



**The New Relationship:
and Working Effectively with
Aboriginal Peoples Conference**

September 19th and 20th, 2006
Lheidli T'enneh Traditional Territory
Prince George, BC

Conference Report

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Indigenous Corporate Training

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The New Relationship Conference: and Working Effectively With Aboriginal Peoples

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Introduction of the New Relationship Conference

Participants, speakers and organizers gathered for a two-day conference to connect directly with key people in business, government, industry, Aboriginal organizations and First Nations leaders. The conference goal was to provide an intimate setting to discuss various perspectives on the New Relationship of working more effectively with Aboriginal Peoples in BC.

A diverse group of presenters discussed the "New Relationship" framework outlined by the Provincial government, strategies to improve communications, precedent-setting court cases (and their implications), and approaches to manage risk. Open question and answer sessions provided participants with a unique opportunity to gather advice and insights on how to move forward in this New Relationship from people who were directly involved in negotiating the New Relationship - and who now have an interest in implementing the framework.

September 19th, 2006 Conference Welcome and Opening Remarks

Satsan (Herb George) of the Wet'suwet'en Nation & Chief Dominick Frederick of the Lheidli T'enneh Band

Satsan

On behalf of the conference organizers, Satsan opened the day with a confident and sincere greeting for all participants. He acknowledged and recognized the traditional territory of the Lheidli T'enneh, the First Nation upon whose traditional land we gathered on in Prince George, BC.

"The New Relationship document is an agreement that has not formally been signed by our people," Satsan explained, "but it is a vision statement of principles with goals and action plans, that shows commitment by the Provincial government and leaves us with some hope that a new era – one of respect, of recognition, accommodation and New Relationships - is coming for our People."

He referred to the Statement of Vision and the opening line of the *New Relationship* document, which states "We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights," and added, pointing to himself and the crowd, "We are ALL here to stay. We all must work together to uphold that Statement of Vision." He encouraged delegates to carefully read the documents in their conference packages (*The New Relationship* document, the BC First Nations Leadership Council's *Resolution* supporting the New Relationship Document (passed in May 2005), BC Premier Gordon Campbell's speech to the Assembly of First Nations in July 2006, and *Bill 11 – The New Relationship Trust Act*).

Satsan, a Hereditary Chief in the Wet'suwet'en Nation, explained how this conference and others like it across the Province provide intimate opportunities to bring business, industry and First Nations communities directly together. "This New Relationship

document will not be held by political bodies; it will be held by those on the ground, those of us who will implement the principles and keep it in place for future generations.”

Chief Dominic Frederick

Chief Dominic Frederick, of the Lheidli T'enneh Band, welcomed the participants to the traditional territory his people. He explained that the Lheidli T'enneh people are part of the Carrier people, named "People of the Confluence of the Rivers". They are in a unique position as some of their government-designated reserve territory is right inside the Prince George city limits. Although many live in the region 20 km east of Prince George, the Lheidli T'enneh people have worked very diligently to build New Relationships locally with the city regional district and industry. They also recognize the value of developing various protocols with other First Nations, like Nanaimo and the Nisga'a to learn and share resources.

Chief Frederick spoke of the benefits of building relationships between communities, “We are learning from other Nations in Nanaimo and the Nisga'a Peoples, following their template on the treaty process. We appreciate their assistance in sharing that information with us as we move forward with our Agreements. There are three other counselors not here right now, but on behalf of our Elders, our Youth and rest of our community, I welcome you to our traditional lands of the Lheidli T'enneh.”

The New Relationship: Initial thoughts from Government

Don Basserman, Acting Mayor of Prince George

Don Basserman, Acting Mayor of Prince George, extended further greetings to participants, acknowledging the Lheidli T'enneh people, “It is my pleasure and privilege to be here on behalf of Mayor and local government to add to that welcome from the Chief, and to acknowledge the traditional territory for which we are a part of.” He continued, “Our Mayor sends regrets from China, as he also works beyond Prince George to keep our eyes and ears open for our community and our neighbors on an international level.”

Acting Mayor Basserman in referring to the *New Relationship* document said he is proud of the work of his local government in truly taking on the responsibilities outlined to build new, strong relationships. Since being elected to council in 1990, he explained he has been advocating for a modern day treaty, encouraging his constituent groups to learn more about their neighbors and the treaty process. He said, “I’m not certain where you as individuals sit and think in regards to that process, but in my context, I know that Chief Frederick’s Nation has protocols signed, and I understand other communities have other protocols signed. So any time we (the City of Prince George) have an event where we are a significant player; we invite those protocol partners to those events to engage in the reality of what’s happening on the ground.”

He acknowledged the great quality and amount of work of Chief Frederick and his team, and explained their current progress in ratifying a treaty in their community. “If the process goes forward and all three parties ratify it, as I’m hopeful, then the Lheidli T'enneh Nation will have treaty settlement lands within our city boundary along with

lands in close proximity to the city. This provides both challenges and significant opportunities that we hope to resolve on the ground, together.”

“We believe it will be a long-standing piece work,” he continued, “a landmark agreement to be shared with other communities that demonstrates in this region both the First Nations and regional governments are committed to having, maintaining and growing our relationships.”

Julian Paine, Assistant Deputy Ministry, Ministry of Aboriginal Relations and Reconciliation

After acknowledging the traditional territory, Julian Paine, the Assistant Deputy Minister of the Ministry of Aboriginal Relations and Reconciliation spoke to the work in progress of his government in developing the *New Relationship* document. “To reiterate a bit about what Satsan Herb George said, this document didn’t just pop out of nowhere, without a history. It was primarily developed by a realization from Cabinet and former Minister Geoff Plante and the Premier that the previous relationship wasn’t working. We were in court too often, and lost too often. We were told too often to go back and renegotiate. And so we did.”

Assistant Deputy Minister Paine explained the Ministry’s goal of defining the terms that underlie the pieces of the document, the framework by which government employees could then make decisions and policy considerations in line with the vision.

He explained “the Four R’s of the vision” of The New Relationship:

Relationships - The need to develop culture and take care of long term interdependent relationships.

Recognition - Recognition of Aboriginal title and rights, taking them seriously for what the Province is trying to accomplish for all British Columbians.

Respect - The understanding that respect is a two-way street, it must be mutual on both sides of the table.

Reconciliation - The most important piece of the New Relationship era, as it begins to ask broader questions like, “What is this all about? Why do we see the need?”

Assistant Deputy Minister Paine further explained that there is now the expectation of the Crown to figure out how to reconcile – that there is a defined “moral imperative to make up for past wrongs of government, to have social justice.”

He also spoke of the need to resolve the land question to remove the uncertainty of the future, calling it, “a clarity which is fundamental to future prosperity of all British Columbians.” He explained that right now, business and investors are not clear of the rules of the game, how long agreements will take, who has authority of what, and who’s involved. These need to be clear to increase investment by Canadian and international investors in the Province of BC.

“The cost of not reconciling,” he urged, “will go nowhere but *up* with lost opportunities, deferred investments, and increasing court costs of litigation.” Reconciliation must be at all levels - moral, legal and financial and economic.

Assistant Deputy Minister Paine explained the Province's three-pronged strategy: to close the socio-economic differences, support the signing of treaties and long-term agreements, and support economic development partnerships in BC. "In looking at closing the social-economic gap, our underlying goal is to bring First Nations in line with other British Columbians. A large part of the Transformative Change Accord speaks to cultural preservation and language initiatives. Changes are needed at all levels of school curriculum to make First Nations culture part of the public consciousness." Next, he explained he was more than hopeful that three modern treaties will be ratified soon; saying treaties and long-term agreements are the best tool for resolving title issues. What are now often legally undefined rights, when clarified, can "from a Provincial perspective, now be protected", further contributing to greater certainty for all parties involved in investing and development opportunities in BC. He further spoke of supporting economic development through partnerships and tri-partite relations, to assist business interests in looking for partnership opportunities involved in or close to resource communities.

