

A Brief to the
Royal Commission on Aboriginal Peoples
Intervenor Participation Program

prepared by

The Alliance Tribal Council

Delta, British Columbia

September 1, 1993

Table of Contents

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| Table of Contents | i |
| Introduction | ii |
| RCAP Terms of Reference | iii |
| Objectives of ATC Project | v |
| The Alliance Tribal Council | 1 |
| On Vancouver Island | 2 |
| On the Gulf Islands | 2 |
| On the Mainland Coast | 3 |
| In the Fraser Valley | 3 |
| Past Positions Regarding the Land Question | 7 |
| The Project | 8 |
| Reasons for the Project | 8 |
| Planning and Developing the Project | 9 |
| Description of the Project | 11 |
| Keynote Speakers Included | 11 |
| Audio/Visual Displays | 12 |
| Pamphlets, Brochures, and Literature | 13 |
| Results and Discoveries | 15 |
| General Findings | 15 |
| Specific Findings | 17 |
| ATC Land Claims Survey Questionnaire Data | 19 |
| Conclusions | 31 |
| <u>Appendices:</u> | |
| <u>Appendix A (ATC Constitution)</u> | |
| <u>Appendix B (ATC Maps)</u> | |
| <u>Appendix C (ATC Demographics)</u> | |
| <u>Appendix D (ATC Land Claims Survey)</u> | |

Introduction

Through the auspices of the Intervenor Participation Program (IPP) of The Royal Commission on Aboriginal Peoples (RCAP), The Alliance Tribal Council (ATC) was able to undertake a research project involving the participation of ATC Member Nations.

This present document is the required written brief to the RCAP in accordance with Section 1, Part II, of the RCAP Contribution Agreement with the ATC.

RCAP Terms of Reference

Of the 16 terms of reference that the RCAP has, our study focused on and addressed directly terms of reference numbers 3 and 5, which state:

3. The land base for Aboriginal peoples, including the process for resolving comprehensive and specific claims, whether rooted in Canadian constitutional instruments, treaties or in Aboriginal title.
5. The legal status, implementation and future evolution of Aboriginal treaties, including modern-day agreements.

Though focusing on these two terms of reference, we also touched on other terms indirectly; these include:

1. The history of relations between Aboriginal peoples, the Canadian Government and Canadian society as a whole.

2. The recognition and affirmation of Aboriginal self-government; its origin, content and a strategy for progressive implementation.
9. Social issues of concern to Aboriginal peoples.
10. Economic issues of concern to Aboriginal peoples.
11. Cultural issues of concern to Aboriginal peoples.
12. The position and role of Aboriginal elders.
15. Educational issues of concern to Aboriginal peoples.

Objectives of ATC Project

Our objectives were stated as follows:

1. To inform the communities and create awareness on the history of Land Claims and its present day developments.
i.e., The Report of The British Columbia Claims Task Force, The B.C. Treaty Commission, The B.C. First Nations Summit Process.
2. To elicit the communities input and responses to the Land Question issue. Including their opinions on the process for resolving comprehensive and specific claims.
3. To interpret this response to the Royal Commission.

4. To utilize this information for the basis of communication which would be useful to other sectors.

The following sections of this brief will describe:

- The outline of this project
- Its methodologies and scope
- How we obtained our objectives
- Our results and discoveries

The Alliance Tribal Council

The Alliance Tribal Council is comprised of 10 Coast Salish First Nations situated in Southwestern British Columbia. It was created 20 years ago to serve as an umbrella political organization for the Member Nations. The ATC is a non-profit society with a staff of 7 whose office is located in Delta, B.C., on the Tsawwassen Indian Reservation. It is currently serving a population of approximately 6500 Status Indians. The Chairman of the Tribal Council is Frederick A. Jacobs of the Tsawwassen First Nation. The Co-chairman is Chief Robert E. Thomas of the Nanaimo First Nation.

So that the RCAP is aware of the role and functions of the ATC, section (2) of the ATC Constitution is included at the end of the brief as Appendix A.

Although the majority of the ATC's Member Nations are geographically discontinuous in relation to each other, they are firmly connected historically, culturally, and linguistically. The 10 Member Nations are situated around the Northern Georgia Strait and in the Fraser Valley. These areas are some of the most densely populated regions in Southwestern British Columbia and have a long history of colonial contact compared with the rest of the province. Three maps are included as

Appendix B for your reference.

