



SPECIAL POINTS OF INTEREST:

- Natural resource Manager
- West Papua
- Elder's Coordinator
- Mailing list
- Environment Minister

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I hope that you and your family are doing well, and that you had a good summer. I am happy to report on the progress of our treaty negotiations.

We have been focusing on the issues of governance for the past several negotiations with government. These negotiations are dealing with the powers that our future government will have to make laws.

We have been discussing law-making over education, health, child welfare, Hul'qumi'num lands and resources, public works, building and structures and others.

We have made progress but there continues to be areas where we have disagreement with Canada and BC.

The Chief Negotiators for the treaty tables in BC have determined that we share many common concerns over the positions that government is bringing to our tables.

We are, therefore, developing a way to work together to resolve these. We have identified six areas of common interest, including governance.

The Harvard project has identified governance as a major reason why some American tribes succeed and others do not.

A strong government with a good cultural fit was found to be the best basis for future success.

Our goal in the negotiations is to give our future governments as much jurisdiction as possible. We are exploring these options for both on and off Hul'qumi'num owned treaty lands.

We believe that the governance provisions in the HTG AiP should:

1. be based on the recognition of the inherent right of self-government,
2. respect traditional governance principles,
3. respect the cultural and economic connection of HTG to the lands and resources in their territories including their traditional stewardship laws and values,
4. respect Canada's international legal obligations relating to the right of self-determination
5. provide for a legitimate role for HTG in the decision-making processes that affect lands and resources in their traditional territories,
6. provide that HTG governance will apply to cultural resources regardless of where they are,
7. provide that certain HTG laws will apply to HTG

citizens regardless of where they live,

8. Include sufficient jurisdiction and paramouncy to implement areas of authority set out in Treaty,
9. include sufficient revenue and capacity-building provisions to enable HTG to fully implement them,
10. be constitutionally protected,
11. provide for exclusive jurisdiction to determine membership, and
12. include provisions for accountability, fairness and transparency.

The negotiation of our future self government is very important and we welcome your comments and ideas.

Huy ts'eeq q'u

Robert Morales
HTG Chief Negotiator



Senior Negotiations Support



Article submitted by
Brian Thom
Negotiations Manager

We have made every effort in these negotiations to present a strong vision of self-government. To provide robust and meaningful law-making powers and government-to-government relationships that will allow for the culturally distinctive needs and aspirations of Hul'qumi'num people to operate in the future, no longer shackled by the constraints that the federal *Indian Act* currently has.

The HTG Treaty and Social Issues: Health, Education, Child & Family Services

Dr. Brian Thom
Negotiations Manager

Over the summer, the HTG negotiations with Canada and BC focussed on fleshing out the place of three key social services in the treaty: health, education and child & family services. We know from our consultations with the elders, chiefs and community members that these are critical topics that need to be addressed by treaty.

These are areas where there are long-standing social inequalities between HTG community members and the non-Native society at large. Chronic health problems are more prevalent in First Nations communities than in the general public. Graduation rates amongst aboriginal youth and participation in post-secondary programs are significantly lower than the population at large. Over the past decade, the media has frequently reported the often tragic complications arising from the custody of children in care. These are important issues which need long-term solutions.

Treaty is not a place for quick fixes to these problems. These problems are rooted to deep systemic inadequacies of *Indian Act* governance, and in the economic and social disenfranchisement of First Nations people that occurred as a result of the devastating alienation of Hul'qumi'num lands and resources. Treaty is an excellent opportunity

for Hul'qumi'num people to reach down to the bottom of these systemic problems, and establish stable and just relations between the Hul'qumi'num member First Nations and the federal and provincial governments that will help, over time, establish an equal footing in society at large.

The approach of the HTG treaty team is to address these systemic problems: law-making, fiscal financing agreements, and through establishing treaty protected standards of social and economic equality.