On a larger scale, he pointed out what he continues to hear from leaders of the Province, an overall sense of looking at new ways of accomplishing provincial goals. "Businesses are being encouraged to be aggressive and take chances in how to involve First Nations directly in resource development, in land use planning, revenue sharing, shared decision making and co management."

In summary, he explained that the Province is working at defining terms and steps - defining how to actually make that happen. The government continues to give definition to those terms, and then to incorporate First Nations and First Nations interests and understand them as part of the way to do business. He identified the need for the whole community to shift thinking about First Nations' interest, in the benefit of "Institutionalizing them, for making them a part of all fundamental influences". For example, how we look to use and develop resources, working now towards finding flexible but durable policies that will last while benefiting all parties.

Mayor Jim Davidson, Smithers

Mayor Jim Davidson discussed his views on The New Relationship within his community of Smithers. He stated "I bring the good, the bad, and the ugly of my community to this gathering. The good, because I want to think it will be the best part, that there will be good things for our community forest. We have an application in right now to create a community forest, as it's not just about cutting trees. It's a living forest encompassing all things that should happen within. It includes the animals and berries and ash and rivers and pine beetles and recreational opportunities. A forest provides a place we will learn to get together."

Mayor Davidson continued, "I was born and raised in Smithers, I lived there when we actually worked together and bunked together with First Nations. Although there was always a separation, we were considerate; we knew each other well and we knew we were all important."

"And then the bad came. When into our community came apartheid, separation and rejection and no jobs for First Nations people." He explained how that bad is still there, in that someone can say to you, "Do you have your grade 12?" and if you say no, someone can say, "Sorry, then you can't work here."

He went on to explain, "Bad things happen to people without work, with no family connections. This is what we want to leave behind. This is why we have come here today, to be a part of change. We have come to discuss the future, but not ignore the past."

So what is first? He proposed three words to consider, "Attitude. Attitude. Attitude."

Mayor Davidson challenged the participants to consider our attitude in facing this new relationship, to address these past and current issues. "When I say the words "inherent rights" some people sit up straight, some jump. Isn't that what you and I and every one of us insist is our first right as Canadians? The right to govern ourselves? Where is that right not what we say is a part of this country?"

To change our attitude, reiterating Satsan's opening address - it requires that we meet, we be involved, that we discuss and talk, are at a table with each other, that we be with one another. As his part of a seven-member Smithers Council, they are all given responsibility for the community to meet, talk to them, talk to others and then again to each other.

Mayor Davidson finished by stating, "We need to do collectively what we cannot do individually. This speaks to what government of any kind should do; we do those things that we have to do corporately, that which we cannot do alone. To bring benefits to our people, collectively with a common interest, is that change?"

When answering the question, "is an economic region is defined by its resources, by its revenue?" he stated, "It may be all those things, but Chief Dan Michell, a Wet'suwet'en Hereditary Chief from my community, taught me that it's the land. And we all live on this land, we want something to do together to support it and ourselves. Those beetles have given us every reason, as if we don't have other ones, as a common problem that we need to work together to overcome."

Mayor Davidson addressed the need to shift from short term harvesting of devastated timber to consider long-term impacts of our actions today. "The present policy is cut what we can, and harvest it all. What about the wildlife, the water, the hydrology? It's not only about the beetles, it's about our future. What is our land going to look like in twenty years? Our wildlife, our birds? Where are we going to go? It's clear we go there together, or we don't get there at all"

Satsan Herb George, Wet'suwet'en Nation

Satsan presented his thoughts as a representative of BC First Nations Leadership Council and Hereditary Chief of the Wet'suwet'en Nation by speaking of the anger that comes up in addressing these issues. He explained that from the First Nations perspective, land is not something to "give" away, or to designate as a reserve for a People. The land was shared by communities, often vibrant communities. The land shaped its own economy. Yet First Nations peoples were systematically removed from it. "We were put on reserves to remove and suppress us, so we are waging a war for freedom. We have the image for freedom in our mind - but many people are fourth and fifth generation welfare recipients because we were cut out of the economy. It is a challenge we face, to recognize freedom."

He explained how the long battle for recognition of Aboriginal title and rights, including self-government has been a slow, painful and often ugly process. He recognized Mayor Jim Davidson for having the courage to stand up in face of this tremendous conflict and be able to say we must recognize one another, to work together to move forward.

Another example of the need to recognize and reconcile the anger as a new relationship emerges can be seen in the Delgamuukw case.

"When the Delgamuukw case was in the face of the government and the public, sometimes emotions erupted. We had come back to the table to negotiate with the Conservative government and local representatives. When each of them was finished talking, I was one of only two First Nations representatives there and I had to insist on having fifteen minutes to tell our side of the story. The place went crazy, they lost themselves, and the barrage of insults that came from these people was horrendous. People were hollering up at me, calling me names - like a welfare bum, a lazy no-good Indian, dummy and a**hole."

And the names kept coming, so I encouraged them and let them get louder. And then they realized that they would still have to deal with me - that I wasn't going anywhere.

And then I said, "Good for you for getting it out. And now you know I am not afraid to come into the lion's den to face the lions, and you are the lion."

But that meeting served a purpose - it brought the Mayor and Town councils of communities like Smithers, Houston, Burns Lake and Hereditary Chiefs together under one roof to talk about what was happening here."

People need to adopt the two important principles of recognition and respect first. Then they need to have the intense political will for agreements, and demonstrate on-going discipline and commitment to build a lasting, living relationship to carry us into the future.

The New Relationship: A Legal Perspective

Maria Morellato, Blake Cassels and Graydon

Maria Morellato a partner at the Vancouver office of Blake, Cassels & Graydon LLP has extensive experience as legal counsel in many leading aboriginal rights matters and related proceedings including land, resource, and fishing cases. She has also provided advice on treaty negotiations and treaty language, specific claims matters, and other negotiations between the Crown and Aboriginal peoples.

Ms. Morellato explained that the historic Leadership Accord was signed on March 17, 2005 between the First Nations, Summit, the Union of BC Indian Chiefs, and the BC Assembly of First Nations. It embodied a unified purpose among the three representative bodies to work together to benefit all First Nations in the Province. Over the following months, that Leadership Council worked with the provincial and federal governments to achieve recognition, protection and meaningful expression of Aboriginal title, rights and interests.

She explained how the Crown policies which have traditionally denied the existence and authority of Aboriginal title and rights, leaving First Nations with no alternative but litigation. That litigation (in cases like Guerin, Sparrow, Delgamuukw, Haida, Mi'kesew and Campbell) has led to the recognition that Aboriginal title constitutes "an ownership interest in the land itself, including the resources of the land (such as oil, gas and timber) and that title rights include the authority of Aboriginal communities to make choices as to how Aboriginal title lands and resources are used". The Supreme Court of Canada has repeatedly urges negotiation, rather than litigation. First Nations have not yet lost a court case.

Ms. Morellato suggests for implementing policies that include concrete commitment and actions that demonstrate that the common vision of the New Relationship document is actively endorsed and taken seriously by the Province. Basic rights must be coupled with joint decision-making and dispute resolution processes "yielding tangible benefits" immediately. Accommodation must include re-allocation of Crown-held land and its resources, and participation of First Nations in all decisions made with respect to the use and disposition of their traditional lands and resources must begin today.

Her extensive PowerPoint Presentation can be found on-line at the Indigenous Corporate Training Website at www.indigenoucorporatetraining.com

The New Relationship: Where is it now?