Our members are:

On Vancouver Island:

- | | |
|---------------------------|---------------------|
| 1. Chemainus First Nation | Chief Peter Seymour |
| 2. Halalt First Nation | Chief Joseph Norris |
| 3. Homalco First Nation | Chief Richard Harry |
| 4. Nanaimo First Nation | Chief Robert Thomas |

On the Gulf Islands:

- | | |
|--------------------------|---------------------|
| 5. Klahoose First Nation | Chief Kathy Francis |
|--------------------------|---------------------|

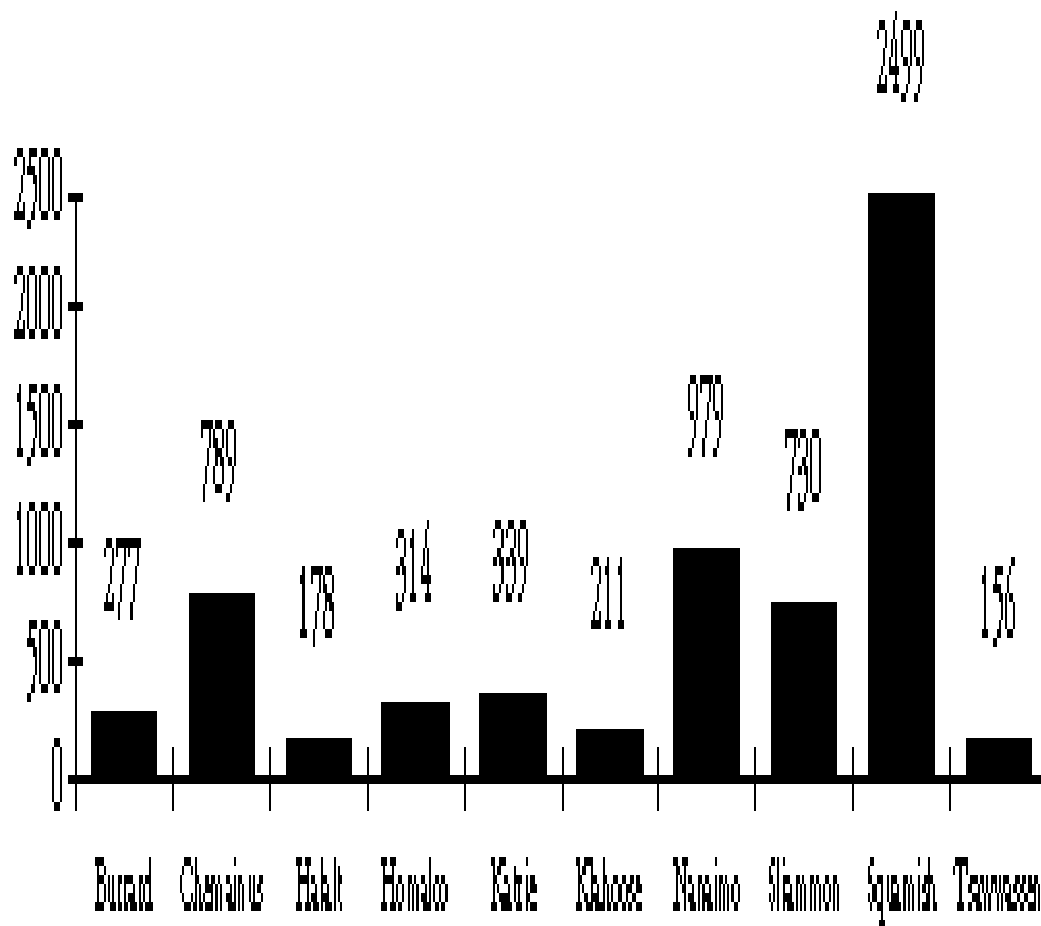
On the Mainland Coast:

- | | |
|----------------------------|----------------------|
| 6. Burrard First Nation | Chief Leonard George |
| 7. Sliammon First Nation | Chief Eugene Louie |
| 8. Squamish First Nation | Chief Joe Mathias |
| | Chief Philip Joe |
| | Chief Norman Joseph |
| 9. Tsawwassen First Nation | Chief Marvin Joe |

In the Fraser Valley:

- | | |
|--------------------------|--------------------|
| 10. Katzie First Nation: | Chief Diane Bailey |
|--------------------------|--------------------|

ATC Demographics



As can be seen on the chart above, the ATC's Member Nations' population figures range from 156 to 2499. The total population of the ATC is 6472.

