or more for the proposal to go through the approval process, it is crippling because the situation and the players may have changed." -- *Bob Bazett, Silviculture Supervisor, Kelowna Division, Riverside Forest Products Ltd.*

"Business has to understand the problems first before they try to develop solutions. In other words, businesses have to start working with First Nations when they're just starting out and develop with them. You can't come in as a service provider when all the problems are solved and reap the benefits. It just doesn't work that way. The trust has to be built." – *Mike Falkins, Sr. Vice President, Alexander & Alexander Reed Stenhouse*

"Respect is key. It's so important for non-Aboriginal businesses to recognize that First Nations culture has not been part of mainstream society. For instance, my community on the central coast is very isolated and, until very recently, was involved 100 percent in fishing. Our values reflect these factors and we need non-Aboriginal businesses to respect our lifestyle. Business is becoming more aware and I find this very encouraging." – *Percy Starr, Band Manager, Kitasoo Band*

"Everyone's willing to talk but no one seems to know where to begin, so this was an excellent opportunity to get the dialogue going. For anyone interested in starting a partnership in the tourism industry, the key is to select your partner as carefully as you would a spouse because this will be a long-term relationship." – *Tammy Power, Director, Membership & Community Relations, Tourism Vancouver*

"Bonding is a major obstacle facing First Nations wanting to do business. Banks are looking for security on loans. Security is a question of confidence built from experience over time and assets. But under the Indian Act an Aboriginal person cannot own assets. First Nations are in a Catch-22 – they cannot get bonded without a track record but how do they get a track record without being bonded? The answer is to set up a corporate structure such as a band development corporation to hold the assets." – *John Bolton, Tribal Council Engineer, Alliance Tribal Council.*

"Partnerships take time to develop. There has to be a commitment, an understanding of Aboriginal culture and a willingness to make First Nations a true part of the partnership. First Nations also need assurance that projects undertaken in their territories will help address environmental, social and economic issues and not have detrimental effects." – *John McCandless, Partner, Westcoast Strategic Planning.*

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## Negotiator's News - Pauline LaMothe

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*Pauline LaMothe is currently involved in negotiations with the Gitanyow Hereditary Chiefs, Tsimshian Nation, Katzie Indian Band, Yale First Nation and Tsawwassen First Nation.*

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Most of us agree that we want treaties sooner rather than later. First Nations who have waited for more than a century for this process may have difficulty understanding why they must negotiate for something they feel is rightly theirs. Third parties are also desirous of an early conclusion to treaties in order that economic stability may be achieved.

The reality is such that many issues must be resolved, some of which are extremely complex. Among the topics of negotiation are specific land selection, resource management plans, environmental standards, rights of access, governmental jurisdictions and authorities, and fiscal arrangements. If the resolution of these issues was easy, the courts would have provided the answers rather than asking the parties to return to the negotiation table.

Finding solutions that will work is of great importance. Today, we need to "get it right," as so often we have been told we did not do in the past. In the words of the Supreme Court of Canada in Delgamuukw, "Let's face it: we are all here to stay." This, as in all negotiations, means mutually-agreeable solutions must be found.

Finding solutions which minimize the compromises and maximize the benefits for all is no simple task. Time is actually a friend rather than a foe in such circumstances. Solutions which at first seem untenable become realistic as individuals have the opportunity to examine them in the context of an entire treaty and in light of the benefits to be shared among all British Columbians.

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## Treaties and West Coast Fisheries

### How will treaties affect the West Coast fishery?

The existing Aboriginal rights of the Aboriginal peoples of Canada are protected under section 35 of the *Constitution Act, 1982*. The Department of Fisheries and Oceans (DFO) seeks to manage fisheries such that existing Aboriginal fishing rights protected under section 35 are not unjustifiably infringed.

Management of the West Coast fishery is an extremely complex process which involves predicting quantities of returning stocks and then calculating how many fish must be protected for conservation purposes, and how many are left for the year's total allowable harvest. DFO manages fisheries so that Aboriginal food, social and ceremonial (FSC) fishing, as reflected in communal fishing licences issued to First Nations, has priority over other fishing. Thus, the FSC allocations are determined before the total allowable catch for commercial and recreational fisheries is determined.

Under treaties, First Nations, governments and third parties will know from year to year how many fish First Nations may harvest. Although fisheries management will always be a complex undertaking, defined treaty entitlements for First Nations will facilitate that part of the task.

Treaty provisions will also lead to improved management of Aboriginal fisheries. Under arrangements approved by the Minister of DFO, and integrated with the overall management of the stocks, each First Nation will have a role in fisheries management, as described within their treaty provisions.