Satsan Herb George, Wet'suwet'en Nation

Satsan began with a suggestion that Canadians need get over their issue of using the language of "inherent rights". Beginning with the Caucus, the Premier, the language of the New Relationship document must be reviewed, and Federal language used must be considered.

In Satsan's view, there are nine implications from a legal perspective that must be included in the language of all Canadians:

1. Aboriginal title is an exclusive interest in the land itself, including the resources of the land.
2. Aboriginal title includes the right of First Nations to choose how their lands are used (the governance component in terms of governing rights).
3. The Crown bears the onerous burden to prove its infringement of aboriginal title, and has been instructed to inform itself about all considerations.
4. There is an inescapable economic component to those rights and title, so that when infringed upon, compensation will ordinarily be required.

So far in negotiations with Canada and the Province, neither level of government will address the issue of compensation. The inescapable economic component includes resources on Aboriginal title land that have value, whether mineral, berries, rocks, and

trees that must be accommodated when looking at issues like revenue sharing, resource sharing, economic opportunities, and employment.

For example, in the North a local mining company wanted to dump rock from a development project into Duncan Lake. The mining company wanted to use a "non-predatory" lake to remove the fish and then put them back after the rock was deposited. The local First Nations explained that it could impact the local community's ability to trap, to fish and the First Nations might not agree to that. Satsan reminded participants that there is a legal right attached, whether or not it is used, it doesn't matter - it has to be considered.

5. There is an obligation to consult, regardless of proof, regarding territory and shared vision making.

Often people go to a concept of co-management of an area - but when does this obligation to consult arise? The Supreme Court of Canada says, at "Strategic level". In terms of self-governance, that means starting with land use planning and decision making. It is very important for business and industry realize and concern themselves with where (or where not) the Province has fulfilled its duty to accommodate properly. The Supreme Court will nullify a related lease, referral, or license if First Nations are not consulted and accommodated. The First Nations must also stand up to challenge, or they too will lose if the Supreme Court nullifies a lease, referral, etc. - there is a mutual obligation to make sure both take steps to mitigate risks.

6. If an action is not in keeping in honor of the Crown, it is a breach of duty. They must enforce constitutional rights.

But what exactly does the Constitution say? Where is space for "interpretation"? The Royal Proclamation of 1763 was the first recognition that First Nations were in what is now Canada first, even though it was a process of colonization. The Royal Proclamation recognized that First Nations were entitled to the land and resources and that First Nations were dealt with on that basis.

In 1867, Indian Act legislation also dealt with title lands, beyond just reserve lands and argued to allow for creation of provinces subject to ANY other interest on land. First Nations have since argued that Aboriginal entitlement is another interest on land from that perspective and that protects Aboriginal title and rights without distinction of those rights.

7. If the Crown cannot justify infringement, the courts can overturn decisions.

A current example of this change is happening on Musqueam's traditional territory at the River Rock Casino in Richmond. The courts agreed with the Musqueam First Nation that there wasn't proper consultation before construction; as the buildings cannot be torn down the parties are moving to address compensation.

8. The court has said in some instances it may require enactments in recognition of rights to harmonize Crown policy with Aboriginal Title

9. Consultation itself includes the concept that Treaty rights, like Aboriginal Title rights, are "special rights" with Constitutional status and protection.

Generally speaking First Nations are not part of the environmental review process on a federal level, but as in Mi'kesew mining permits may be revoked.

These very important principles go to very heart of reconciliation and harmonizing Crown policy and legislation with Aboriginal title and rights.

Bob Joseph, Indigenous Corporate Training

Bob Joseph founder of Indigenous Corporate Training and a member of the Gwa-wa-aineuk Nation, discussed key points from his Aboriginal cross-cultural awareness training course, *Working Effectively with Aboriginal Peoples*. He explained that he has a strong interest in helping people work more effectively together across cultures and so he gathers and shares stories from many communities.

The principles upon which the New Relationship was created begin with Aboriginal awareness and the history of prior relationships. Bob presented a quick overview of historical events and relationships of Aboriginal Peoples with the Crown and colonists of Canada. Beginning by answering the question, "Where did the Aboriginal Peoples come from?" The mainstream belief is that a land bridge from Asia was where the first ancestors "came over" 12,000 or 14,000 years ago. But recent evidence place people in Indigenous communities at least 16,000 years ago and possibly up to 18,000 or 20,000 years ago, indicating there may have been continuous waves of migration from many parts of the globe.

But from a cross-cultural perspective, "In our world view, we were placed here by the Creator. Most Nations believe the Creator gave them the place to live. And in that context, that the land is ours to use, protect and benefit from. We have the responsibility to try to figure out how to be there for the next 100,000 years."

Contact for Aboriginal Peoples with people from other nations happened at different times and different places for different peoples. Most North Americans believe the first contact was when Aboriginal Peoples were "discovered" by Christopher Columbus, but Indigenous tribes protest that at that time, over one fifth of world's population was already living in north and South America when they were allegedly "discovered." In the Aboriginal view of Creation, it was not a "New World", but a world that goes back to time immemorial. These are the cultural perspectives that must be recognized in order to build new relationships.

Leaping to more recent history, well back to the Royal Proclamation one understands this is not a new relationship. Colonial governments were used to dealing with First Nations on a "nation-to-nation" basis, holding a high level of recognition of the way of doing business was "nation-to-nation". Often colonial governments initially supported the fact that if People were there first, they probably owned or managed those lands. This is the essence of the early Acts and Treaties.

Another important concept to understand is that Aboriginal People were never conquered instead treaties and agreements were negotiated. "In the 1700's, Canada seemed up for grabs to whomever could gain control over resources. There were Russians, Spanish, English, and French all looking to control lands and the resources.

After the 1759 Battle of Quebec, the local First Nations were recognized for their support through military and economic alliances.

The 1876 Indian Act provided a coordinated approach to the policy of assimilation - that Aboriginal people must lose their individual identities to fit in, to become like everyone else.

The systematic destruction of traditional governance systems began, as Bands were told they must now elect a Chief and Council to speak with the government representatives, devaluing the traditional ways of Hereditary Chiefs. Often communities had sophisticated matrilineal or patrilineal Chief and Councils in place that now had no legitimate authority or legal authority in the eyes of the government.

Policies to destroy the unique Aboriginal cultures were fairly effective. The policies included the criminalization of potlaches (community gatherings at times of celebration) and banning of artwork or traditional symbols on houses and community centres.

"You must get to know communities you're working with," he says. The intergenerational effects of church-run government funded residential schools is still felt today, as often the experiences there were horrible and abusive emotionally and physically as children were removed from their communities. They share stories of feeling abandoned by family, abused by church and state - and that is what survivors bring to the table.

In 1982, the Constitution was repatriated and it clearly states the policy and process of recognizing and affirming Aboriginal rights. Even though the Aboriginal population is now less than 5% of all Canadians, that does not mean that those few people are powerless.

When asked, "What do I call an Aboriginal person when I meet them?" Bob suggests to simply go with what they're calling themselves. "If he says I'm from the Tsleil Waututh Nation or Penticton Indian Band, then go with that. Remember, a Status Indian simply means your name appears on Band list - you were there and counted that day".

In his new book, *Working Effectively with Aboriginal Peoples*, Bob suggests spending time to learn pronunciations, as they can be tricky. Bob's tip is to call a Band office after hours to listen to their answering machine to learn to pronounce a name and community properly.

