

TREATY UPDATE

and

FRAMEWORK AGREEMENT REVIEW PROCESS

1. NEGOTIATING TEAM

The Tsimshian Nation (Tribal Council) is to facilitate and coordinate today's treaty process.

A team approach to ensure each community or **First Nation** is represented has been agreed to and developed to pursue the Tsimshian Nation Treaty.

The Negotiators are: Gerald Wesley, Chief Negotiator
Mel Bevan, Kitselas
Alex Bolton, Kitsumkalum
James Bryant, Lax Kw'Alaams
Harold Leighton, Metlakatla
Russ Gamble, Kitkatla
Art Sterritt, Hartley Bay
Percy Starr, Kitasoo

plus Bob Hill, President TTC
Bob Sankey, Vice-President, TTC both join the Negotiators at the table.

In addition, there is a Treaty Task Group, the TTC Executive Committee and each First Nations Treaty Coordinators and Treaty Teams who provide support to the process.

2. **WHY A TREATY?**

A Treaty is a formally concluded and ratified agreement negotiated between the governments of Canada, British Columbia and the Tsimshian Nation.

Tsimshian people have been protesting the forced changes to our lives for over 100 years. In generations of yesterday our people were in control of their own lives, territories and the resources. We had a government structure with family and community involvement. We were responsible!

We want that again, we want changes and improvements.

WE WANT TO CONTROL OUR OWN DESTINIES ONCE AGAIN!

(A Treaty will help to do that.)

Background Dates

In 1983 we submitted to Canada, the first formal **Declaration and Claim** to Tsimshian territories. This was the beginning of today's process.

On December 15, 1993 we submitted a **Statement of Intent** to the B.C. Treaty Commission which stated our intent to enter today's modern day treaty making process.

4. **BRITISH COLUMBIA TREATY COMMISSION PROCESS**

The B.C. Treaty Commission (BCTC) is a neutral body developed collectively by the First Nations of B.C., the government of British Columbia and the government of Canada.

It is the "Keeper of the Process" to ensure a level playing field is created for negotiations to take place. They ensure First Nations are ready to negotiate and they administer or approve funding levels to First Nations.

The BCTC process has Six Stages:

- Stage 1 - Statement of Intent
- Stage 2 - Readiness (research and preparation)
- Stage 3 - Framework Agreement (negotiations and conclusion of times & issues)

- Stage 4 - Agreement-in-Principle
- Stage 5 - Final Agreement
- Stage 6 - Implementation

The BCTC has provided funding to the Tsimshian Nation as follows:

1. 1994/95 - \$ 1,302,133 (\$138,495 to each First Nation)
2. 1995/96 - \$ 1,400,000 (\$160,000 to each First Nation)

80% of all BCTC funding is in form of a REPAYABLE LOAN!

The Tsimshian Nation protests that repayment requirement but with no success.

3. 1996/97 - \$ 1,708,346 (to be determined for First Nation)

Annual General Assembly Direction to the Process:

- 1993 Direction to develop and submit a Statement of Intent
- 1994 Direction to Endorse Readiness requirements and a community budget process
- 1995 Appointment of Negotiators and Direction on development of a Framework Agreement

This process started in 1993, the plan for Stage 4 or Negotiations of an Agreement-in-Principle is for another 3 to 4 years.

5. OBJECTIVES OF THE TSIMSHIAN TREATY NEGOTIATORS

- **To Get All of Our Land**
- **To Get All of Our Resources**
- **To Get Compensation**

But in negotiations we also know that government is negotiating to oppose our position:

- **To Keep All of the Land Under Government Control (BC states 5% is on the Table)**
- **Only to Establish New Processes & Partnerships in Regards to Resource Management but keeping Final Authority**
- **That there be No compensation**

The recent Nisga'a AIP shows results of a negotiations process. Clearly they did not get 100% of their lands.

In our treaty we want to:

Ensure we are providing for and protecting our children and their children.

Ensure our people will always have access to our traditional foods.

Ensure our people have access to improved levels of education and health care.

Ensure we have access to lands, resources and industry in order to build employment and business opportunities.

(Plus many other specific issues but these capture the main principles to be followed.)

6. FRAMEWORK AGREEMENT

Formal negotiations commenced on December 20, 1995.

On March 21, 1996, negotiators for all three Parties agreed to a final draft Framework Agreement.

The Negotiators also confirmed an undertaking to present the final draft Agreement to their respective Principals for initialing and subsequent approval.

Canada has indicated their approval process requires presentation to Ottawa and their federal caucus. The earliest date for this will be on April 10, 1996 .

The Tsimshian Negotiators are recommending to the Tsimshian membership the acceptance of the March 21, 1996 Framework Agreement.

The Framework Agreement has been circulated to each Tsimshian First Nation for review. Main points identified for the Tsimshian Nation membership include:

Recognition of individual First Nations

Page 1 - each First Nation listed
2 - sect. 1.7, definition for First Nation

Provisions for an "umbrella agreement" with individual or separate agreements if required

Page 2 - whereas 'G'
6 - sect. 5.6

Time-frame for Stage 4 negotiations (36 to 48 months)

Page 4, - sect.3

Substantive Issues for negotiations - what will we be talking about?

Page 4 & 5, - sect. 5 (this list was endorsed during the January planning session)

Overlap Issues

Page 7 & 8, - sect 7 (we have potentially 7 'overlaps')

Interim Measures

Page 10, - sect. 14. (we wanted much stronger language than this)

(All points are important! The above are issues which stand out as being of more importance to the Nation as a whole.)

7. COMMUNITY OR FIRST NATIONS SUPPORT

The Negotiators recommend acceptance of the agreement.

During the 1995 Tsimshian Annual General Assembly, the Negotiators were given authority to 'negotiate and initial an agreement'.

The Negotiators have fulfilled that mandate, now it is the members responsibility to review and direct the process further.

Each First Nation has it's own approval process to exercise this final approval and each First Nation is responsible to carry out that process.

It may include:

- community meetings
- on / off Reserve members
- Chief & Council approval
- Chiefs approval
- formal vote
- consensus, etc. etc.

Any approval should also include designation of a signing officer(s) to sign the Framework Agreement.

Good Luck!