Law-making

The governance chapter of the HTG Agreement in Principle sets out a wide range of law-making authorities that the future Hul'qumi'num Government (or its member First Nations) will be able to exercise. HTG's vision is that the future Hul'qumi'num Government will be able to make laws respecting these social services in the following areas:

- traditional Coast Salish healing, medicine and healers;
- health programs and services
- language and culture education- educational programs and services, including preschool & child care, K-12, post-secondary
- child protection services
- family development services
- adoption of Hul'qumi'num children

The negotiations have focussed on how extensive these law-making powers

will be, what the relationship of these laws will be to other federal and provincial laws, if and how provincial standards will apply to the application of these Hul'qumi'num laws. Associated with these law-making provisions in the AiP are also treaty commitments around the kinds of relationships that Hul'qumi'num Government will have with the provincial and federal government in establishing, delivering, and coordinating the programs and services provided. We have made every effort in these negotiations to present a strong vision of self-government. Our vision provides robust law-making powers in a framework of meaningful government-to-government relationships. This will allow for the culturally distinctive needs and aspirations of Hul'qumi'num people to continue, no longer shackled by the constraints and controls that the federal *Indian Act* system currently have. It will be in these important governance areas that Hul'qumi'num values and priorities in health, education, and child and family issues will be built for the future

Fiscal Financing Agreements

The health, education, and child and family programs and services provided to the Hul'qumi'num member First Nation communities need significant financial resources.

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Today many of these programs are inadequately funded. The treaty will provide for a new mechanism for negotiating on a block-funding, multi-year basis all of the agreed-upon programs and services provided by the Hul'qumi'num Government and member First Nations. We are working to ensure that the treaty establishes a negotiating climate for these Fiscal Financing Agreements that will provide adequate resources for these agreed-upon programs and services, and which are not unfairly penalized by the economic contributions Hul'qumi'num people may themselves want to contribute to these efforts.

Standards of Social and Economic Equality

The federal and provincial governments bring to the table a fiscal model which requires that reductions be made to government contributions to Hul'qumi'num programs and

services in these Fiscal Financing Agreements, if the Hul'qumi'num member First Nations take in significant revenues of their own.

While the HTG agrees that true self-government is a government that is not dependent on other governments for its fiscal resources. However, when this is seen alongside the tax exemption phase out that Canada and BC have also pushed for at the table, a situation may be created where Hul'qumi'num people would be contributing disproportionately to their social services.

We are arguing at the table that any such reductions of government revenue streams from Hul'qumi'num transfers must only be made when measurable social and economic indicators show that there is equality on other fronts. We are pushing to have these standards protected in the treaty. Only over time – when income levels, employment rates, population health,

and education achievements are on par with society at large – should there be a consideration of a change to the level of government contributions to Hul'qumi'num peoples' social well being.

Looking forward

Treaty will not change the benefits that all Status Indians are eligible for, such as post-secondary education or uninsured health benefits like dental and prescription drugs. Through the new relationships we are negotiating, treaty will provide a far better mechanism for the delivery dollars for social services and programs for Hul'qumi'num people. We will continue to work, both at the HTG table and through the Chief Negotiators forum at the First Nations Summit to formulate a treaty arrangement that will, in the long run, provide solid governance in health, education, and child and family programs and services.

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Everything Is Connected



HTG has been working with our six member nations on a very important initiative. One of the main issues at the treaty negotiation table is fisheries. There is much concern about the declining amounts of fish that the Hul'qumi'num communities have been getting over the years. One of the concerns we have is that if the government perceives that Hul'qumi'num people don't rely on fish as much anymore it will be difficult to get what you need in the treaty. So given that everything is connected, HTG has been working with our communities on a number of different projects to help increase the amount of fish in communities. One of the key things identified was re-establishing access to the Fraser River to fish for sockeye and other salmon species. The six Hul'qumi'num communities joined forces, in a show of strength, to work together on getting back your rights to fish in the Fraser. After a long negotiation between Fisheries and Oceans Canada (DFO) and the six Hul'qumi'num First Nations this year, the DFO finally agreed that the Hul'qumi'num traditionally fished on the Fraser River. The history of DFO not allowing Hul'qumi'num people to fish in the Fraser River dates back to the late 1800's when Indian Agents revoked the Hul'qumi'num licenses. The exciting news is that some of our member nations were able to go and fish over on the Fraser with the other Fraser River First Nations and all Hul'qumi'num nations are gearing up to go fishing over there again next year. This will help to increase the number of fish community members can access and who knows maybe some of you might decide to get out your putput boat again and go over there to fish next year.

