



## SPECIAL POINTS OF INTEREST:

Annual General  
Assembly Meeting

Halalt First Nation  
Water Report

Chief Negotiators  
Report on Indige-  
nous Declaration

Current State of  
Negotiations

## INSIDE THIS ISSUE:

Current State 3  
of Negotiations

Mustimuhw 4  
Justice

Shared 5  
Decision Mak-  
ing

Gulf Islands 6  
National Park

Ancient River 7  
Villages

History of 8  
Treaty Process

Halalt First 10  
Nation



HTG Chief Negotiator Robert Morales speaking at October 15 Rally in Victoria

## Hul'qumi'num Treaty Group Chief Negotiator Report

I want to extend the very best to you and your family. I am happy to report to you that on September 13, 2007 the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples.

The HTG joins other indigenous peoples throughout the world to celebrate the adoption but are expressing our frustration in Canada's vote.

141 states ("countries") voted in support, 4 voted against and 11 abstained.

The United States, Canada, Australia and New Zealand voted against the adoption, stating that in their view "goes too far" in

recognizing the rights of Indigenous Peoples  
The vote marks a historic day for the world's Indigenous Peoples. This is the first time that Indigenous Peoples have been recognized as "Peoples" without qualification in an international legal document.

The Declaration recognizes Indigenous Peoples' inherent rights to self-determination, traditional lands, territories and natural resources, cultures and sacred sites, means of subsistence, languages, identities as well as their traditional life ways and concepts of development based on free, prior and informed consent, among others.

As we stated in our press release "We are disappointed that Canada was one of four nations who voted against the declaration," said Robert Morales, a spokesperson for the Unity Protocol group.

"The declaration represents a positive and significant step towards the reconciliation between the colonizing nations and the indigenous peoples."

The Unity Protocol nations are gratified that many of the articles in the declaration support the issues that we are raising with Canada and British Columbia in the BC treaty negotiation process.

(Continued on page 2.)

## Chief Negotiator's Report

(Continued from page 1.)

"Several articles in the declaration are well-aligned with the mandate of the Unity Protocol. For example, Articles 3 and 4 speak to governance, and support the concept that First Nations have a right to self-determination or self-government in matters relating to their internal affairs," added Morales.

"The Declaration states that it provides full protection for the territorial integrity and political unity of sovereign and independent States," said Chief Robert Louie, Chair of the First Nations Unity Protocol group. "The Unity Protocol group and the 300 million members of other Indigenous Nations around the world are seeking to undo colonialism and exploitation, not by breaking apart existing countries, but rather by working to build fair, equal and respectful partnerships."

Despite Canada's vote and the black mark on the country's international reputation, the Unity Protocol group continues to call on the governments of Canada and British Columbia to engage in fair, honorable and good faith negotiations through the establishment of a joint negotiating table.

The group is hoping for an end to poverty and for recognition of Aboriginal title. Canada and BC are out of step with the other nations of the world by continuing to rely upon outdated colonizing attitudes to support their policies and mandates they are bringing to the BC treaty negotiation process.

Canada's UN ambassador, John McNee, said Canada had "significant concerns" over the declaration's wording on provisions addressing lands and resources, as well as another article calling on states to obtain prior informed consent with

indigenous groups before enacting new laws or administrative measures.

Article 26 of the UN declaration states: "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

McNee said the provision is "overly broad, unclear and capable of a wide variety of interpretations" that could lead to the reopening of previously settled land claims and existing treaties.

Indian Affairs Minister Chuck Strahl said Canada opposed the declaration because it lacks clear guidance for implementation and conflicts with the existing Canadian Charter of Rights and Freedoms, which the government believes already protects the rights of aboriginals. "I am sorry we can't sign on. It's not balanced, in our view, and inconsistent with the Charter."

These views expressed by Canada are indicative of the positions that are taken at our treaty table. We have indicated that this is unacceptable and that the treaty must form the basis of a fair and respectful relationship.

We will continue to work for change in the government positions. We continue to be committed to the Unity Protocol and we have filed a complaint with the United Nations Inter American Commission on Human Rights.

This is in relation to the E&N Railway Grant and the position that government has taken that private lands are not on the table for negotiation, except on a willing seller willing buyer basis. I will report on this more fully in our next newsletter.

Huy ch qu

Robert Morales  
Chief Negotiator  
Hul'qumi'num Treaty Group

Canada and BC are out of step with the other nations of the world by continuing to rely upon outdated colonizing attitudes to support their policies and mandates they are bringing to the BC treaty negotiation



HTG Chief Negotiator  
Robert Morales



**Dr. Brian Thom**

## Now is a critical moment: The State of BC Treaty negotiations in the history of land claims

This is an important moment in time in the relationship between First Nations people and mainstream Canadian society.