Included as Appendix C is ATC Demographics and Land Base Data for your reference. All population data comes from the Indian and Northern Affairs Canada Census dated Dec. 31, 1992. All reservation acreage figures come from the McKenna-McBride Commission Report of 1916, and the Ministry of Energy, Mines and Resources.

The charts are:

- RCAP Brief Chart 1 - "ATC Member Nation Populations"

This is the same chart that appears on page 3 of the brief. It shows the total populations of registered Indians for each Member Nation.

- RCAP Brief Chart 2 - "ATC Member Nations' Land Base"

This chart shows each Member Nation's existing land base as total acreage's of their respective Indian reservations.

- RCAP Brief Chart 3 - "ATC Population Demographics"

Chart 3 shows each Member Nation's population as a percentage of the ATC's total population.

- RCAP Brief Chart 4 - “ATC Member Nations’ Land Base”

Chart 4 shows each Member Nation’s reservation land base as a percentage of the ATC’s total reservation land base.

- RCAP Brief Chart 5 - “ATC Member Nations’ Land Base Data”

Chart 5 demonstrates the range of acreage per capita values throughout the ATC. This ranges from a low of 0.65 acres/person for Nanaimo, to a high of 15.90 acres/person for Klahoose. The ATC average is 3.23 acres/person. The figure of just under 16 acres/person, and all of those which are dramatically lower, demonstrate the extreme disparity between Native and non-Native peoples, as at the time the reservations were created, non-Native people easily received 160 acres/person. This is 10 times more than Klahoose’s acreage per person, 250 times that of Nanaimo’s, and 50 times the ATC average.

- RCAP Brief Chart 6 - “ATC Population Demographics”

Chart 6 shows the totals for all of the Member Nations combined, in the categories that Indian and Northern Affairs Canada uses in their census making.

- RCAP Brief Chart 7 - “ATC Demographics”

Chart 7 shows the population values for each Member Nation in the categories that Indian and Northern Affairs Canada uses in their census making.

Past Positions Regarding the Land Question

All 10 First Nations of the Alliance Tribal Council have been active throughout post-contact history pursuing a fair and just resolution to the Land Question in British Columbia. All have continually asserted their aboriginal rights and title to their respective traditional territories.

Only one Member Nation has signed a treaty in the past, that being Nanaimo and the Douglas Treaty it signed in 1854. It is safe to say that the Douglas Treaty, both in theory and in practice, has not been effective in addressing the Nanaimo First Nation’s needs as a Nation. The Douglas Treaty is not broad enough in scope, and has never been effectively implemented or honoured by Canada.

Apart from this one early attempt, all of the ATC Member Nations’ land claims remain unresolved.

The Project

Reasons for the Project

At an Executive Committee meeting, the Alliance Tribal Council was consulted for ratification of this project. The ATC felt that the objectives of the project held significant merit being that it would directly benefit the communities. The project, and its objectives, involved direct consultation with the grassroots level of the membership, which formed the target group; and was therefore seen as a worthy endeavour by the Tribal Council Executive.

In particular, the reason this study was seen as being valuable was because of its timeliness. Considering that First Nations have been pursuing a fair and just resolution to the Land Question in B.C. for over 100 years with little success, the rate of progress in the last three years, especially as exemplified by the tri-partite creation of the B.C. Treaty Negotiation process and Commission, has been extraordinary.

This rate of change and progress, however, has left community members with a low level of knowledge and understanding about the new developments and processes. This situation, combined with the fact that

community members will play a significant role in the new processes, was the main impetus of the project.

One of the primary goals of the project has been to begin the process of creating communal knowledge about the past - so that ATC communities can work effectively as a whole in the future. By creating a common knowledge base in our communities now, it will be easier in the future to focus their energies and potentials toward shared and common goals.

Another major goal of the project was to find out how the grassroots levels of the ATC perceive of their past relationship with Canada and British Columbia and how they desire that relationship to evolve in the future.

Planning and Developing the Project

1. The objectives were developed in the original proposal submitted to the Intervenor Participation Program of The Royal Commission on Aboriginal Peoples.