September 20th, 2006 Opening Remarks

Satsan Herb George, Wet'suwet'en Nation and Bob Joseph, Indigenous Corporate Training

Bob Joseph, Indigenous Corporate Training

Bob Joseph welcomed back participants to the second day of the conference in Prince George and explained that the day's focus would shift from the legal, political, and historical perspectives to present day views from government, industry and First Nation leaders. Participants were asked to consider the essence of First Nations relationships today, then invited to ask questions. Topics for the second day included answering the questions, "Where are we now?" "What is working?" and, "What is really happening out here?"

Satsan Herb George

Satsan introduced opening speaker, Grand Chief Edward John. He is a Hereditary Chief (Akile Ch'oh) of the Tl'azt'en Nation, close to Prince George, BC. Grand Chief Ed John blended insights from his experiences as Grand Chief for his Nation with his experiences as a member of the BC First Nations Leadership Council and Executive of the First Nations Summit, as a lawyer, and a key negotiator in the New Relationship process.

Grand Chief Ed John, BC Leadership Council & First Nations Summit

Grand Chief Ed John began by discussing how the history of a community must be recognized before reconciliation can begin new relationships. He addressed the current agreement in front of the Lheidli T'enneh people. "We have seen in the press, that a final agreement will now go to the Lheidli T'enneh Nation members for ratification."

"These are a proud, progressive people that make up reserve lands that surround, and in some cases are part of, downtown Prince George - like right over here on Carney Street. The city is bordered by the two rivers, and the First Nations people were moved out of town, up river, out of their community. Then their houses were burned down by the priests. It is so wrong, and yet that is the nature of the relationship. So seeing that community gains respect now for the territory and the relatives of ours is good. People from their communities make up our family as well"

He spoke to the political dynamic and sensitivity of relationships between cultures. "In one sentence, Pope Benedict the Second created a firestorm of controversy. One person, in one sentence, can destroy what Pope John Paul had created over years of work. It also shows that while trying to build bridges and build relationships, you don't do it by poking someone in the eye."

Grand Chief Ed John then spoke of his recent meeting at the "Connections for Change" gathering with His Holiness the Dalai Lama in Vancouver, BC. The Dalai Lama spoke of being open to other religious or cultural beliefs – of not trying to transform or convert one group to another's opinion or way of life. When asked how to build bridges between business, corporate, industry, and the social sector His Holiness replied, "Its' like putting sheep's head on a llama." "I'm not a businessman nor a social advocate. I'm like the Yeti or the Sasquatch – the third person who doesn't have a connection. The answer to

building bridges is simply empathy, and the relationship between human beings is then developed.”

Grand Chief John then addressed the question, “What is the essence that would capture the relationship of First Nations in the province today?” “It includes relationship between ourselves, our land, our communities...and how over time those have all be subjected to oppressive forces over the years.”

There are dynamic and changing attitudes and relationships. The government is changing their footing or their approach by taking into account the historical perspective of relationships between the Crown and the Province. Looking back over the last twenty to thirty years together, litigation was a significant component of driving the emerging relationship. It took a fair amount of effort five years ago and a referendum in BC to find out what people found thought about that referendum. And four years since the referendum it has meant conversations to create dialogue have influenced this new relationship.

Grand Chief John provided insight into how the New Relationship evolved from intense discussions with the Premier and the Attorney General. One had to understand the sense of acrimony, to get to the bottom of it all, and then we could really get started. “Where it really started to come together was with their acknowledgment of the first six words of the New Relationship document, “We are all here to stay.” It put us all at ease, setting the tone to say we are all here together, but not a threat.”

He reminded the group that there are still over 40 court cases in BC, but not the same type of litigation that has been seen in the past. The cases go back to the days of BC’s denial of Aboriginal rights and title, and in some degree, to the federal government, and they are built on frustration associated with listening to ignorant and insensitive comments like, “You don’t exist,” and, “You don’t have rights” to the transition to “OK, there are rights and now prove to us where your territory is.” He continued, “Why the hell do we have to prove to you who we are? Why do we drag our Elders through the court systems? That is the hard point”

Grand Chief John pointed out the dichotomy of Canada’s focus on developing an international reputation for defending human rights. “Politicians are going to great lengths across the world to promote equality, yet right outside their back doors they say, ‘you Aboriginal people, you don’t exist’. ‘You don’t own land and you must prove you were here.’ Well, we do exist.” “It’s not Ed John saying it, nor Stewart Phillips, and not Satsan saying it...this is what the courts are saying.”

Following up on the work from the Kelowna Accord, the challenge is to define the framework further and find practical resolutions on the ground to implement these new relationships, to now engage each other and First Nations communities across the province.

He spoke then of the international attitudes shifting about Indigenous peoples around the world, and similarities in recognizing territories, lands, resources and new words like “prior consent” before development. And if no prior consent is included, then there is compensation. Although, he mentioned, there is some concern that Canada will vote against the draft declaration of the Rights of Indigenous People of the World going to the United Nations this Fall. Many advisors have said Canada is now taking very strong

actions to not support the Declaration, to withdraw their support or not to be present at the reading, as the United States and Australia do not want it recognized either.

"Even though I feel very much a sense of optimism out there, we will need to see results in our communities. We need to deliver on capacity initiatives, have earned jurisdiction over our own education, and have a lot of our own institutional development building. But it takes time, and we are not there yet." The government institutions like the First Nations Governance Centres, land management institutions and the Indian Taxation Advisory Board are all part of part of the framework that are being built by design to support new developments.

Grand Chief John spoke of the need to reform or remove the Indian Act. "In my community today, there's an election under the Indian Act for what some call a government Chief, elected under the government laws. But we have still our traditional systems in place for Hereditary Chiefs, subjected over time by aggressive measure by the Crown and aided by the church to systematically dismantle that self-governance."

"October is Women's History Month in Canada," he continued. "And this year's theme is Aboriginal women. Indigenous women, for those in power in history, had strength and powerful roles in many communities. Colonizers knew that if they targeted Aboriginal women, that key part of the community would be undermined."

He sees this New Relationship as an important symbolic, practical and theoretical step in the right direction. Although some in the corporate world and even Aboriginal communities view this with suspicion, it's important that everyone understands the vision, and if they find value, to support it.

In addressing a question from a participant about "what's happening on the ground?" Grand Chief Ed John said the Premier of BC directed each of his cabinet members to read and understand the New Relationship document, so each Ministry is aware of the context. And if you look at their service plans, there are various degrees of commitments reflected in most although he didn't see a reflection of the framework within the Land use, Planning and Mining Ministries.

There needs to be a commitment by post-secondary institutions, schools and universities to understand the things outlined in that document. There is still such a lack of relevant educational information about Aboriginal People.

On the ground, an example of putting the New Relationship framework into place happened recently with the Cache Creek dump application submitted by the GVRD (Greater Vancouver Regional District). A decision approving the dumpsite was imminent, and an environmental assessment was completed but the tribes in the area had not been consulted and so it was stopped. The level of interest put into an environmental review process must be equaled for First Nations reviews and consultations.

And in early September of this year, a mining development up in the Tahltan People's territory had to listen to a First Nations blockade. Grand Chief John called the Tahltan area, "like a Serengeti in the mountains" that needs to be respected and protected. Proper consultation is critical.

Another participant question was “What is the role of the Leadership Council in moving forward the framework of the New Relationship Document? What is the process for maintaining the momentum?”

Grand Chief Ed John explained their role is first in directing the Premier, secondly the Ministers, then people at an executive level. The Leadership Council does not operate on its own, members of the group provide them with comments, suggestions and feedback regularly. It has the three organizations and has taken the better part of a year to work out mechanisms of coordination, but now they set aside one week every month to all meet with the Province to engage upon problems. Examples include the First Nations Pine Beetle Task Force, a First Nation Forestry Council, maybe soon a Mining Council. The First Nations Technology Council is raising awareness of access to technology as a tool for economic, health, education and language preservation opportunities. Still 130 out of 203 communities don't have high speed Internet access, and are limited in their ability to connect to resources and information.