After 13 years of negotiations in the BC Treaty Process, we are on the cusp of having two Final Agreements made into law.

We have the provincial Liberal government having declared an era of New Relationships with First Nations people, and have been putting political and fiscal resources behind this declaration.

The powerful voice of the Supreme Court of Canada has time and again in recent years held the Crown to a high standard of duty and honour, requiring government to develop significant and meaningful relationships with First Nations, extending power and resources to these frequently impoverished communities.

The federal government, seemingly inert in the aboriginal policy forum since shelving the 1996 Royal Commission report, has recently implemented significant legislation to allow Indian Bands greater economic development opportunities on their reserves, more flexible means of managing band assets, and in a sweeping move, have this week begun paying compensation to generation's of victims of assimilation and abuse in residential schools.

Given these important developments, First Nations leaders across BC find themselves in very dynamic times. The decisions they make in the near-term in relation to their lands, resources and governance, may be as significant as any

decisions of First Nations leaders in the past 100 years.

In many ways, this is a three way choice: settle Tsawwassen-type treaties now, press governments to change the mandates of their negotiators and offer different kinds of deals, or withdraw from the treaty table and seek the best alternative to a negotiated agreement.

The Tsawwassen and Maa-nulth Final Agreements offer a path to resolution of these issues. They provide the First Nation a certain amount of cash, land and fish.

They set out a system of governance outside the *Indian Act*, including much stronger provisions for the management of and benefit from "treaty settlement lands" (Indian Reserves and new Crown Lands acquired in treaty), and on matters that are of a local nature.

They detail the long-term legal obligations and relationships between First Nations and other levels of government and will certainly fulfil their expectations as being 'final' constitutional agreements regarding rights and title.

However, the land base these agreements provide is much smaller than the traditional territories of these First Nations communities.

The cash component, based largely on a nation-wide formula of a one-time payment of \$35,000-\$45,000 per person, certainly does not fulfil any calculus of compensation for the loss of these territories and resources.

In exchange for these benefits, First Nations must give up their *Indian Act* tax exemptions (something that First Nations with treaties in other areas of Canada have not had to do).

They will face considerable uncertainty on the adequacy of the fiscal financing of their new governments (compared to provincial, territorial or municipal governments).

They must extinguish their traditional land holding systems over their territo-

ries in favour of fee-simple title to the surveyed parcels, transforming also their existing reserve land to this fee-simple status.

Perhaps most significantly, they must legally sign off on all of the historical rights, claims and properties that may have not been described between the covers of these treaty agreements, giving 'certainty' to governments that the courts will not look at other elements of First Nations cultures and declare them as constitutionally protected rights.

These issues have been the backbone of the concerns expressed by the members of the Unity Protocol – a group of over 60 First Nations, also supported in principle by the Union of BC Indian Chiefs-as being key barriers that need to be resolved.

Though this process has considerable support from First Nations, Canada and British Columbia have to date made no serious commitments to engaging high-level mandate dialogues at a unity table.

Public outcry and support from the BC Treaty Commission may be critical elements in spurring these Unity Protocol hopes into action.

These debates around treaty negotiations often generate the criticism that talks are moving too slow, making too little progress.

Indeed, the HTG workplan is tooled around achieving medium and long-term desired results of mandate change and a final agreement, with attention to shorter-term results largely being done through the work of the referrals and fisheries staff at HTG, and in the implementing of the Parks and Archaeology Branch agreements.

One option some First Nations are considering is to put aside big-picture questions of certainty and constitutional agreements in favour of more 'practical' government-to-government relationships.

This would be a major re-focus of the effort towards achieving shorter-term goals. Though there may indeed be plum opportunities for First Nations to receive a number of land, revenue sharing, or interim

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governance initiatives by working directly with the Province, there is no clear path back to the treaty table from these talks, including no clear indication that Canada is willing to consider them a part of 'treaty negotiations' at all.


**After Treaty Justice in the Hul'qumi'num Mustimuhw Community**

Justice is a very important topic for people interested in self governance. What I mean is that after treaty the Hul'qumi'num Mustimuhw may draft the most exciting series of laws that could support a Hul'qumi'num community instilling Hul'qumi'num values and beliefs.

However, these exciting laws would be of little consequence unless the people were able to put them into effect. Such implementation is typically done through various governance bodies such as the courts, tribunals, policing agencies, or correctional programs and facilities.

The conventional way to enforce laws is through a policing agency like the RCMP or municipal police.

These bodies ensure that governmental laws are enforced within regions.

The next related process in BC is the courts; there are many different

Over the past 7 years, the HTG has plumbed the depths of the gaps between their aspirations and the governments positions. Reflecting on these recent deals being offered to Tsawwassen on the mainland and Maa-nulth on the west coast

HTG's leaders are faced with the critical decision of how to move

levels of courts which decide whether charges by the police are justified and also resolve disputes amongst individuals.