Defining First Nations' fishing rights in treaties will lead to greater certainty and predictability for all participants in the West Coast fishery.

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## Progress in Negotiations

### North

#### Chief Federal Negotiators:

Eric Denhoff  
Tim Koepke  
Pauline LaMothe  
Tom Molloy  
Wendy Porteous

#### Public Information and Consultation Advisor:

Bernée Boulton  
Marc Sanderson  
Joseph Whiteside

#### Status report:

Stage 1: Carcross/Tagish First Nation

Stage 2: Haida Nation

Stage 3: Cheslatta Carrier Nation

Stage 4: Carrier Sekani Tribal Council  
Champagne & Aishihik First Nations  
Gitanyow Hereditary Chiefs  
Gitxsan (*suspended*)  
Haisla Nation (Kitimaat)  
Heiltsuk Nation  
Kaska Dena Council  
Lake Babine Nation  
Lheidli T'enneh Nation  
Oweekeno Nation  
Taku River Tlingit First Nation  
Teslin Tlingit Council  
Tsay-Keh Dene Band  
Tsimshian Nation  
Wet'suwet'en





## South Region

### Chief Federal Negotiators:

Vince Collins  
Robin Dodson  
Pauline LaMothe  
Wendy Porteous

### Public Information and Consultation Advisors:

Chris Corrigan  
Diane Gielis

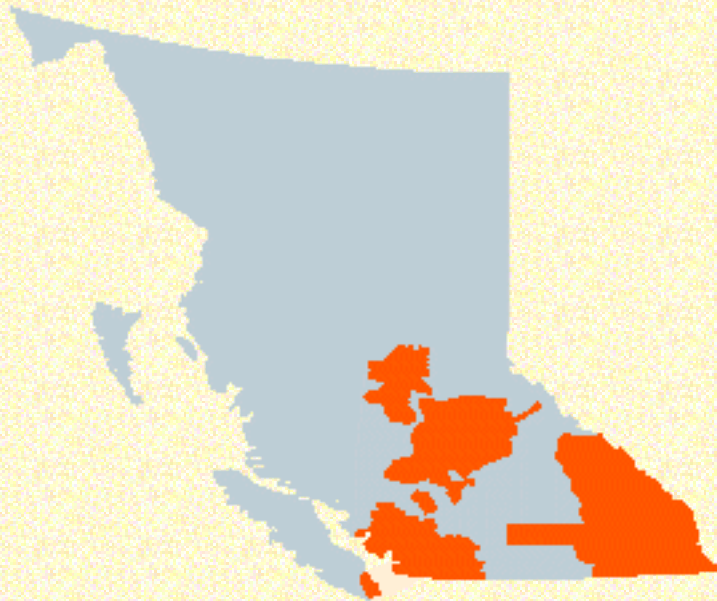
### Status Report:

Stage 1:

Stage 2: Katzie Indian Band

Stage 3: Musqueam Nation  
Nazko Indian Band  
Squamish Nation

Stage 4: Cariboo Tribal Council  
Esketemc First Nation (Alkali Lake)  
In-SHUCK-ch N'Quat'qua  
Ktunaxa-Kinbasket Nation  
Sechelt Indian Band  
Sto:lo Nation  
Tsawwassen First Nation  
Ts'kw'aylaxw First Nation (Pavilion)  
Tsleil Waututh Nation (Burrard)  
Westbank  
Xaxli'p (Fountain Band)  
Yale First Nation



## Vancouver Island

### Chief Federal Negotiators:

Eric Denhoff  
Ted Hughes  
John Langford

### Public Information and Consultation Advisor:

Jonathan Rayner



## Status report:

Stage 2: Winalagalis Treaty Group: Kwakiutl,  
Namgis, Tanakteuk,  
Gwa-Sala-Nakwaxda'xw, Tlatlasikwala,  
Quatsino First Nations.

Stage 4: Ditidaht/Pacheedaht First Nations  
Kwakiutl Laich-Kwil-Tach Council of Chiefs  
Homalco First Nation  
Hul'qumi'num Treaty Group  
Klahoose First Nation  
Nanaimo First Nation  
Nuu-chah-nulth Tribal Council  
Sliammon First Nation  
Te-mexw Treaty Association



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## What's happening around B.C.:

### There's progress in treaty-making throughout B.C.!

This box brings you details on what's happening at negotiation tables and regional advisory committees (RACs) around the province. In this issue, we would like to introduce the Federal Treaty Negotiation Office's Public Information and Consultation Advisors – the people you can call for information on the treaty process. In future issues, you will find updates on negotiations and consultation in your area.