What is really happening out there? Government and Industry perspective

Rick Jeffery, CEO Coast Forest Products Association

Rick Jeffrey, CEO of Coast Forest Products Association began by summarizing the message of the new relationship, he said he needs to find a great tag line for this new political construct. He said he considered McDonald's famous motto, “I'm loving it” and wasn't sure if that was a good fit. He then considered other tag lines like “Ahead of their time” and “Just do it” and Telus' “The future is friendly.”

His view of what's really happening now is like a new tag line for industry to consider, “If we just do it, we'll be ahead of our time, the future will be friendly and we'll all be loving it.”

Along with the “twin towers of hope and expectation” of the new relationship era comes their own frustrations in the forest industry. It is difficult to manage the gap between hope and expectations, but he identified two questions to address:

What exactly are those hopes and realistic expectations that can be derived? and What is the cultural model they are built on? The old model isn't working, as a lot of conflict arises, time is wasted, and there's harsh fighting along the way. He suggests trashing the old model and the acrimony upon which it was built. If the new framework is going to succeed, we need to build a new foundation for a whole new relationship.

When looking at the New Relationship 4 R's mentioned by Deputy Minister Paine there is a two-way street with all of them. We are all responsible for the way we deal with others. As far as recognition and respect – he admitted there has been very little of that going on. He stated, “In my industry I have learned that it's necessary for us all to start recognizing and respecting in a meaningful way.”

“As far as recognition of rights and title, I can tell you that forest industry is not in denial of those right and title, but we often find ourselves in the position of trying to conduct business while trying to determine exactly what those rights and titles are. It requires levels and levels of consultation and research - and that creates delay, vagueness and

uncertainty. That uncertainty affects operations, attraction of capital and business. We all need to get our heads around meaningful ways to address those issues."

On the topic of how to move forward, "This is about partnerships, not integration, and really ours is a commercial relationship. We'd like to see the commercial partnership emerge between forest industry and First Nations. If you want to close the gap on education, health and culture, then increase the standard of living. If you want to increase participation and involvement in economic development, you can't do that if you don't do it through a new relationship document and framework."

Considerations for access to timber supply and water supply need to be laid out in agreements, or defined in different tender or treaty relationships with First Nations. The Coast Forest Products Association provides a powerful voice for coastal forest products companies that produce primary sawed lumber, higher value wood products and pulp and paper. With more than 20 years' experience working within the B.C. forest industry as a consultant and as a forester, he has heard many sides to each story. The industry, he said, is sometimes frustrated with the pace because it affects their companies and First Nations on a day to day basis. But it is important to find an agreement that meets the mutual interests of all parties.

As there is evolution to a new relationship between Aboriginal people and the Crown, different approaches are needed to accommodate different rights and values as they exist on the landscape. He pointed out that the Cowichan Nation actually have a forest and range agreement providing logs to the local mill and revenue to the community.

He suggested to look at those agreements and to build on those successes. As a member of the BC Business Council group dedicated to working with the New Relationship, he looks forward to having regular follow up meetings with the Leadership Council.

Final thoughts on what's really happening here:

1. Treaties are more of a dispute resolution... you wonder why you really need one if you follow what the new relationship says - or if we all followed what Section 35 (of the Constitution) says. We as an industry don't hold out hope for all treaties, but we will achieve successes with agreements that can be shared and achieved by businesses, First Nations and industry in our province.
2. And to quote his friend, Chief Judith Sayers, "capacity, capacity, capacity is critical to be able to deal with all of the work on all of this stuff."

Gail Murray, Manager Aboriginal Banking RBC Royal Bank

As the Royal Bank of Canada ("RBC") Manager of Aboriginal Banking for B.C. and the Yukon, Ms. Murray advises the bank's senior management on strategic priorities and direction for Aboriginal issues. She was proud to say, "I represent RBC, and as of yet, we are the only financial institution that has taken a formal position on recognizing Aboriginal rights and title. I hope we are only the first of many other banks to come on board."

Ms. Murray draws from her experiences in treaty environments and at a First Nation to address infringements of rights, echoing previous speakers' frustrations at having to prove they have rights - that they do exist.

As a Métis woman, Ms. Murray said, "At one time, Aboriginal People may have been on equal footing with non-Aboriginal people, but my lifetime experiences tell me different. I have seen a lifetime of systemic oppression, perpetuated at every opportunity to serve the interests of business, industry and government but not First Nations communities."

From a financial perspective, economic certainty and risk management are goals, but not realities. Not effectively consulting and accommodating First Nations interests puts funds at risk; so as a part of due diligence, RBC uses assessment tools like the one found in Bob Joseph's, *Working Effectively with Aboriginal Peoples* book. Gail explained how her company has turned the right thing to do into action, "We will assist First Nations in asserting their rights and title. We will not entertain applications that ignore that right and title...we take the stand that it's a similar industry shift much like how environmental review process were considered new processes a decade ago."

From a business perspective, don't wait for government to build relationships for you - begin the dialogue yourself. Build goodwill and trust. To First Nations, she advises to work closely with bankers to draw on their expertise in finance and business, as they can support you in asserting your rights.

Also noted was the importance of recognizing that banks often face internal challenges, as people don't always fully understand the reasons for the commitment to Aboriginal relations. RBC is currently conducting on-going cultural awareness sessions across the Province for its members, local Chambers of Commerce and municipalities, like the city of Terrace. She invited participants to contact her directly if there is a need in their area for cultural awareness training sessions.

Dan Jepsen, Executive Director and COO for the Association for Mineral Exploration BC (AME BC)

"Moving from the forestry to mining sector is like moving from where you see the resource to a hidden resource. In this industry, the whole nature of exploration is secretive." He asked us to consider the reality of coming to a Haida Nation and saying, "I think I know where the next great gold mine is located. I'd like to tell you where it is before I stake a claim."

In mining, the deposit is where the deposit is. There is no opportunity to move deposits out easily from under burial grounds. The sector is pushed to the limits in order to consult and accommodate with First Nations communities, as they have been able to triple the investments in mining in BC. The AME BC members face the question, how can we maintain that momentum? As Executive Director for AME BC, Mr. Jepsen has extensive experience in government relations, First Nations and community relations and has been actively engaged in over 20 First Nation Joint Ventures. As a co-author of *Mineral Exploration, Mining and Aboriginal Community Engagement: A Guidebook*, he notes the need to create progressive and positive business relationships and practices with Aboriginal People.

A challenge he faces is that many of his 3700 members do not want to explore in areas of BC. Existing uncertainty brings negative relationships, but there are some rays of hope. "I spent a lot of time with Jerry Asp of the Northern Treaty Tribal Council this spring because over half of the Nova Gold exploration projects are in First Nations territories. Currently the largest employer of First Nations people is the mining sector. When Nova Gold opened on the TSX (Toronto Stock Exchange) in Toronto in spring, it was first time anyone can recall First Nations person opening the TSX. And I saw the look on many people's faces, asking how I can be standing there, with him, not as a place of litigation, but negotiation and partnership.

Since the mining sector locations are not in Vancouver and Victoria, they are in rural locations; it offers unique opportunities in many First Nations communities looking for employment and business. But they cannot develop large industry projects anywhere the local First Nations and regional communities do not want it. "Unfortunately, you can find many cases of infrastructures in place where they are not being used because of bad relationships with First Nations communities. Often in these cases, some members feel the root to solving problems is through litigation – but not my belief. That's not the way to create economic growth and certainty."