There are also administrative tribunals which adjudicate the legality (and sometimes wisdom) of governmental decisions. These tribunals act like courts overseeing governmental decisions and reviewing whether they are sound; they provide a means for citizens to ensure the laws are being adhered to.

Courts and tribunals make judgments that are intended to keep the peace and provide a sense of justice to the community. Finally, there are correctional services which implement court decisions and enforce their sentences. They offer a spectrum of correctional services across Canada anywhere from fine programs to prisons.

Unfortunately, First Nations in this country know the justice system all too well; Aboriginal people are overrepresented in the courts and correctional facilities to such a degree as to be referred to as a 'Canadian crisis.'

Thus, Aboriginal people across the continent have taken steps to establish alternatives to try to improve this situation.

Some First Nations offer their own police service, have their own crisis management programs or intervention programs, their own correctional institutions and do prevention

forward, how to build the bridges and close the gaps. Now is a critical moment for HTG in the future of these issues.

**Article Submitted by Dr. Brian Thom: Senior Support Staff.**

work to try to keep their youth from going down this road.

As such, the Hul'qumi'num Mustimuhw have expressed an interest in establishing their own such institutions which are based on the unique needs and expectations of their communities.

The Treaty Group wants to ensure these opportunities are available to the people after treaty, so we are in the current stages of consultation, research and the development of treaty language which expresses it. To this end, we are hoping the community is interested in sharing their thoughts and wishes.

I want to formally thank a few Hul'qumi'num people who have special expertise in this area and have made time available for our consultative team to discuss these issues with them. Judge John Joe, Bill Rice, Ernie Elliott, and Cal Swustus have specialized knowledge and experience in these fields and have volunteered time to talk with us. Their time has truly been invaluable.

This is an incredibly interesting and important discussion for the Hul'qumi'num people to have. We look forward to receiving guidance and feedback from you the Hul'qumi'num Mustimuhw.

**Article Submitted by Renee Racette  
HTG Legal Council**

## Shared Decision Making Report



### Article Submitted by Jess Rogers Shared Decision Making Coordinator.

In June I updated you on the current government Treaty mandates that do not recognize First Nation jurisdiction throughout traditional territories and attempt to limit First Nation decision-making authority to smaller areas called 'Treaty Settlement Lands'.

However, I am sure that many of you have heard the media reports of First Nations signing 'New Relationship' agreements with the Province that provide recognition of territorial jurisdiction.

For example, agreements such as the Hupacasath's Reconciliation Protocol that provides \$500,000 to support economic development in their traditional territory, and the agreement with the 'Namgis that will allow for the collaborative management of parks and protected areas within their traditional territory.

Hearing these reports have probably left many wondering why HTG communities have not benefited from these opportunities.

#### *The Current SDM Direction*

These agreements have not gone unnoticed at HTG and they have created much frustration as these

opportunities have not translated to the Treaty table.

This is not to say that we are sitting still, in fact we are leading the charge to bring all the opportunities of the New Relationship to the Treaty table.

This includes Shared Decision-Making (SDM), which recognizes First Nations right to make decisions concerning the use of the lands and resources in their territories – a right that fits with the mandate given to us by the member Nations of retaining connection with 100% of the territory.

The Shared Decision Making Team has been tasked with this project and has produced a number of important deliverables including the first draft of an off-Treaty Settlement Land chapter that incorporates SDM, and a second draft of a 'call to action' paper for Governments to engage Treaty mandate change.

At the same time we have been working with the member Nations on creating and implementing an internal SDM Body that incorporates the interests of all member Nations. This work includes creating operating principles and guidelines for the internal Shared Decision-Making Body, and developing an overall structure for SDM that shows a clear articulation between First Nation decision-makers and current government process.

#### *Deciding the Best Future Direction*

There are, however, other options than relying on treaty chapters to provide co-management available to First Nations. As part of my work as SDM coordinator I have been analyzing the out-of-treaty developments that have come as a result of

emerging New Relationship agreements between First Nations and the Province.

There is nothing to suggest that ratifying New Relationship and Treaty Agreements are mutually exclusive. There may be the potential to use New Relationship agreements as a springboard to recognizing territorial jurisdiction in Treaty while securing interim tangible benefits for the communities.

That being said, there are caveats to redirecting HTG energy into New Relationship agreements. In order to produce the desired results HTG must develop a strategic plan to integrate New Relationship agreements with overall treaty goals. This requires a significant investment of resources and staff time and that the member Nations have an understanding of what New Relationship agreements represent and what they can and cannot achieve.