Article Submitted by: Cheri Ayers, M.Sc. Natural Resource Manager.



Senior HTG Governance Manager Shana Manson & Wendy Grant-John at recent HTG Women's Caucus.

Senior Negotiations Support

Hul'qumi'num
Governance De-
velopment
Mukw ihwet 'uw
ts' qwul-
Everybody has a
voice....
-Shana Manson

The Hul'qumi'num Treaty Group is preparing to finalize a draft Hul'qumi'num Constitution that will outline the relationship between a National Hul'qumi'num Government and the six autonomous and independent community governments. This work will take several months as the HTG will need to conduct extensive consultation with all the Hul'qumi'num Mustimuhw.

The theme for this work is: *Mukw ihwet 'uw ts' qwul*, Everybody has a voice. That is the direction given for this important work. Everyone in our Hul'qumi'num communities must have the opportunity to voice their ideas, their concerns, their support, and their

vision. The discussions will be the information that will form what the National Constitution will say and what the National Constitution will do.

The questions that will be asked include:

- What values are so fundamental to the Hul'qumi'num Mustimuhw that we must write them down in our National Constitution?
 - What things do we have today that we want to make sure are protected in the future?
 - What areas do we think should be decided individually by each Hul'qumi'num community? (Local Jurisdiction)
- What areas do we think will affect all of us so much that we should make decisions together? (National Jurisdiction)

The Hul'qumi'num community will be hosting several events and meetings to ensure that everybody has a voice in this important work. That includes the formation of the Hul'qumi'num Leadership Council which is all the Chiefs and all

the Councils from all six Hul'qumi'num communities. The leadership council will meet on a regular basis to discuss the future Hul'qumi'num Government. The Leadership Council will also provide our leadership with the opportunity to discuss things that affect all of our communities and find ways to work together to solve those tough issues.

We will be hosting several Women's Caucus meetings. This is to make sure that the women's perspective is not forgotten in this work. The Women's Caucus will be meeting very regularly to talk about Hul'qumi'num women and governance.

There will be several community forums on governance taking place throughout Hul'qumi'num territory. We hope all those community members with ideas about the National Hul'qumi'num Constitution will participate in these sessions and ensure: *Mukw ihwet 'uw ts' qwul*—everybody has a voice.

The Hul'qumi'num community will be hosting several events and meetings to ensure that everybody has a voice in this important work.

Water Primer II



In *Treaty Talk Summer 2006*, I talked about the critical importance of securing adequate water protection for the rivers, lakes, and aquifers

that supply the Land and all that is supported on the Land, with clean, fresh water. In this issue I want to talk about the *Water Reservation* that we are negotiating with the federal and provincial governments. We will also discuss why negotiating the *Water Reservation* in the Hul'qumi'num treaty is so very different from negotiating the *Water Reservation* in the Nisga'a Treaty.

The only source of fresh water that is available to the Land and all of its living resources are the rivers and lakes, as well as the underground supplies, that are found across the Hul'qumi'num Territory. The source of all water is the total annual precipitation (as either rain or snow) that falls on the Land and drains down to the rivers and lakes, or percolates down below the surface and is stored in an aquifer as groundwater.

When there is lots of rainfall, and good natural storage in the lakes and underground aquifers, water is in good supply. The forest can thrive because it has enough water, and the fish can migrate and spawn for future generations. When the water is used sustainably by people (for drinking water in the home, stored water for fire protection) there is also enough water for humans.

This was the case when the Nisga'a negotiated their *Water Reservation* in their treaty. What the Nisga'a wanted was a constitutionally protected right to access clean water for all of their needs for the present and the future. And that

was what the Nisga'a received in their treaty. A guaranteed quantity of water from clearly identified tributaries to the Nass that would supply all their needs. This is called the *Water Reservation*.