### The six stages of the B.C. treaty process:

1. Submitting a statement of intent
2. Preparing for negotiations
3. Negotiating a framework agreement
4. Negotiating an agreement-in-principle
5. Negotiating a final agreement
6. Implementing the treaty

### Who can I ask about negotiations in my area?

## North



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**Marc Sanderson**  
(604) 775-7110

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### **Regional Advisory Committees:**

Atlin LAC  
Central Coast RAC  
Northern RAC

### **Public Information Working Groups:**

Heiltsuk Nation  
Kaska Dena Council  
Transboundary Regional Negotiations  
Taku River Tlingit First Nation



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**Joseph Whiteside**  
(604) 775-8143

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### **Regional Advisory Committees:**

Kitimat-Skeena RAC  
Treaty Negotiations Advisory Committee (TNAC)

### **Public Information Working Groups:**

Gitanyow  
Haisla  
Tsimshian



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**Bernée Boulton**  
(604) 775-7717

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### **Regional Advisory Committees:**

Babine RAC  
Bulkley-Skeena RAC  
Kitimat-Skeena RAC  
Northern Interior RAC

### **Public Information Working Groups:**



Carrier Sekani Tribal Council  
Cheslatta Carrier Nation  
Lheidli T'enneh Nation  
Tsay-Keh Dene Band  
Yekooche First Nation

## Vancouver Island



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**Jonathan Rayner**  
(250) 363-6918

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### **Regional Advisory Committees:**

North Island RAC

South Island RAC

West Island RAC

### **Public Information Working Groups:**

Ditidaht/Pacheedaht First Nations

Homalco First Nation

Hul'qumi'num Treaty Group

Klahoose First Nation

Kwakiutl Laich-Kwil-Tach Council of Chiefs

Nanaimo First Nation

Nuu-chah-nulth Tribal Council

Sliammon First Nation

Te-mexw Treaty Association

Winalagalis Treaty Group

## South



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**Diane Gielis**  
(604) 775-8144

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### **Regional Advisory Committees:**

Fraser Valley RAC

Kootenay RAC

Okanagan RAC

Sunshine Coast LAC

### **Public Information Working Groups:**

Ktunaxa-Kinbasket

Sechelt

Stōlo  
Westbank  
Yale



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**Chris Corrigan**  
(604) 775-7016

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**Regional Advisory Committees:**

Cariboo-Chilcotin Regional Treaty Negotiations Committee  
Lillooet Fraser RAC  
Lower Mainland RAC  
Pemberton RAC

**Public Information Working Groups:**

Cariboo Tribal Council  
In-SHUCK-ch N'Quat'qua  
Katzie  
Esketemc  
Musqueam  
Nazko  
Squamish  
Tsawwassen  
Ts'kw'aylaxkw  
Tsleil Waututh  
Xaxli'p

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## Prince George declares Treaty Awareness Month

As the economic and geographic hub of Northern B.C., Prince George has evolved into an important centre for the negotiation process. The city is well positioned to take advantage of the economic and social benefits that will flow throughout B.C. as a result of the certainty established by the completion of treaties.

Currently, there are several active treaty tables in the region, all of which are involved in public information initiatives. **Treaty Awareness Month** was launched on April 29 as a cooperative venture of local First Nations and the governments of Canada, B.C., and the city of Prince George. The initiative, which sought local support in creating greater public awareness about treaties, provided a theme for the different activities taking place in the area during May.

*Photo: Chuck Nisbett*

*The declaration of **Treaty Awareness Month** is overseen by **Jeff Goldie**, Director of Treaties, North, FTNO; Chief **Mavis Erickson**, Carrier Sekani Tribal Council; Mayor **Colin Kinsley**, City of Prince George; Chief **Barry Seymour**, Lheidli T'enneh Nation; and Linda Llewellyn, Constituency Assistant to Lois Boone, MLA.*



**Chief Mavis Erickson** of the Carrier Sekani Tribal Council said that local government support of treaties "helps everyone in getting the message out." Enthusiastic support from Mayor Colin Kinsley of Prince George in declaring May as **Treaty Awareness Month** in Prince George boosted public awareness.

"Things are moving ahead and it's urgent that all people in the North understand what's going on," said Erickson at the recent ceremony declaring the event. "I think it is great that the Mayor is really supportive of the treaty process."

One of the goals of **Treaty Awareness Month** was to highlight the activities taking place at treaty tables in or near Prince George. Main table negotiation sessions were held with the Carrier Sekani Tribal Council, the Lheidli T'enneh Nation, and the Yekooche First Nation during the month of May.