Things to be considered and the communities to be aware of:

- (1) Agreements do not change the nature of Crown/First Nation relationships
- (2) Economic compensation is not necessarily based on the economic realities of the territory.
- (3) There are discrepancies between the agreements suggesting there may be different political will to achieve reconciliation in different areas of BC.
- (4) Control and/or protection over territory is still more limited than First Nations generally desire, leaving open the potential for governments to liquidate Crown lands and resources not covered by the interim agreements prior to treaty.

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**Conclusion**

The SDM team has been hard at work leading groundbreaking Treaty policy work. Although necessary and extremely important to realizing a Treaty that the communities can support, it has not yielded immediate gains to the communities.

However it should be noted that

interim successes have been achieved through HTG in other areas of cooperative planning such as the archeological branch protocol, the Gulf Island National Parks Committee, the establishment of Qum’ul Seafoods and a planning relationships with Islands Trust.

HTG can then move these models to the treaty table and work with the Provincial and Federal government to implement a common plan for shared decision-making which is constitutionally protected and entrenched within treaty.

However, it is important to remember when hearing the news releases that in their current form, New Relationship agreements are short-term resource and benefit sharing agreements that do not secure a place for First Nations in provincial decision-making.

**Article by Jess Rogers  
Shared Decision Making Coordinator**



**Gulf Islands National Park Reserve Committee Report  
By Lea Joe**

**Uy skweyul!** Hope everyone enjoyed their summer. School’s back in session, fall is just around the corner, and we’re ready to get back to business! I’d like to provide a brief update about our committee. As you may recall, the following members are a part of the committee:

**Chemainus ~ George Harris**

**Cowichan ~ Norbert Sylvester**

**Lyackson ~ Veronica Kauwell**

**Lake Cowichan ~ Cyril Livingstone**

**Penelakut ~ Robert Sam**

**Halalt ~ Ben Norris**

**HTG ~ Brian Thom**

**HTG Elders’ Representative ~ August Sylvester**

Our committee meets twice a month for regular committee business, (internal and external meetings. ) We also have special quarterly meetings to discuss environmental assessments.

At our last meeting we discussed: access to wood for cultural use in the Pacific Rim National Park and also the Gulf Islands National Park Reserve area; joint issues with our southern neighbours of Sencot’ en; a harvest plan proposal; a traditional ecological knowledge proposal; and our oral history project that is currently underway.

Our west coast neighbours have proposed an access to wood for ceremonial use in the Pacific Rim National Park. While we have protocols that must be met prior to removing the wood, it is still a great opportunity for carvers, canoe builders, or other First Nations people that require wood.

In addition to the Pacific Rim, our very own Gulf Islands National Park Reserve (GINPR) has very recently proposed the same access to wood for ceremonial use. Again, certain criteria must be met, such as removal of the wood at the cost of First Nations people, and conducting an environmental assessment first. If you require more information, contact your local representative or myself, Lea Joe at HTG, or John Marczyk at GINPR.

The oral history project, also known as Cultural Research Project, includes interviews with various elders and resource harvesters that have experience and knowledge of the Gulf Islands. We’ve interviewed eight people so far.

The purpose of the project is to collect information about their use and knowledge of the southern Gulf Islands to determine why the islands are important to Hul’qumi’num people. I’ve enjoyed listening to all of the stories, information, and histories.