It was not hard for Canada and British Columbia to agree to this provision in the treaty. This was because the current and projected population of the Nass Valley is very low and it rains and pours nearly all year round. So the supply of fresh water in the Nass Valley greatly exceeds any foreseeable demand for the water. This is NOT the case in the Hul'qumi'num Territory.

As we now know, we are facing tremendous water shortages in our rivers during the critical summer months when fish are migrating and when human uses are at their highest levels. Yes, it does rain as much as ever in the winter, we all know that but think back to this past summer, and the one before, and the one before that. The rain is simply not there. Our rivers are running on empty and we simply don't know whether our precious aquifers are being adequately re-supplied.

The problem is worse than just dry, barren, rainless summers. The demand from human usages is increasing dramatically, and population forecasts for the Hul'qumi'num Territory are at an all time high. This land is situated 30 miles from Vancouver and 30 miles from Victoria, the ground zero zone slated in the minds of some for mega development, which will require water. Today, Hul'qumi'num water is like the Arabs' oil, and everyone is going to be after this precious resource.

This is why, if we are going to protect the land and all the water that it needs for living, as well as provide water for Hul'qumi'num domestic and future use we must fight very hard for a water reservation within the Hul'qumi'num treaty.

This means that Hul'qumi'num must

negotiate and secure the rights to guaranteed supplies of water from particular, clearly identified, rivers, lakes and underground aquifers, across the Hul'qumi'num Territory. The only way to access this water is by designing storage reservoirs that will save the substantial winter flows for careful distribution during the summer peak demand times.

There are two important goals for negotiation in the *Water Chapter*. The first is to determine the amount of water that can be sustainably stored for particular, identified rivers, lakes and aquifers, and to have this water guaranteed within the *Water Chapter*. The second goal is to locate, design and cost the actual sites for storing the winter rainfall. We will discuss the subject of water drawn from underground aquifers in the next issue of *Treaty Talk*.

The provincial government, who issues water licences to First Nation communities, farmers, towns and industry (remember that the Crofton Mill was issued a licence to the Cowichan River for almost half of the low flow of this river), is acutely aware of the water shortages facing the east coast of Vancouver Island. They know that this isn't the Nass. They also know that the Hul'qumi'num negotiators sitting across the table are fully aware of this difficult situation.

In response to this situation, the provincial government has, so far, refused to discuss or negotiate the Hul'qumi'num *Water Reservation*. The question, however, is not *whether* we will obtain this *Water Reservation*. The Hul'qumi'num negotiators will never rest until the *Water Reservation* is guaranteed and spelled out in the *Water Chapter*. The real question is, *when* will the provincial government be ready to negotiate with us?

**Article submitted by Brian Olding,
HTG Environment Consultant.**



Go Go Gophers

Our Chief Negotiator has recently been able to put forward the idea of a common table where we and other first nations can negotiate these harder issues with the two governments. This idea was accepted and we will be immediately moving ahead in this manner.

Meeting with Environmental Minister the Honorable Barry Penner, September 21, 2006 HTG Boardroom.

Communications

Always a bridesmaid never a bride. The recent B.C. Treaty Commission Annual Report titled, *Six Perspectives on Treaty Making* is now available. In this report the First Nations who have completed their Agreement in Principle stage of negotiations and are preparing to sign their final agreements are discussed. These groups include the Lheidli T'enneh of the Prince George region and the Tsawwassen First Nation in the Lower Mainland. Also mentioned is the Maa-Nulth First Nation, Yale First Nation and the Yekooche First Nation which is not far behind.

Members of the press as well as our own members have been calling the HTG office and asking why is it that these smaller First Nations are able to advance to the final stage of negotiations and the HTG is still in the fourth (Agreement in Principal) stage?

Our Chief Negotiator has stated on numerous occasions that we also could complete our Agreement in Principle stage of negotiations if we are prepared to back down from our mandate of 100% and accept the terms that these so-called lead tables are willing to agree to.