**Chief Barry Seymour** of the Lheidli T'enneh is well aware of the importance of public information in the Prince George area: "Getting the message out on what is going on is what we need to make progress in negotiations," said Chief Seymour. "Raising public awareness will also let the people make their own decisions about what was going on. Public consultation and awareness are very critical to the success of



developing a good treaty," he added.

Keeping the public informed isn't something that is going to end after May 31st. Other activities and events will be scheduled to enhance the messages and goals of **Treaty Awareness Month** as long as negotiations continue.

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## Here's what you're saying about the treaty process

**Lorna Waghorn-Kidd, Northern and Northern Interior RACs, B.C.G.E.U.**



"To me, *Delgamuukw* just adds weight to the idea that we are all better off negotiating treaties rather than trying to settle outstanding grievances some other way. I like Chief Joe Gosnell's words on this in a recent speech about the Nisga'a treaty talks: "In most ways, the *Delgamuukw* decision upholds what we have always said – we do have Aboriginal title to our land. Now, we need to finalize our treaty."

"My background in labour negotiations tells me that we can bring big issues to the table. At the end, through goodwill, mutual respect and a desire by everyone to reach a conclusion, an agreement can be found."

**Hans Partel, South Island RAC, B.C. Real Estate Association**

"I think *Delgamuukw* has given First Nations more confidence to be involved in the treaty process. Before, they had a sense the scales were tipped against them. Now, the scales are tipped in their favour."

"For realtors, the major issue is certainty. How do treaties impact our relationship with our clients and how do we conduct our day-to-day business? For instance, my relationship to my clients is to protect their interests. Every real estate transaction requires a statement disclosing any claims on the property. So if I cannot guarantee there won't be any claims against the property in the future, what does it do to my fiduciary responsibility to my client?"



**Duncan Barnett, Cariboo-Chilcotin Regional Treaty Negotiations Committee, NFPA**



"The *Delgamuukw* decision created very high expectations among Aboriginal groups but no one seems to have a clear understanding of what it means. The Supreme Court said Aboriginal title exists, but no Aboriginal group has yet proven that they have title as per the tests laid out by the Court."

"Of all of the implications of *Delgamuukw*, perhaps the biggest single issue for the forest industry is the requirement for consultation with Aboriginal groups. The Court said that consultation must be meaningful and significantly deeper, but no

Here's what you're saying about the treaty process

one knows what that means. Consultation with Aboriginal groups regarding Forest Development Plans can be a frustrating and costly process for all parties."

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## ***Delgamuukw* facts:**

The *Delgamuukw* decision represents the latest in a series of important pronouncements by the Supreme Court of Canada in interpreting the guarantees of existing Aboriginal rights found in section 35 of the *Constitution Act, 1982*.

In the last issue of *Treaty News*, the Federal Treaty Negotiation Office outlined the history behind the Supreme Court of Canada's December 1997 decision in *Delgamuukw* and summarized the definition of Aboriginal title provided in Court's findings. On these pages, we now explore the federal perspective on *Delgamuukw* in greater detail.

### **What is the federal perspective on the Supreme Court's definition of Aboriginal title?**

*Delgamuukw* is the Supreme Court of Canada's first comprehensive consideration of Aboriginal title. The Court provided important clarification on the content of title and set out a test to prove it in specific circumstances. The Court's pronouncements in these areas are now a part of Canadian law and can help guide treaty negotiations.

The federal government continues to believe, post-*Delgamuukw*, that negotiations, rather than litigation, are the preferable means to reconcile the pre-existence of Aboriginal societies with the sovereignty of the Crown. Unlike litigation, negotiations permit the parties to work towards a mutually acceptable solution, instead of engaging in divisive debates over pre-existing rights.

### **What do the Court's pronouncements on Aboriginal title mean for B.C.? After all, 100 % of the province is claimed by Aboriginal groups.**

Although B.C.'s land mass has been claimed in its entirety by First Nations, it is not clear how much of B.C. is actually covered by title. In the first place, it is to be emphasized that to date the courts have made no finding of existing Aboriginal title in B.C. Second, in *Delgamuukw*, the Court itself identified Aboriginal title as being at one end of a spectrum of Aboriginal rights.