2. The project, its objectives, and processes were presented for ratification to the Executive Committee of the Alliance Tribal Council.

(note: The Executive Committee is comprised of the Chief Councillors

of each Member Nation)

3. Each Member Nation's Chief and Council was briefed on the project.

At these consultation meetings, their input was requested for the design of the survey. Along with a request for their participation in the community information meetings, they were asked their opinions on how these meetings would best be developed.

4. In order to create consistency in the project throughout the ATC

Member Nations, it was decided that the project officers would present a base or core of information at each meeting: this was comprised of; oral presentations on the history of Land Claims and its present day developments, the survey, and information pamphlets.

In addition to this core information, it was decided that in order to create a relevant and meaningful context in the community information meetings, information would be presented that was specific to each community. This material would be presented through either; keynote speakers from the community such as Chief and Council; comprehensive and/or specific claim researchers; and/or audio/visual displays, and literature.

Description of the Project

The main objective was:

1. To inform the communities and create awareness on the history of Land Claims and its present day developments.

The principal mechanism to inform the communities was to hold Community Information Meetings with each Member Nation. This is where information was presented through the following mediums: keynote speakers, audio/visual displays, and literature (books, pamphlets and brochures).

Keynote Speakers Included:

- Doug Kelly, a B.C. Treaty Commissioner appointed by the First Nations Summit, who is a Stolo from Soowahlie and is Manager of Operations for the Stolo Tribal Council.
- Doug White, who is of Coast Salish and Nuw-Chah-Nulth descent from the Nanaimo First Nation, assisted in coordinating and

executing this project. He is a student of Anthropology and Linguistics at the University of British Columbia, and has experience in Land Claims research.

- Tracey M. White, Land Claims Coordinator for the Alliance Tribal Council, a Coast Salish and Nuuchah-Nulth from the Nanaimo First Nation, also assisted in the coordination and execution of this project.

Audio/Visual Displays

- community made videotapes of interviews with Elders
- genealogy charts
- traditional territorial maps
- traditional place-name maps
- historic photographs of community members and villages
- archaeological artifact displays
- specific claims research
- local First Nation's art

Pamphlets, Brochures, and Literature

- The Report of The British Columbia Claims Task Force (June 28, 1991)
- Treaty Making Process in B.C. (May 1993)
- Historical Information- i.e. Chronology of B.C. Land Claims, Chief Seattle's Speech, copy of the Royal Proclamation of 1763, etc.
- books on First Nations issues
- newspapers and newsletters published by First Nations

Our second objective was:

2. To elicit the communities input and responses to Land Claim issues. Including their opinions on the process for resolving comprehensive and specific claims.

This objective was achieved by two distinct methods - researching and quantitating opinions through a Land Claims Survey, and by gleaning opinions and perceptions through personal communications.

The Land Claims Survey, as stated previously, was developed with the input of the Member Nations' Chiefs and Councils. Included as Appendix D is a copy of the Survey.

Information retrieved through discussion and through question and answer periods following the keynote speakers presentations, forms the substratum, and sets the tone, of the results, discoveries, and conclusion.

Results and Discoveries

General Findings

One of the best methods of information retrieval on the community scale is through discussion on a person to person and a small group level. This is particularly true about First Nations communities. Understanding First Nations group dynamics was very important for the success of this project. The primary way in which an atmosphere that would be conducive to openness and revelation was created, was by hosting a simple, yet traditional meal to begin the meeting. One of the fundamental social paradigms on the Northwest Coast of North America is the Feast, and this was used to form a common ground with the community members.

It is very apparent that the complexity of First Nation's issues; in terms of its long history, it's exclusive language, it's legal complexity, and it's potential future manifestations; has created extremely polarized levels of knowledge about these issues in ATC communities. The source of this complexity does not derive from

First Nations themselves - they have remained steadfast in their beliefs and assertions throughout history. The source of this complexity derives from the inconsistent history of actions imposed by non-aboriginal peoples and governments. Pre-colonial, Colonial, Provincial, Federal, pre- and post-constitutional repatriation, pre- and post-provincial election, pre- and post-federal election, Cabinet shuffles...

Throughout all of the above actions and conditions, certainty of the relationship between First Nations and Canada is non-existent.

Those that know of the details of this history generally seem to be a part of Chiefs and Councils and their staff members. Although this academic knowledge is not a commonality across communities, one commonality does exist - experiential knowledge.