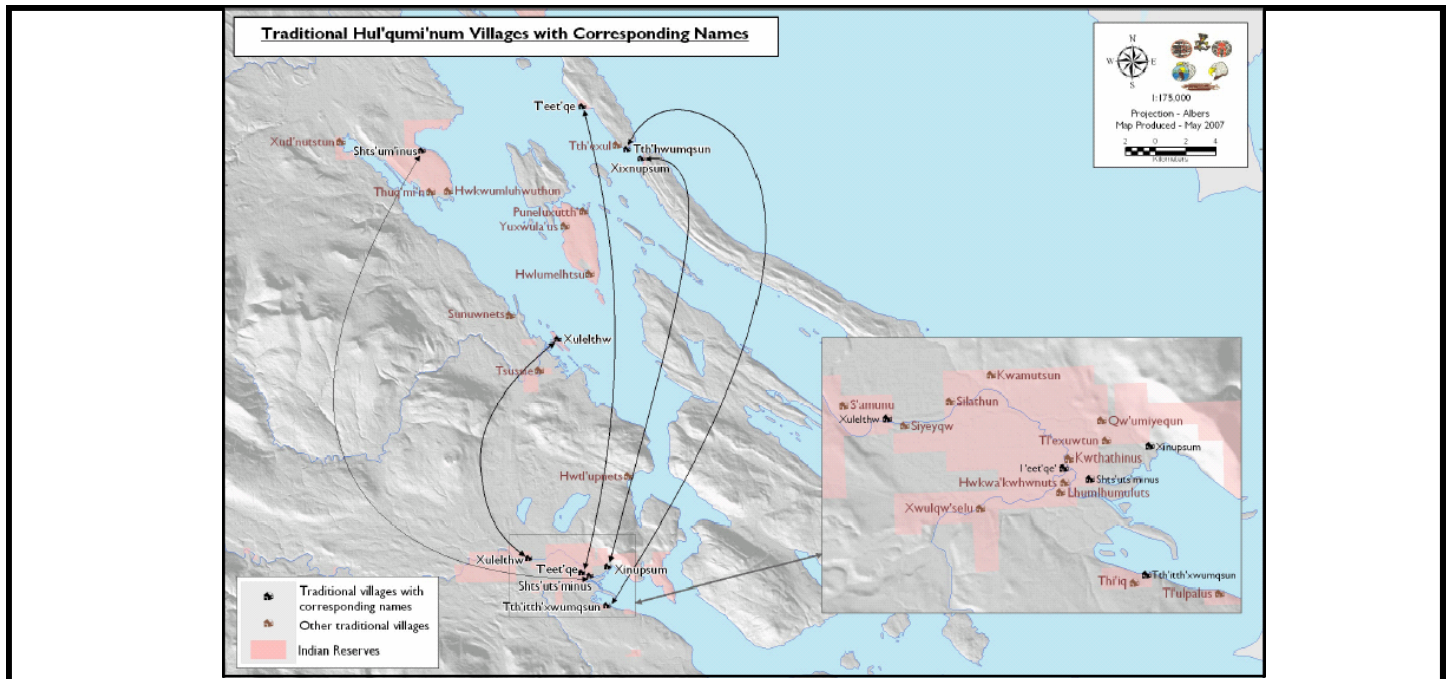
Another important issue we discussed at our meeting is the Cabbage Island repatriation. There are human remains left in the ground on Cabbage Island, and the other half of the same remains are in storage at the Royal BC Museum.

We’ve submitted a letter of support to repatriate the remains, and also a letter to our Sencot’ en relatives to state our support as our Committee is very much interested in putting this to a closure.

While we have evolving projects and issues on the table, we continue to address regular issues and topics, such as: rights to hunting and resource harvesting on the Gulf Islands; continuing to review information about First Nations people in the Parks’ visitor guide, information booths, kiosks, and other interpretive material; voicing our opinion, input, and concerns with regard to environmental assessments (i.e. anything that affects the surrounding environment, such as the creation of a campsite or dingy dock); and the CURA multilingual field guide.

**Article submitted by Lea Joe  
Negotiations Project Assistant**

# Ancient Villages on the Cowichan River



The Hul'qumi'num native people who reside on the Southeast side of Vancouver Island share many common connections though marriage, language and cultural practices. There are many different versions of the ancestor legends of our people which have been recorded by such authors as Diamond Jenness Franz Boas, Edward Curtis, E.B. Norcross, Sgt. J. Humphreys, & Beryl Cryer.

The version that is shared by Edward Curtis says that Stutsun was the first man to drop out of the sky at *Sxwunum*, an open swampy place at the foot of Mount Prevost, in his right hand was a spear, in his left a rattle.

Then Siyalutsu fell down in the same place. He had bow and arrows, a net for catching deer and a rattle. Siyalutsu and Stutsun, who were brothers, moved down Cowichan River and founded the village of *Xulelthw*. Afterward people from this settlement moved to Chemainus Bay and their descendants are called *Xulelthw* (Halalt).

David Rozen published his Masters Thesis in 1984 called Place Names of the Hul'qumi'num People. For his thesis he interviewed many local elders such as Gus Campbell, Michael David, Arnold Guerin, Rose James, Abel D. Joe, Arthur Joe,

Alexis Louie, Alfred Louie, Abraham Joe, Chris Paul, David Peters, Agnes Thorne and Hilda Wilson. These highly respected elders shared a wealth of knowledge relating to the ancient villages once located along the Cowichan River.

There was formerly a permanent winter village near the present day government wharf at Cowichan Bay which was called *Tth'ith'xwnqsun*. This village apparently extended about one kilometer north along Cowichan Bay. The residents of this Cowichan Bay village moved to Cayetano Point on Valdes Island several hundred years ago, taking their village name with them

There formerly was a village containing at least four large houses about fifty meters north of *Lhumlhumuluts'* on the west bank of the Cowichan River middle arm.

It is apparent that the people from the Cowichan River village moved to Valdes Island and joined others already living at Shingle Point. This village was called *T'ee't'qe'*. Across the river was another village called *Kwthathinus*

There was formerly a village at the mouth of the south arm of the

(Chemainus) and another in Kulleet Bay with the name *Shts'um'inus*. These two villages were occupied by the same extended families. The Cowichan village was said to be the original village, whose residents moved to Kulleet Bay permanently. It is interesting to note that James Douglas, Franz Boas, Hill-Tout and Edward Curtis all recorded the term *Shts'um'inus* for the Cowichan River village of *Shts'um'inus*.