Mr. Jepsen is constantly asked to present a magical checklist that shows clearly how to best approach First Nations, that identifies steps to engage and include First Nations. Many of the mining industry members want to listen; but they don't know how or who to ask. If there is a problem, they need to know why it cannot be done that way. What is the proper way? And if they meet those needs, can the Nation deliver?

To continue expanding and growing the mining industry, all parties must benefit – all levels of government, the companies, the First Nations and the communities. The industry can expand in "known areas" for resources, including potential training opportunities that lead directly into jobs in and around local Nations. "I know there would be partnerships for training for First Nations people right in the community, preparing them for practical jobs in their community if that's where they want to stay."

Switching from an industry hat to a business hat, Dan spoke of the BC Business Council and his experience for seven years on the West Island Treaty. "Basically, if businesses don't like to do business with First Nations businesses, then it won't get done. He explained the frustration he faces in promoting business between First Nations communities when there is piqued interest from international investments. "How is it that the Minister of Mongolia can host a networking function at the Terminal City Lounge in Downtown Vancouver easily and attract investment into his country thousands of miles away, and I can't get a meeting arranged between local leaders? Quite simply, I'd like the money that we raise here for investments and new projects to stay here in BC."

At last year's annual AME BC Roundup conference in January, a First Nations legal team set up a booth and some conference attendees asked them, "What are you doing here?" The answer was, "We want to do business in Tahltan Nation." Everyone will agree that the day that First Nations people do so well that they give non-Aboriginal people jobs - that is a good day.

Tony Fogarassy, Clark Wilson LLP

Tony Fogarassy is a practicing lawyer with the Vancouver law firm Clark Wilson LLP where he chairs his firm's Energy Law group. He advises both public and private oil and gas exploration and service companies active in British Columbia's onshore and offshore basins. "In my role as a lawyer in the energy industry, I provide services for companies assessing risk and opportunities in the context of First Nations. It is still an undeveloped notion of shared decision making. And, unfortunately, there is little information shared within the industry to further develop that notion."

This is an historic shift by the Provincial government towards improving Aboriginal relations. "It is an important milestone in the history of BC between First Nations and government to witness them literally reverse their position on Aboriginal policy. My credit is given to the First Nation Leadership Council, who in my view, took a gamble in that they united to carry out their goals and share their visions with us."

His reflections come from the positive standpoint of his experiences as both a lawyer and geologist who was raised along Highway 16, in Prince Rupert, which now has the largest population of First Nations in cities across Canada. He said his work could be grouped into two broad categories: electricity generation and distribution, and the oil and gas sector. In electricity generation, Tony says, "there is an openness to consider wind electricity, smaller hydroelectric projects, wave or tidal energy, solar power geothermal power. We are moving across the Province assessing new projects, like bio-mass, where First Nations will be in the prime position to take advantage of opportunities for development, employment, joint decision making and revenue sharing."

From a business perspective, there is a growing need for security of tenure and certainly of defined guidelines for use. The industry needs to be able to utilize the land or sea space within a legal and political environment that is both predictable and stable. The uncertainty created such malaise in the 1990's that BC gained an international reputation for risk. Now there is a thirst to see positive movement towards stability, so there is great interest in the new relationship between the Crown and First Nations.

A core or central issue is the delineation or fleshing out of the concepts of shared decision making. To assist the energy industry sector in understanding what that means, they need to see it as an alteration or revision of proposed projects where Aboriginal consent may be required. They need to understand that they must directly involve First Nations before making decisions.

There also must be a significant number of First Nations members participating in sector industry bodies. "For example, for any BC off-shore and coastal energy projects, I cannot conceive of an advisory board or governing body without at least one-third representation of First Nations people." For more representative governance, there must be a reform of advisory boards to include one Aboriginal representative for every three non-Aboriginal representatives.

First Nations must be involved directly in all decisions and regular on-going decision making process. To do that, First Nations must define in advance the social, cultural, ceremonial and economic considerations of the area on their traditional territory.

In looking for a practical case study to share, "The Blueberry River Energy Agreement is, in my mind, a perfect example of what the Province should be doing. It works for government, the Blueberry River First Nations, and industry in the traditional territory because everything comes under shared decision making."

Julian Paine, Assistant Deputy Minister for the Ministry of Aboriginal Relations and Reconciliation

"In discussing the topic at this juncture - what's really happening on the ground - I feel spectacularly unqualified to say. Lately there have been very few days where I get rain in my lunch bucket - I admit I'm a café sucking urbanite. However I think I am qualified to talk about what I see going on, particularly what I see going on out there." Julian noted that the job at the moment for most agencies is to become fully engaged in finding 'the how' of the new direction of thinking and the new legal direction. For some, he feels, the New Relationship principles are a big jump, for others, just a small jump taken in stride.

An example is the Gitanyow First Nation, with whom he was involved with for almost two years when he was with the Ministry of Forests. Unfortunately, from a Provincial government perspective, there has only been a long process with litigation. But from a business and industry perspective, it led to an understanding of land use and traditional territories, so the areas have now been clearly identified, mapped, and shared with forestry companies. "That which was previously an acrimonious process is now a much better, smoother and understood process. It is essential that both sides have agreement upon where things can proceed as business as usual or where there might be more discussion needed. Or, where that might not happen at all. " It is a huge leap forward in terms of their view of how things can work in the forestry sector.

"I think what's really been a push in the last few years has been the growth in the commodity markets in the oil and gas sector. People are looking all over for places to develop. We are subjected to a lot of scrutiny, as they all look to the Province to deal with the multiple applications for multiple developments; but we're using limited structures in place today. "

"In mineral development in the Tahltan territory we all saw pictures of the Elder and Grandmother arrested; well the Province is fully engaged and involved of a number of agencies with leaders to jointly address the development in that area." By taking a broad approach in land use planning and development with Tahltan, they will eventually reach a good understanding of when and where they want development to occur, and what type of development can occur. And that will speed up the Province's ability to move processes forward to meet those criteria.

Frustration is heard from all departments in First Nations communities, government and industry with how quickly they are moving that individuals are pushing boundaries. He says, "A lot of agencies are just doing it; they're trying things out. But the system needs to be able to give us direction to say, 'it's OK to talk about this issue.' We'll all need some better tools to reach long-term understanding of each other."

The Osoyoos Indian Band is a positive example of people trying things out. He said all sides view that as a good thing, and they're now in pursuit of expansion for a ski resort.

The Province reached agreements to share revenues and decision-making, building on their relationships.

What is really happening out here? An Aboriginal Peoples' Perspective

Afternoon Plenary Discussion with

- **Mel Bevan, Northwest Tribal Treaty Nations**
- **Chief Gibby Jacob, Chief of Squamish Nation**
- **John Ward, Taku River Tlingit First Nation**

A panel of leaders who are actually doing what it takes to create new relationships. The level of camaraderie, mutual respect and friendship was apparent among these leaders.

Mel Bevan, Northwest Tribal Treaty Nations

"We have been working on these principles for a long time; in the New Relationship there's the plan - but how do you actually *do it* is missing. What I'm sharing today is not a secret; it has gone out as an attempt to describe what worked for *us* to find a balance between certainty and provision for First Nations socio-economic benefits."

As Chief Negotiator for the Kitselas Treaty team and Executive of the Northwest Tribal Treaty Nations, his wealth of experience comes from working with First Nations and Tribal Groups across Northern BC. Their association's primary purpose is to review and work to improve the BC Treaty Commission treaty process and to work on common issues together.

He began by explaining key terms, issues, and phrases one must become familiar with in developing respectful relationships.

- *Jurisdiction restrictions*

This word always creates confusion and problems. INAC (Indian and Northern Affairs Canada) only has jurisdiction on reserves, not one inch outside of that. As a matter of fact, six years ago we managed to put together a meeting with 26 line managers where we spent two full days talking about exactly what we're talking about today. They were all very enthusiastic, then they got on a plane and we haven't heard from them since. It was outside their authority.