Part of that common experience is an awareness that First Nations peoples do not have control over their own lives, lands, governments, and futures. It is a common desire to have that control.

Community members generally seem to be aware that progress is being made at the national and provincial levels in Native causes and issues - but they are unsure about the substance or details of the

progress. All have requested more information and committed to greater participation and involvement in the future.

Specific Findings

- The communities welcomed this forum enthusiastically as it provided them with an opportunity to express their opinions and viewpoints on Land Question Issues.
- As a result of the organizational meetings with Chiefs and Councils, many communities are examining the possibility of establishing Land Claims Committees which would assist in the Land Claims portfolios of Chief and Council, and continue the work to create awareness established by this project. These committees would be community based and community representative, i.e. the committee would include at least one elder, one youth, both men and women, etc.

- Public Education: in the organizational meetings with Chiefs and Councils it was found that they were so in favour of this project that they suggested that in the future this format would be useful for First Nations public relations with their neighbouring non-Native communities.
- Community members requested that follow-up meetings to this project be held. They generally seem to favour this forum as a vehicle to continue discussions on current politics and First Nations issues. Consequently, the Alliance Tribal Council will be responding to these requests and in some manner will continue to pursue the main objective of this project.

Alliance Tribal Council Land Claims Survey

Questionnaire Data

The following data was polled from the ATC Land Claims Survey which was distributed at each Community Information Meeting.

The age of the respondents ranges from 15 to 56. 43% were female, 57% were male. This does not reflect the make-up of the attendees at the community information meetings, as one of the problems inherent in this type of information retrieval methodology is the barrier created by designing the survey in a language which is foreign to a large percentage of the population it was designed for. This obstacle was partly overcome by explaining the survey in detail, and in some cases by having interpreters available to translate for the elders.

Apart from the fact that the survey was designed in a foreign language, the survey can be seen as containing exclusive language and arcane terminology from the political layperson's perspective. This created a request from community members for the creation of a

political/legal/First Nation's issues glossary. This situation presented an opportunity for the project officers to go over the survey in detail, and therefore, introduce new terminologies and concepts to the communities.

The survey which was produced for the project consisted of a variety of question formats. Respondents were asked; simple Yes or No questions, to prioritize different issues, to check appropriate categories, and to give us their ideas and perceptions in their own words.

A copy of the survey is included as Appendix D.

What follows is a reiteration of the 9 questions and the responses which were received.

1. Would you be interested in participating in or establishing a Land Question Committee for your community?

79% answered Yes.

2. What kinds of issues would you like to see resolved through the B.C. Treaty Commission process?
- “Funding making sure that First Nations don't get left behind in [preparing] research and negotiation.”
 - “Outstanding territorial, land and sea claims”
 - “Proper implementation of Interim Measures - Now!”
 - “Government for First Nations by First Nations”
 - “Guarantee of constitutional protection for Treaties (past and future treaties)”
 - “Land claims, self-government, self-sufficiency”
 - “Monetary compensation for resource extraction”

3. Please prioritize the following issues that will come up in Land Claims and Treaty negotiations from 1-6.

- 1) Increasing the size of the communities land base.
- 2) Jurisdiction and control of land and sea resources.
- 3) Monetary compensation.
- 4) First Nations government issues.
- 5) Economic development.
- 6) Environmental issues.

Respondents prioritized the following issues as their top three choices:

- 2) Jurisdiction and control of land and sea resources.
- 4) First Nations government issues.
- 1) Increasing the size of the communities land base.

4. In the cases where compensation involves money, how do you think the money should be used? (Please prioritize the following from 1-6) Question 5 asks respondents to give comments and reasons on their choices in Question 4.

- 1) Community buildings.
- 2) Community programs.
- 3) Development.
- 4) Community distribution.
- 5) Investment.
- 6) Land acquisition.

Respondents prioritized the following as their top three choices.

- 1) Community buildings.

“Community buildings - to have structures that we would be proud of and would put to good use”

“Community buildings - to keep our people together”

“Our Nation does not even have a small community hall, a place to meet, for community events.

Community buildings are an important part of creating a sense of community, a feeling of belonging.”

2) Community programs.

“Community programs - to get our people motivated and involved in what we are striving for”

“Community programs are essentially first on my list because people need to possess certainty and confidence in themselves to carry on as a collectivity”

3) Development.