The village formerly located near the Village Green Inn in Duncan, *Xulelthw* (Halalt) had at least seven houses in the historic period. The residents of the village moved to a village at the north end of Willy's Island, taking the name of the Cowichan River village with them. Apparently the houses at *Xulelthw* were on both sides of the Cowichan River, almost exactly where the Island Highway crosses the river with twin bridges.

Virago Race Point Village on Galiano Island, *Xixnupsum* and the Cowichan Bay Green Pont Village named *Xinupsum* at one time were both occupied by the same extended families.

To learn more about this topic please read David Rozen's thesis titled, Place names of the Hul'qumi'num People.

**Article submitted by Joey Caro.**

## The Past in the future of Treaty Negotiations

### A Short History of How Vancouver Island First Nations Came to be in the BC Treaty Process

Brian Thom, Senior Negotiations Support

In considering how First Nations came to be at this point of critical decision-making regarding the futures of the rights and title of their communities, it is useful to have an understanding of the broad strokes of history, putting into context why land, governance and natural resources are critical elements in the BC Treaty Process.

In the mid-18th century, there were tens of thousands of First Nations people living in large, permanent villages all across Vancouver Island and the Gulf Islands. In this dense inhabitation of the rich Island environments, several languages were spoken: Kwak'waka in the north, Nuu-chah-nulth and Nitnat in the west, and four Coast Salish languages along the south east coast (Island Comox, Pentlatch, Hul'qumi'num', and Straits Salish).

The speakers of each distinct language lived in villages closely connected to neighbouring communities through important extended family ties and practised each region's distinctive cultural traditions.

Throughout these aboriginal Island communities, while the broad strokes of culture were similar – such as the importance of salmon and beach foods – the political and economic institution of potlatching- there were also unique local traditions in the symbolic and social lives of masks, songs, stories and teachings. These people – the ancestors of the leaders who have come to speak with us to day – shared an understanding of their territories and laws, which profoundly shaped the social world in which they lived.

On Vancouver Island, aboriginal territories are large areas, often located in watersheds and island-sheds, where the laws of the communities who used and occupied them are recognized and generally re-

spected. In some areas, sections of a territory are held jointly by two or more neighbouring groups.

In other areas within the territory the individual properties of an individual, an extended family or a village are recognized. Sharing the wealth – being hosts whose ethic is to never let guests leave hungry – is a prevalent moral ethos in these communities.

When Europeans first sailed by in the 1790s, they had little understanding of the cultures and practices of the people who were their hosts. They enjoyed the fresh foods and brisk trade in fur and fish for export to their overseas interests. At the moment when Captain Vancouver first entered into relations with his hosts, the English common law concept of aboriginal rights (the special rights of the first people of a land) crystallized, protecting the unique cultures, practices and traditions from the potentially very unequal power of the colonial state.

As the fur and fish trade went on over the next 50 years, Europeans and American nations debated who would become sovereign over this land, settling finally in 1846, when the British Crown finally established their dominion over Vancouver Island. At this moment in history, another aboriginal right – aboriginal title – was distilled at common-law.

This title is a property right in land. It is based in part on the British common-law tradition of recognizing the property rights of the long-term users and occupiers of the land, and in part on local aboriginal legal systems. It was at this moment in 1846 – only 161 years ago – that aboriginal title and Crown title came to rest and coexist simultaneously upon this land.

British law, following the directive of the Royal Proclamation of 1763, also insisted that Crown title be made complete by compensating aboriginal communities for their aboriginal title. Though Governor James Douglas did succeed in negotiating 14 treaties with several First Nations in and around Victoria, Nanaimo and Fort Rupert, his efforts were thwarted by a limited political will in London to carry on talks through the rest of the Island and the Mainland.

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Aboriginal Neighbors Gathering September 22 Duncan Christian Reformed Church: Dr. Brian Thom, Robert Morales, Chief Jack Thompson Celeste Haldane, Dan Smith & Rod Naknakim

**(Continued from page 8)**

By the gold rush of 1858 – a critical moment in BC history when 30,000 American miners swept across the border – political priorities changed and the effort to resolve the aboriginal title interests of First Nations transformed into priorities of inscribing Indian Reserves onto the new cartography of BC so that settlement of these new immigrants could be facilitated as rapidly as the colonial government could grant the land.

Small disputes erupted all over the Island between the aboriginal hosts and their guests who, to paraphrase the folk etymology of *xwunitum* (the Halkomelem word for ‘white man’), were always hungry, insatiable in their appetite for land and resources.