"Our only connection to the Province has been through treaty negotiations and the courts, a concern raised many times with Geoff Plante (who wanted to find a solution or someone to directly address). But hopefully now the Leadership Council will find a way to deal with that issue through the Ministry of Aboriginal Relations and Reconciliation and this New Relationship document."

- *Build in things that they can easily agree with and deliver*

Make sure agreements have specific time frames, are renewable, expandable or able to be amended within their term and with clear termination definitions.

- *Know what each party expects and wants from an agreement*

The content was borrowed from a report and presentation by Geoff Plante. It gave an excellent overview of what governments want in agreements. Government objectives include:

- Civil order – no road blocks, no confrontation
- Economic certainty in relation to minerals, mining, fishing, etc.
- Balance in relationship
- Social-economic progress for First Nations and Aboriginal People
- Finality – topics will not come up every time, at every table
- Ensure "Canada" maintains primary responsibility
- Government funded initiatives are responsible and accountable
- Negotiation rather than litigation.

In adopting the Kitselas First Nation objectives developed over 10 years, Mr. Bevan said, "it was important to be talking with people who are loving human beings, understanding that most of their efforts go into building good governance. But governments that forget or do not serve its' people are not good governments, so we needed to use strategies our People were comfortable with."

A good example of getting to know people in the relationship came only two weeks ago, at a signing ceremony in Terrace. It was about a general mandate to work together and a second document was about specific agreements for things like sewage treatment and storage for the community. It wasn't a complex agreement, but it still took the communities six months to negotiate. "It's amazing how little we understand each other. We both made some big assumptions about each other that we needed to clear up if we were going to work together."

Kitselas First Nations objectives include:

- Measurable progress towards healthy, working communities
- Initiate a strategy to reinforce KFN culture
- Include specific projects, like developing good governing institutions
- Build KFN longer-term goals for human, technical and financial capacity building

BC/Canada Joint objectives:

- Certainty – clean this all up but be able to bend; not be absolute
- Predictability – an idea of what's going to happen in 20 years
- Affordability – find ways to actually produce something
- Reduce fear of "big decision" - are we going to get it all right for next 20 or 50 years for our children
- Consider the value of "test driving" treaty-type mechanisms to demonstrate progress to all community members in a three-party process.

"Once the Nisga'a Treaty was signed, many locals thought that land would be towed out and you'd never see it again. But it's actually the reverse of what the doom and gloom peoples said would happen...the community is stronger and more able to focus on common goals and interests."

"Treaty negotiation is tough – you are more or less guessing that what we're negotiating about will actually work. Well, I've been sitting at the table for ten years, and I have nothing to show my people for those years." (Many Northwest First Nations are at various stages of a six-stage Treaty negotiation process).

- Strategic factors

There are things that exist in our areas that don't exist anywhere else; our local Nations knew that it was not possible for the BC Leadership Council to negotiate for us, we had to define it for them, so that they could speak to that for us.

- Partnering Agreements

Build on your First Nation's strengths, and build around the most accessible economic paths. Use the potential of regional economic partnerships, look for existing programs and initiatives and build upon them.

- Use Specific Components, like the KFN Proposal

A lot of components came from work done on treaties but some came from outside. A basic list includes:

- Economic development, often called expanded revenue through economic development agreements.
- Land/resource management contracts, outlining protected areas or special management areas, land use assessments
- Expand land and resource tenures, like permanent forest tenures, water reserves and license on specific waterways, commercial and recreational applications
- Expand land "owned", fee simple surface and sub-surface rights
- Appropriate land use decisions over land "owned" like land in rural areas, or to acquire previously exempted lands, transfer of industrial corridor lands, specific strategic land parcels for economic or member program purposes
- Revenue sharing

- Financial Transfer Agreements

Consider designing proposals so each component can be dealt with separately (echoing the comments from Assistant Deputy Minister Paine). Do not try to always bite the whole thing because different departments have different revenue or taxation issues. For example in one community there is concern for protecting moose breeding areas that cannot be damaged and hunting fishing areas should not be logged. BUT if it needs to be done, then have a clearly defined and certain way to do it, and compensation for doing it that way.

- Tax Administration

Land must create wealth; swampland is not a viable economic way to be able to collect taxes on it. First Nations can impose and administer excise taxes, but "We'll keep it small at first, not too big for now, until we get our foot in door."

- The 3 stages of Proposal acceptance

Reflecting on discussions from about 20 years ago, when Aboriginal leaders were again talking about the same issues, Mr. Bevan said, "The great Chief Joe Mathias said that anytime you come up with a new idea, everyone says ridiculous, it'll never work." That's stage 1. Then there's stage 2, where people say, "hmmmm, interesting approach. It might be worth looking at." They talk about it more and it begins to make sense and be accepted. Then in 20 to 30 years, we see stage 3, where everyone says, "It's so obvious, why wasn't it done before?" and then it gets accepted.

I believe the Premier of BC and some of his Ministers are at stage 3 of accepting the idea of a new relationship...it is so obvious, why wasn't this done before?

• **Chief Gibby Jacob, Chief of Squamish Nation**

Chief Gibby Jacob provided his perspective on "What is really happening out here. He thanked the Chiefs that came before us, saying, "in some context I daresay across all First Nations in this country the need to succeed is based on a long history of abuse, neglect, and social ills based on the residential schools. You have to understand where you're coming from to know where you're going, but for us who missed it, we don't bear those scars but we see the symptoms of the relationships what are happening in many families and communities. We'll never accept it, or forgive it, but we will move on."

The traditional territory of the Squamish Nation stretches from Squamish to river's drainage into Burrard Inlet in North and West Vancouver. His Nation is young like so many others; of roughly 3000 people almost 60% are under age 25. "The importance of those numbers is our need to succeed...to create a sustainable economy, a diversified future economy. I don't claim to know what a 19- or 20-year old wants, and it's going to change anyhow, but I can say here's what we'll leave for you and then it is your responsibility to run with it."

Chief Jacob explained his Nations' perspective on the New Relationship - based on years of challenges and benefits of living on an urban reserve. He described how the Native Brotherhood started on the Nation in the 1930's and they were the first First Nation to negotiate leases on our nation. He laughed as he said, "usually the Department of Indian and Northern Affairs took our lease monies to Ottawa, and we'd have to kiss their you-know-what to get it back. I mean, kiss their ring. Now, we collect it ourselves."

He explained how a medical health officer for the Provinces was going through a presentation when one of the graphs caught his eye. "It showed the health costs for those Nations with no agreements in place with high costs way off the charts. If you had an agreement, you had hope and a way to create your own sustainable economy, your own way of life, it can save billions of dollars."

He spoke to the need for engaging youth in the workforce. "What are we paying for when we're in a workforce? All of the social programs come from net contributors to local, regional and national economy. If we're talking about 60% of my people can be youth in the workforce, we'll pay for lot of my pensions and yours. Unless your kids all get busy making more kids, we'd better get them to work."

Chief Jacob spoke of Chief Clarence Louie of the Osoyoos Band, who has helped start several companies with over 1200 employees. They're currently employing 800 people from the outside community, showing that people need to shift their thinking about First Nations from, "What can you take from us?" to "What can I bring to the table for you? We can't employ only all of our people. Dare to open your eyes."

He also acknowledged the differences of being an Urban First Nation, saying "I have only a smidgen of an idea what rural First Nations must face. We generate 75 cents out of every dollar for every dollar spent in our community."