“Development: would create jobs.

“Community development will be the key for

successful self-government initiatives - it will also lead to self-sufficiency, employment etc.”

“Development can be in all areas that we as a Nation need: culture, holistic healing, spiritual, economic, education, from here we can grow, become a proud nation, become whole once more”

“Need to develop our own human resource”

6. Up to this time what have been your major sources of information pertaining to Land Claims and Treaty negotiations?
- a) T.V.
 - b) Newspapers.
 - c) Radio.
 - d) Community newsletters.
 - e) Chief and Council.
 - f) General Assemblies.
 - g) Word of mouth.

The respondents top three choices were;

b) Newspapers

g) Word of mouth, and a) T.V., were tied for second.

7. How do you think two independent First Nations should resolve overlaps and conflicts in their respective territorial and resource claims?

a) Through negotiations with each other.

b) Through the Canadian court/legal system.

All but one of the respondents chose;

a) Through negotiations with each other.

8. What are your perceptions of treaties in general?

“They are very unfair”

“Past First Nation’s Treaties - anachronistic; not honoured; unfair; not functional; do not work in the 1990’s.”

“Deals have been made for the betterment of the government, not the people”

“Most treaties in Canada have been broken”

“Not honoured”

“Treaties have served to be a ‘strong arm’ over First Nations”

“My only direct experience with treaties is with the Douglas Treaty signed at Nanaimo in 1854. It is not a positive experience as this treaty has never been honoured or respected by Canada. A lot of territory and rights were taken from us and we never gained anything in return”

“Treaties in general always seem to undermine First Nations”

“not worth the paper they are written on”

9. What are your perceptions of future treaties which would evolve from future negotiations?

“To reconsider their [Canada] past mistakes and give us fair judgment”

“To pay the huge debt that has been owed to us for far too long”

“Turning First Nations into self-determining, autonomous independent governments”

“Treaties will have to be constitutionally guaranteed”

“It is encouraging that the new Treaty Commission is a tripartite process and is based on a Nation to Nation negotiation. The province and federal governments are finally acknowledging First Nations as Sovereign Nations.”

“A re-opening clause is essential to iron out any unforeseen problems which will surely arise in the future”

“It would be a really big stretch to trust any new Treaty process given the Colonial and Canadian governments treatment of the early treaties. However, I believe that it is a necessary leap of faith that we must take. At this point it is the only open process available to us. Only time can tell in these situations. Therefore, any modern day treaties struck in the future must be broad reaching in scope and duration.”

“Implementation procedures and constitutional protection
are essential to any treaties success”

“Wrongs will be righted!”

Conclusions

There have been two major trends or themes of grassroots perceptions expressed consistently throughout all of the community information meetings.

The first has to do with the sense of deep dissatisfaction and frustration communities have towards the history of their relationship with non-Native governments in relation to the Land Question. First Nations know that they have had no authority or even a voice when it comes to defining their rights and relationship to their traditional territories. The relationship that exists today has been entirely the work of non-native peoples which was unilaterally imposed by Canada. In the past First Nations have had no political or legal certainty in their relationship with Canada. This has led to widespread apathy and disillusionment.

The second major theme, however, has to do with a newfound sense of purpose and hope. Through the B.C. Treaty Negotiating process, they realize that no longer will their lives and lands be shaped and manipulated by outside forces. The promise of this new

process, which was created with the participation of First Nations peoples, is enlivening. Community members feel empowered by the prospect of having a voice and a place at the table around which the new relationship will be negotiated. This does not mean that they are not full of caution - because they are. Their experience demands caution. But they want to know more about the process. What it entails, what potential certainties it can bring to their lives and their relationship with their lands and territories.

The most significant result of this project has been to begin forming the foundation of each communities collective knowledge base on Land Claims and First Nations issues. This communal knowledge will enable communities to work effectively as a whole towards shared and common goals. It is very apparent that any successful self-government initiatives must be community driven and created.

With this in mind, the main accomplishment the Alliance Tribal Council and its Member Nations have derived from this project, has been the creation of a new vehicle for Land Claims information dissemination. The work undertaken in this project has served to

reinforce the constitution of the Alliance Tribal Council and as well, it has assisted in setting the direction and goals for future work involving the 10 Member Nations.