Gunboats were called to shell villages like Lamalchi Bay on Kuper Island, aboriginal resistors were arrested and occasionally publicly hung. Fences were erected and the familiar trappings of Victorian racism and romanticism frequently typified interpersonal relationships. Meanwhile, wave after wave of virgin soil diseases (smallpox, influenza, TB) thinned many of the once large, dense villages. More benevolent colonization went hand-in-hand with these more overt power relations.

Catholic and Methodist churches missionized and encouraged ‘civilization’ into a more European way of life. Soon supported by government policy and finances, these efforts culminated in residential schools which became some of the most colonizing institutions in history.

Through the 1870s, 80s and 90s, governments continued their survey work in British Columbia, setting aside village sites, cemeteries, and fishing stations as Indian Reserves.

These small, specific plots of land were not the territories held by the First Nations.

They were tiny outcrops – even by the standards of other Indian Reserves set aside in Canada and the US – splintered away while hunting ranges, clam gardens, camas fields, sacred sites and ancestral places became the settled farms, towns and forestry operations of the newcomer society.

During this time, settlement continued to expand, particularly in the south and central Island where coal mining, forestry, fishing and farming all attracted settlers who pre-empted land, obtaining a grant of fee-simple title in these populated areas.

One grant, however, dwarfed all others in its size and impact – the 1884 E&N Railway Grant. In exchange for building the railway from Victoria to Courteney, James Dunsmuir was given fee-simple title to the entire southeast coast of Vancouver Island, a strip 20 miles wide and 100 miles long, where there weren’t already farms, towns or Indian Reserves.

No consideration or compensation was ever provided – or even seriously considered – for the newly alienated territories of the First Nations people who owned the area since *time immemorial*. The impact of the grant would be felt for the next 125 years, as logging, mining and urban settlement continued on these private lands, virtually without government involvement or intervention, and almost no First Nations input.

In 1871, the *Indian Act* became the other very significant government decision which shaped the relationship between First Nations people and Canada for the next century.

By 1885 it had been amended to ban the potlatch and winter ceremonials. By 1927 it had also been amended to ban First Nations from hiring legal councils to challenge governments on aboriginal land ownership issues. Governance by chiefs and councils under the *Indian Act* was never recognized as extended throughout territories, only to Indian Reserves.

The land policies and the *Indian Act* worked not only to displace First Nations people from their territories to their Reserves, but also attempted to unseat traditional First Nations leaders from their power base. In 1920, the *Indian Act* was amended to allow Indian agents to ban hereditary rule of Bands, and until 1951, First Nations women were not allowed to vote in band elections.

In spite of this history, these significant elements of traditional aboriginal governments persisted, and their use and occupancy of territories, though thwarted, has been maintained. First Nations leaders have been active throughout this time, lobbying, protesting, and petitioning for the recognition of their rights and title.

By the 1960s First Nations leaders began pressing the courts for recognition of their rights and ancestral territories. By the mid-70s, the federal government had responded to critical court decisions, established various processes and policies to attempt to hear and resolve the disputes which had mounted over the past 150 years.

By 1992 even the province of British Columbia, long having denied even the barest existence of aboriginal title, agreed to sit at the table and negotiate. The Nisga’a negotiations – protracted over 25 years – resulted in a Final Agreement in 2000. Today, we see two more agreements on the cusp of being made into law.

However one views the pros and cons of these new Final Agreements, it is clear that they are a major turning point in the history of reconciliation of aboriginal title and rights with the powers and authorities of the Canadian state. First Nations leaders considering the future of these communities must carefully consider how to balance justice and reconciliation, how to maintain and protect their cultural distinctiveness, how to become socially and economically prosperous in the 21<sup>st</sup> century and beyond. Looking from the view of history, these decisions will truly shape the future of the place of First Nations people within the country of Canada.

**Article Submitted by Dr. Brian Thom.**

## Halalt First Nation

### An Important Message from the Halalt First Nation Chief James Thomas

I would like to speak to you today about something that affects every living thing on this earth. Most of you have some of it sitting on the table in front of you. It is the most valuable commodity in the world. Gold and diamonds have little value when compared to water.

For the past several years, water has been heavy on the minds of my people. We have watched an illness caused by development and logging seriously harm the Chemainus River that flows through our lands. Even in my lifetime, I have seen the fish disappear from this river and the rich plant and animal life also disappear.

Last month we hauled almost 1,000 truckloads of gravel from the river, more evidence of increased run-off from logging activities.

I'm sure many of the things we are seeing are familiar to all of you as you watch the lakes and streams in your territories suffer from similar illnesses caused by humans.

But the ill health of the Chemainus River is special for two reasons. First of all, it is Our River, and secondly, the latest threat has come from someone easily identified-our neighbours-in the municipality of North Cowichan.

Five years ago, North Cowichan got some money from the federal government and started a project to drill wells into the Chemainus River aquifer: the same place where Halalt gets its water. They wanted to pump millions of liters of water from the wells in order to supply the growing town of Chemainus.