Building trust and relationships take time, like dealing with Jim Cox and BC Rail. He explained that their relationship has gone from, 'I've gotta go deal with the Squamish Nation,' to, 'Thank God I've dealt with the Squamish Nation.' When everything was clear and put on the table, everyone walked away a winner - but you had to be at that table."

He agreed with Mr. Bevan and other speakers, suggesting it is good to look at models of success for starting negotiating agreements. The Squamish Nation has protocols with the neighbouring Lil'Wat Nation. Again started by late leader Chief Joe Mathias, the two Nations decided to "get back to the way we used to do things, not in the courts with lawyers through letters, but to sit down face to face and work through things together. "

In recent agreements, his Nation has found partners who want to get things done. They have the knowledge and experience now to negotiate for 100 acres to be set aside in development projects, or one-third interest in revenues or ownership of a watersite. Or as in the recent Concord Pacific joint venture project on the Nation's traditional territory, approximately 500 of 1400 proposed units of a complex will go to the Nation. They started by putting a plan in place 10 years ago to pre-empt what the province was doing by putting their own land use plan in place. They have had assessments and plans paid for by Interfor and the province in 6 months, recognizing that everyone's' trying to cover off their interests.

"We developed our own process to document areas that are spirit places of historical value; and we looked at what is our current form and project out to the future to measure how it is all going to impact our future sustainability. We'd be happy to share these tools any First Nation who hasn't seen it or done it yet themselves."

As for the area of relationship development, his Nation's perspective is "Don't shoot the messenger - it makes no sense to us. But we don't want to deal with just anybody. We always talk about our principles and values, it's important for us to explain to people that not everything's up for sale or open for businesses. If we talk to companies we say they need to pay for a suite of experts for access into our territory to use our lands, then we give them a budget, and then if it is taken away it is an internal test. If they stay at table, and are willing to follow through, they gotta be real."

He noted that not one of the developers has refused the offer if they are serious. They know enough that they cannot continue without an agreement in place, because then it's time to talk about accommodation for interest, or title of rights. They are partnering to deliver 6-month carpentry courses, and in the 5th month people are knocking at the door to indenture them. He had simple recommendations for both parties. "Be truthful, be consistent, and don't be afraid to ask for, or offer, expertise. For agreements to have value, they must be collective."

• John Ward, Taku River Tlingit First Nation

John Ward is best recognized for his work on the Taku River Case. He has also worked very hard to develop sustainable economic opportunities like a wild smoked salmon venture, a community-supported business that builds on existing skills while creating new economic prospects.

He began by thanking the conference organizers, participants and speakers for supporting the vision of a new relationship, for having the drive to just, "get on with this kind of work. It's great to sit among a group of people speaking a different language about a new vision, to walk to a different drum."

Mr. Ward spoke of how our "interdependent survival depends on how people live up to their responsibilities. The Tulsequah Chief Mine proposal required a 100-mile access road right through our traditional territory. In the absence of a treaty, we heard a few times... 'Where are your rights?' We didn't have two nickels to rub together, but we came through."

He explained that First Nations need to have treaties that define their authority on the ground. They need economic agreements in place and often consulting support to be able to carry out their responsibilities in negotiations. For example, he explains that if a business needs to purchase a new machine to work well, then a consultant says, "this is what you need. It's \$150,000 and this is just a cost of doing business. Then the business sends two other guys out for the assessment, and they come back and say 'yep, that's what we need' and then they buy what is needed." It goes back to what Bob Joseph, Gail Murray and Gibby Jacob explained as risk assessment - if support is needed by First Nations for proper consultation and accommodation and due diligence, then companies must pay for what is needed.

Mr. Ward mentioned that the Taku River Tlingit First Nation looked at the Squamish Nation's plan and decided it was a good way to prepare to respond to the pressures of opening our lands for development. Presently, his community is considering a power project in 2009. Learning from others helps when important concepts of land planning and sustainability come into play.

Mr. Ward said, "Chief Gibby's plan helped us to determine who the players are, what's important, what policies need to be established, what gaps there are, how to say what we really need and are trying to achieve. We did all our homework, that at end of day, many of our people were scared and said, 'You can't tell government how to do things! You can't tell industry what to do - they do what they want.' But everything we did and moved on was based on truth. And our previous Chief Jack said that when you learn the truth it makes you stronger - you can move forward and not be afraid to look people in the eye. So we're moving forward."

This New Relationship will help to clarify processes necessary to carry on resolving discussions and issues around land use and sustainability. He said, "Our own Constitution guides us and our own land management model guides us. But it is very difficult to communicate difference if we are limited by different languages. "

"Our document is called, 'Our land, our future', and it talks about who we are as a People, our principles of our life, our connection to our land. It talks about our habitat,

where we live, as Tlingit people what we do in the waters off of it." He recounted how people come to hike with him and bring water purifiers because there are lots of bugs in the water, but since he is used to them he is immune to them. He is part of the land.

He explained a best practice scenario where a little mining company came along to visit with their staff. They visited with the individuals, and when asked to bring the owners to come visit, they did. As a responsible leader, he says, he believes in processes but also believes in meeting people and looking them in the eye to make a judgment call. That way, he can read if they're going to be able to do what they say their going to do. "I know if they can take time out of their busy schedules to come talk to me, I can respect that. And that was the beginning of a new relationship - it started on the ground."

He also appreciated their efforts in ensuring the communication channel remained open. Their leader said, "Here are two capable people your people can work with, and if there's any problems they can come to us and we'll work through it." Hire people on the ground to be able to do work that met the principles, and responsibilities, outlined in our Constitution."

Mr. Ward is currently involved in the mountain pine beetle project from land planning perspective and said that sometimes interactions with Premier Campbell's office reminds him of an old Bible saying, "Old wineskins cannot contain new wine." There needs to be new strength in minds, in this new era to close old doors that need to be closed and open new ones together. "We've got to be creative and be open minded," he says, "And God knows we've been open minded to survive all this!"

"Keep it up, be hopeful. I'm doing best to get away from the me-against-them mentality. The courts have done their job and now it's time to do our own jobs for our communities."

Conference Resources and Links

Conference organizer

Indigenous Corporate Training www.indigenouscorporatetraining.com

"Working Effectively with Aboriginal Peoples" free monthly e-zine : www.imninc.com/ict

Speakers' Notes and Presentation

Please note: All Speakers' Biographies are available on the Indigenous Corporate Training website (www.indigenouscorporatetraining.com)

Maria Morellato of Blakes, Cassels & Graydon LLP has kindly provided us with a copy of her PowerPoint presentation, available at:

www.indigenouscorporatetraining.com/NewRelationshipPrinceGeorgeSept19-202006.PPT

Tony Fogarassy of Clark Wilson LLP has kindly provided us with a copy of his Speaking Notes, available at

www.indigenouscorporatetraining.com/NewRelationshipPrinceGeorgeTonyFogarassy.pdf

Website Resources

The New Relationship website, Provincial Government of BC

http://www.gov.bc.ca/arr/popt/the_new_relationship.htm

The New Relationship Document, Provincial Government of BC

http://www.gov.bc.ca/arr/down/new_relationship.pdf

The New Relationship August 2006 Progress Report, published by the Provincial Government of BC and the BC First Nations Leadership Council

http://www.gov.bc.ca/arr/down/new_relationship_progress_report.pdf

The Transformative Change Accord, signed by the Provincial Government of BC, the Government of Canada, and the BC First Nations Leadership Council

http://www.gov.bc.ca/arr/down/transformative_change_accord.pdf

The New Relationship Trust Website

<http://www.newrelationshiptrust.ca/home>

The BC First Nations Leadership Council

The First Nations Summit: www.fns.bc.ca

The BC Assembly of First Nations www.bcafn.ca

The Union of BC Indian Chiefs www.ubcic.ca