If we are prepared to accept that all of the private property within our core traditional territory is not on the negotiation table this would move our talks along very rapidly. This would mean that all of the Timber West, Hancock and Brascan timber lands would not be included in our negotiations, also excluded would be the cities and homes of each private property owner who resides within our Statement of Intent line. When you peel away the different layers, such as parks, marine protected areas, essential Crown lands, highways, and



Government owned foreshores this does not leave much land other than our existing reserves to be negotiated.

If we are prepared to surrender our GST/PST and personal income tax exemptions this would also move us into the final stage of negotiations. This is hard to imagine when many of our members do not have any money to tax.

Then there is the paragraph in these lead table agreements which indemnifies (forgives) Canada and B.C. for any past infringements on their rights and title and releases them of any future claims that the First Nations may bring forward.

With the E&N railroad cutting a forty mile path through the heart of our territory I do not see how the governments can say that the past is not on the negotiation table.

Our members have made it very clear that we must be compensated for the lands and resources that were taken from our un-surrendered territory.

As I am sure you can see we are not prepared to accept the terms that these other First Nations have agreed to. With the exception of the E&N Railroad these gaps in our negotiations are not unique. Many other First Nations in our process are confronted with the very same challenges. Our chief negotiator has recently been able to put forward the idea of a common table where we, and other First Nations, can negotiate these harder issues with the two governments. This idea was accepted and we will be immediately moving ahead in this manner.

For more information please contact your local treaty office.

**Much Respect: Joey Caro
Communications Manager**

In Pursuit of Justice: The AFN and the Legacy of Canada's Indian Residential Schools

By Carrie Humchitt—articled student

On March 11-13, a regional gathering was held in Vancouver entitled the "IRS Settlement Agreement for Frontline Workers." While there was a lot of praise for the work that Phil Fontaine and the Assembly of First Nations (AFN) has done thus far in obtaining the largest ever settlement in Canadian history for the injustices and abuses enacted upon former students of the Indian Residential Schools (IRS) there was a significant amount of criticism of the agreement by frontline workers and the former students themselves.

The federal government is estimating that the cost of settling will be \$1.9 billion, however, it is apparent that the actual cost of settling claims could be much higher depending upon the number of former students who initiate claims under the Common Experience Payment (CEP) and the Independent Assessment Process (IAP). In the CEP former students are compensated for the common experience of the IRS system and only have to show that they attended the schools. The proposed settlement provides \$10,000 as part of the lump sum payment and an additional \$3,000 per year for each year the student attended the schools. There has been an advance payment of \$8,000 for any students who are 65 years of age and older and this has been a source of significant controversy as this became apparent through the course of the conference. It was brought out that some of the former students had received rejection letters due to missing or destroyed church records, and/or they were told that there was no record of them ever having attended a residential school at all.

Some of the former students recounted moving accounts of their residential school experiences and how re-victimized they felt by the inequities of the current advance payment application process.

Some issues raised included the fact that many of the former students were in poor health, including many of the students under 65 and that the delays in processing the CEP advance application could result in many former students passing away before seeing any of the compensation monies. As well, affidavit evidence which in this context was a sworn legal statement by someone swearing that they knew the former student attended residential schools, has not been accepted as being valid proof of a former student's attendance in the schools despite the fact that affidavits are an acceptable standard in Canadian law. In the same vein, notarized documents towards proving identification of former students have also been deemed as being unacceptable. It was brought out by one of the frontline workers (an articling student) that this was contrary to the equality provisions under s.15 of the *Charter* which guarantees equal treatment under the law and this was discriminatory towards the former residential school students as Canadian citizens.