It has been a David and Goliath type of struggle for us. North Cowichan has its own engineers and a long list of consultants. We've been forced to battle with the few resources we have, but we've successfully held up the project in BC's Environmental Assessment Office because of the strength of our arguments.

Of course, our main argument is that our water rights flow from Halalt's traditional territorial rights, which we think also includes the right to govern water. But engineers and consultants don't understand this kind of language.

So, we hired our own hydro geologist and biologists and other water experts who showed how pumping water

from the aquifer would affect the river where we have been working for the past 20 years to reintroduce salmon stocks.

Our entire community became involved when we created a document for the EAO detailing our historical use of what is called Grandpa's River.

We have filed many documents with the EAO, but finally decided that words-on-paper wasn't getting our message across. So, on September 14, we invited all our neighbours to Honor Our River Day.

What a great day that was. We had busloads of children from all the area schools and visitors from as far away as Victoria and Saltspring Island coming to learn about Our River. We had biologists talking about the life cycle of the salmon and my own sister took hundreds of people on walks along the river to talk about plants.

We had a big board for people to sign a Pledge to Our River calling for stewardship and understanding of the river and also demanding a comprehensive watershed management plan before any further development goes ahead. Even the Mayor of North Cowichan signed that pledge.

Everyone learned a lot that day. Young and old people learned many things about a river they once took for granted.

And I learned a lot too. The big thing that I learned was about the power of educating people and how hungry everyone is to learn more about the environment and how the things people do every day affects the earth.

I also learned about bridge building. I learned how easy it is to build bridges with our neighbours. But what really surprised me was how we have been able to educate North Cowichan. For the Mayor-our opposition-to sign our Pledge calling for a watershed management plan shows that sometimes you can teach old dog's new tricks.

So there are bridges being built and I hope the next time you hear about the Chemainus River, you will be hearing that the plan to pump water out of our aquifer has been set aside until we all know more about the river, the aquifer and the watershed.

Huy'ch'qa

# Hul'qumi'num Treaty Group Annual General Assembly



HUL'QUMI'NUM TREATY GROUP

**DATE:** WEDNESDAY, NOVEMBER 7, 2007  
**TIME:** 5PM DINNER—6PM MEETING  
**PLACE:** CHEMAINUS LEGION HALL

**If you require transportation:  
 Bus Schedule—Duncan & Ladysmith  
 Stu'ate Lelum Bus (C.F.N. School Buses)**

<u>DEPART Duncan</u>	<u>DEPART Ladysmith (C.F.N. Route)</u>
Somena Big House Bus Stop ----- 4:05	Corner Kulleet Bay Rd & Deer Pt. Rd ----- 4:00
Boys Rd.- Serious Coffee ----- 4:10	Kulleet Bay Rd. & Seymour Rd. ----- 4:05
Quamichan Big House ----- 4:25	Church Rd – Shaker Church ----- 4:10
Chesterfield Rd. - Makola Housing ----- 4:35	Tideview Rd & Sulksun Rd. ----- 4:15
Halalt Band Office ----- 4:45	Tideview Rd. & Eagle Crescent Rd.----- 4:15
Tussie Rd – Camelot Café ----- 4:55	Tideview Rd & Riptide Rd ----- 4:20
No# 11 ----- 5:00	CFN Community Centre ----- 4:25
Arrive at the Legion ----- 5:05	Husky Station ----- 4:35
	Arrive at the Legion ----- 5:00

**RETURN**—Bus to leave Chemainus Legion at 8pm for return trip to Ladysmith & Duncan.  
 Ferry Tickets Available for Kuper Island Members  
 Audited Financial Statements available on our website or by request.

**FOR MORE INFORMATION CONTACT**  
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Publications Mail Agreement #41338543

Return undeliverable mail to:

Hul'qumi'num Treaty Group

RR#1 12611B Trans Canada Highway

Ladysmith, B.C. V9G 1M5

## **WANTED**

**Information leading to the whereabouts of all Hul'qumi'num Treaty Group members.**

**Member nations include: Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson & Penelakut**

**If you are a member of one of these nations we're looking for you. We need your contact information so we can include your input and keep you informed of treaty negotiations.**

**Please forward your: Name, Address, Telephone Number, Email Address & Band Affiliation to**

**April Miller at the Hul'qumi'num Treaty Group**

**12611B Trans Canada Highway**

**Ladysmith, BC, V9G 1M5**

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**Toll Free Telephone: 1-888-987-3289**

**Fax: (250) 245-4668**

**Or fill out the form on our website:[www.hulquminum.bc.ca](http://www.hulquminum.bc.ca)**

**Email: [aprilm@hulquminum.bc.ca](mailto:aprilm@hulquminum.bc.ca)**