The B.C. treaty process, being a voluntary process without pre-conditions for a First Nation to establish existing rights, stands as an alternative to the rights-based process of litigation. In litigation, the obligation will fall on the First Nation to prove the existence of Aboriginal rights and title. As indicated above, negotiations focus the parties energies on building a new relationship through agreements that reflect the concerns and future aspirations of all British Columbians. The Court itself indicated that it is through negotiated settlements -- with good faith and give and take on both sides -- that we will achieve the necessary reconciliation between First Nations and the Crown.

**It is clear that the Court is encouraging cooperation among First Nations and governments. What**

### **happens if some First Nations decide they want to pursue litigation?**

Canada respects the fact that First Nations may choose to pursue their claims through the courts. However, Canada retains the right to determine the appropriateness of conducting treaty negotiations with a First Nation that is arguing its case before the courts.

### **Supposing that Aboriginal title exists, can governments infringe upon it now? What about in the future?**

Both the federal and provincial governments may infringe upon Aboriginal title for valid legislative purposes. The Court took an expansive view of what would amount to a valid legislative objective, indicating that it would include reasons of conservation, public safety, agricultural development, mining, forestry, hydroelectric projects and general economic development.

As indicated by the Court, one element of justified infringement of Aboriginal title includes a duty of consultation. Again, the Court indicated (without further elaboration) that there is a spectrum of consultation, from mere consultation in the rare cases to "something deeper than mere consultations in the majority of cases." In some cases there will be a requirement for consent of the Aboriginal people concerned.

### **What about extinguishment? In the past, has a government ever extinguished Aboriginal title in B.C.? Can either the federal or provincial government extinguish it in the future?**

In the period after Confederation and prior to 1982, only the federal government could extinguish Aboriginal title. Canada had to show clear and plain intent if it wanted to extinguish Aboriginal title.

Extinguishment was carried out in two cases: the extension of Treaty 8 into the northeast corner of B.C.(1899), and the completion of the Douglas treaties on Vancouver Island (1850 - 1854). These historical treaties are very different from modern treaties in that they did not cover the wide range of subject matters included in modern treaties which First Nations wish to address.

While the Court confirmed that unilateral extinguishment by the Crown was no longer possible post-1982, nevertheless it did confirm that if an Aboriginal group consents to it, land burdened by Aboriginal title can be converted into non-title land by a surrender of that land to the federal Crown.

### **Can economic development continue in B.C. without extinguishing Aboriginal title?**

Yes. The federal and provincial governments and the First Nations Summit all agree that it is important for economic development to continue in British Columbia. *Delgamuukw* will not stop this growth; instead, it encourages Aboriginal and non-Aboriginal communities to work more closely together to achieve stable economic growth.

[Pull-out 1] "The federal government does not believe that the courtroom is the best place to deal with claims to Aboriginal title" [Pull-out 2] "the key is for First Nations and non-Aboriginal interests to work together"

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## Website

The Federal Treaty Negotiation Office is going on-line! In an effort to make our information more accessible, we've developed our own section on the DIAND main site. The FTNO web site is in the final stages of preparation and will be posted in the next month. Our site will contain information on the status of negotiations and treaty issues, many of our publications, press releases, a calendar of upcoming events and much more.

Here's how to find us:

1. From the DIAND home page ([www.inac.gc.ca](http://www.inac.gc.ca)), click on the "Regions" button.
2. Look for the "Federal Treaty Negotiations Office" link at the bottom of the regional map.
3. Choose a button from our new home page.

Keep checking the FTNO site for more postings in the months to come!

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## What is Canada's position on having a referendum on treaties?

The federal government will not ask Canadians to vote on B.C. treaties through a referendum. Here are the reasons why:

- **A referendum would be costly and impractical.** A federal vote on B.C. treaty negotiations would require the participation of all Canadians. This is not only unrealistic, but also would be an inefficient use of resources.
- **A referendum does not give a full picture of what people really think about treaties.** Treaty negotiations deal with a range of complex topics. Even the most carefully-worded referendum question could not reflect this complexity. While on the surface a "yes" or "no" vote may seem like a fair gauge of public opinion on treaties, it glosses over the real issues.
- **Referendum votes are too little, too late.** Canada believes that it is important for people to have input to treaties while they are being negotiated. Province-wide, regional and local advisory committees provide this opportunity. They ensure that non-Aboriginal British Columbians can communicate their interests to government negotiators at the front end of negotiations. A referendum, on the other hand, puts consultation at the back end of the process.
- **A referendum is contrary to good faith negotiations.** In the early stages of each treaty negotiation, the parties decide how they will ratify agreements. In all of the negotiations now underway in the B.C. treaty process, the Government of Canada has made a commitment to ratify treaties in the House of Commons. It would be a sign of bad faith for the federal government to ignore this commitment.

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