Other criticisms included the issue that descendants of the former students were not able to receive any compensation for the intergenerational effects of the IRS system and that also day schools students were not eligible for advance payment compensation under the CEP. Also, there was no funding for provision of services by the majority of frontline workers who, for the most part, received no monies for providing assistance in helping former students fill out their advance payment applications. As stated by one frontline worker "We're not getting paid to do their (the federal government) job." While this may appear to be a complaint it also became apparent through the course of the conference that the majority of frontline workers were committed to going above and beyond their work duties to assist former students and are strong advocates as to how the current process can be changed towards their benefit. In regards to the day school students it was brought up that day school students can seek compensation for abuses under the IAP, however this would require the hiring of a lawyer in most cases and this puts onerous duties on day school

students towards receiving any compensation. One of the positive attributes of the CEP is that students do not have to go to court to recount abuses enacted upon them to receive compensation. Requiring day school students to seek compensation under the IAP would unnecessarily re-victimize the former students who should be able to seek compensation under the CEP. Also, another attribute of the CEP process is the hiring of a lawyer to receive this compensation is not necessary.

The alleged unethical "ambulance chasing" of various law firms seeking to represent former students in their claims was also addressed in the conference. One of the firms mentioned was the Merchant Law Group who is reportedly set to receive the lions share amongst all of the law firms when the settlement becomes finalized (\$40 million). Margaret Groh of the Indigenous Bar Association did a presentation of lawyer's roles and ethics in this regard and what action former students can take if they feel they are being dealt with in an improper manner by their legal counsel.

It is estimated that there are five former students of the IRS's who die each day. Phil Fontaine revealed during the course of the Conference that if 5,000 former students object to the settlement it could effectively be derailed and the settlement would not be likely to go through. Given the delays in the current CEP process and the length of time it takes to settle an average claim by way of litigation, it may be a very long time for the former students of the schools to obtain any sort of justice and healing through the reconciliation of residential school claims, if at all, within their lifetime.



Shared Decision-Making Project



Jess Rogers, HTG Shared Decision-Making Project Coordinator.

The goal of this project is to explore options for the formation of a Hul'qumi'num environmental and natural resources decision making body.

As many are aware, in March of 2005 the Province of BC and the leadership of the First Nations Summit, Union of BC Indian Chiefs and the BC Assembly of First Nations announced the beginning of a New Relationship.

The actual New Relationship document is an agreement to begin working towards a new government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights.

In order to achieve this goal the document contains a provincial promise to establish processes and institutions for shared decision-making concerning natural resources and the environment with First Nations.

The New Relationship formally recognizes the inherent right of First Nations to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions.

The HTG identified the New Relationship as an opportunity to explore co-management of natural resources and the environment with the province in order to strengthen and implement their member nation's vision of 100% connection

with their territory both pre and post treaty.

With 2005/2006 funding from the BC Capacity Initiative **Phase 1** of the **Shared Decision Making Project** was initiated.

Phase 1 focused on creating a Hul'qumi'num strategy for how to share decision-making on natural resources and environmental issues such as, estuary and foreshore resources, water resources, forest resources, wildlife and migratory birds, freshwater fish and environmental protection with the province.

In that project, it was identified that the Hul'qumi'num Treaty Group member First Nations needed to have a way of sharing decisions internally in order to more effectively and efficiently share decisions with the Province.

The HTG was successful in securing BCCI funding for 2006/07 to pursue **Phase II of the Shared Decision-Making Project**.

In response to the need identified in **Phase 1**, the goal of this project is to explore options for the formation of a Hul'qumi'num environmental and natural resources decision-making body that will integrate the common interests of the member Nations.

This will lead to a better ability to exert control over the decisions currently being made by the province that might impact the environment and/or are related to the use of natural resources within Hul'qumi'num tumuhw (land).

HTG is currently developing a strategy on how to approach this project and welcomes input, advice or feedback from the communities.

Please feel free to contact **Jess Rogers, HTG's Shared Decision-Making Project Coordinator** if you have any comments or questions. Call 245-4660 or 1-888-9TREATY



Thomas Berger, QC and Lydia Hwitsum at a recent community meeting held in the Comiaken Room at the Quw'utsun' Cultural Centre on September 28, 2006.

Defending Indigenous Rights in Canada & West Papua

A group of elders from the Hul'qumi'num Treaty Group recently had the opportunity to take part in the International Solidarity Meeting for West Papua which took place at the Lake Cowichan Education Centre. The meeting, organized by the Pacific Peoples' Partnership, highlighted some of the human rights violations by the Indonesian military against the indigenous peoples of West Papua. It also



brought together members of the International Solidarity movement from all over the world who work together "to support just, peaceful and sustainable solutions to the more than 40 year old crisis in

West Papua."

Robert Morales, our Chief Negotiator, shared with the delegation the struggles that the Hul'qumi'num Treaty Group and its members have faced and are still fac-

ing. He highlighted some of the past abuses that our own Hul'qumi'num people have faced through the residential school and related discriminatory legislation and land alienation.

Our elders were shocked to hear of the abuses that occur daily against the Papuan women and children and the Papuan people in general. One speaker drew attention to the sexual violations against women and children and explained that they are often forced to watch family members being raped or tortured to death. She highlighted reports documenting Indonesian soldiers picking up children by the feet and smashing their heads against rocks as mothers pleaded for mercy.

This gathering helped raise awareness of the issues that still face indigenous people today. It helped develop links with other indigenous leaders and it raised awareness of human rights issues, land alienation, self-government and the importance of cultural survival of indigenous cultures throughout the world.



Respecting Hul'qumi'num Heritage



It is 10 years since Craig Bay. A landmark court case fought by the Sna-naw-as (Nanose) First Nation to protect their ancient burial site in Parksville as a

“cemetery” under provincial law, not as an “archaeological site”. The large-scale archaeological excavations of the Craig Bay site by I.R. Wilson Consultants Ltd. for Intrawest Development Corporation’s luxury waterfront condominiums had unearthed over 400 remains before Elders of the Sna-naw-as shut down the development site. The newspaper headline, “Native burial ground not a cemetery, states Lawyer”, says it all about the results of this court case. Yet, while the Sna-naw-as lost the final decision, Craig Bay transformed the way that archaeology and provincial heritage conservation has been practiced in British Columbia over the last decade.

As a direct result of Craig Bay, the Archaeology Branch were ordered by the courts to begin referring all applications for provincial heritage permits for comment to First Nations. For the first time since its development of provincial heritage laws in 1960, British Columbia acknowledged that First Nations may have an interest being consulted on decisions about how their ancestral heritage sites, ancient human remains and belongings are managed in their traditional territories. After a decade of dialogue, however, the Penelakut Elders court case at Walker Hook on Salt Spring Island in 2004 demonstrated that British Columbia has not yet meaningfully integrated First Nations’ asserted rights and cultural values into the provincial heritage management system. Only recently in 2005 has the Minister responsible for the Archaeology Branch recognized that the provincial government must begin to consult and accommodate First Nations concerning the infringement of aboriginal rights and cultural interests in its decision-making.

To continue improving these on-going communications, the Hul’qumi’num Treaty Group has negotiated a draft Memorandum of Understanding with the Archaeology Branch. One important clause in this agreement states that the Hul’qumi’num Treaty Group-member First Nations will prepare a ‘heritage policy’ to help communicate their cultural values about their

heritage.

A heritage policy is basically a written statement answering the question, ‘How do Hul’qumi’num People wish to respect their heritage sites?’

This is an important question for Hul’qumi’num people. If an ancient village site or burial ground is threatened by land development, what are the appropriate land use decisions according Hul’qumi’num customary laws, traditions and cultural principles? If ancient human remains are disturbed, how do Hul’qumi’num people wish to see these respectfully managed?

Why is developing a common Hul’qumi’num heritage policy important?

British Columbia has its own rules of what is acceptable to respect archaeological sites based on scientific principles. Hul’qumi’num people’s own ancient customary laws and rules about what is appropriate behavior based on oral tradition are not yet recognized.

To reconcile these cultural perspectives and government-to-government relations, Hul’qumi’num people must consider writing down these customary laws together in order to assert a common set of rules.

Developing a common Hul’qumi’num heritage

policy is also an important consideration in dealing with heritage issues in areas of shared territory with neighbouring First Nations.

There are strict rules and customary laws about heritage based in oral tradition that all Hul’qumi’num people share in common.

But equally important, there is a need to recognize that different families may have their own rules and traditions about how to respect their heritage, particularly differences around respect for the dead. These differences should not be ignored in the development of a common Hul’qumi’num heritage policy, but accommodated in a flexible manner where everyone is listened to.

To achieve this goal, the Hul’qumi’num Treaty Group hopes to work with Elders and other knowledgeable community members to better understand Hul’qumi’num customary laws about respecting heritage in the upcoming year.

After a decade, some still remember Craig Bay as a blackmark in the history of British Columbia. In the future, may we remember Craig Bay as the beginning of a new relationship with First Nations in Canada.

Article written by Eric McLay. HTG Archaeologist.

Parks Committee

Hello everyone. I hope you enjoyed your summer as much as I did! School's back in session. Paddles and canoes are put away for the winter and the big-house season is about to begin.

Parks

First and foremost, I'd like to welcome August Sylvester of Penelakut to our Parks Committee. He will participate as the Cultural Advisor. The committee is quite familiar with Augie as he has done work in the past with his wife Laura for the Parks Committee. It's quite a treat to have him work with us.



Second, as you may have noticed, I sent out a Parks newsletter outlining current events and information. If you haven't received one and would like to, please contact me at HTG.

We are developing a multi-lingual field guide with Parks and UVic, This guide will provide informa-

tion on plants and other resources with Hul'q'umi'num, Sencot'en, French, English, and Latin names. Another exciting project we'll be undertaking includes an oral history project in which we will be speaking to elders about the history of the Gulf Islands.

Employment opportunities:

There are two positions opening up at the Gulf Islands National Park Reserve (GINPR) office in Sidney. One is a Coordinator for Aboriginal Programs, the Coordinator for Aboriginal Programs will be a permanent, year-round position and will be at the PM3 level. GINPR will be working in partnership with Coast Salish Employment and Training Society (CSETS) to staff this position. The second will not commence until this winter. It is a seasonal position as an interpreter. More details to come for the second position

Other

In addition to Parks, my other hat includes helping with the negotiations team. We've met with the internal working groups on several issues from governance and lawmaking to education and health. We will be conducting a survey on the topic of Eligibility and Enrolment sometime in the near future. Look for the survey in your mailbox or on the web.

Land Use Plan

Although this project is completed and published, I was asked to distribute the plans to key government and other third party representatives that deal with First Nations resources and lands. I've distributed approximately 180 copies. If you would like a hard copy of the full plan or summary of the plan, please contact me at the office or stop by my desk. You can also find this plan on our web.

**Article Submitted by Lea Joe.
Negotiations Project Coordinator**
Email: leaj@hulquminum.bc.ca
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HUNTING ON SIDNEY ISLAND

Like last year, Parks Canada will be closing the park on Sidney Island to allow for First Nations only hunting from November 1, 2006 to February 28, 2007.

Call Parks Canada at

1-877-852-3100 for details.

Elder Update

I would like to thank all the Elders for always being willing to attend the Elders' Advisory Committee meetings and sharing your knowledge and providing feedback for the Chief Negotiator and his team. I would also like to acknowledge the staff that has provided presentations from the various departments. Your continued effort to keep the Elders informed and updated on the numerous issues that the Hul'qumi'num Treaty Group is faced with is invaluable and much appreciated. As each chair from the various Elders' Advisory Committee's has said – thank you. You are truly a team supporting each other. Thank you for allowing the elders' to share their knowledge and taking in the information you have received from the Elders and using that information for the benefit of HTG.

Article by Percy Louie—HTG Elders Coordinator

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 and Penelakut
If you are a member of one of these nations we're looking for you. We need your contact information so we can 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

Telephone: (250) 245 4660

Toll Free Telephone: 1 888 987 3289

Fax: 250-245-4668

Or fill out the form on our website:

www.hulquminum.bc.ca

Email: aprilm@hulquminum.bc.ca

All information is kept confidential and will not be used or shared for any purpose other than treaty.