

**‘Namgis First Nations
Governance Treaty Meeting
Tuesday April 12, 2011**

Alert Bay, BC

**Minutes of Meeting
Minutes taken by: Sue Staniforth**

5:00 PM Arrivals, Sign in *Dinner Served*

6:00 PM Welcome / Greetings Chief Bill Cranmer and Council

Review of Agenda Sue
Handout Governance Question Sheet to capture questions
Handout summary of Questions from Victoria meeting
Handout *Draft Governance Chapter*
Handout treaty summary document

A primer on Governance was handed out, as well as a long document that interpreted the Governance section of the draft Treaty booklet: with the legal wording on one side of the page and simplified explanations on the other. This is being done for the entire agreement in principle, to allow better access and understanding of the documents.

6:30 PM **Governance Background and Update:**
Mapping Out What Exists Now and What Will Change
With a Treaty in Place

Mike mapped out on flip chart paper what the historic context for governance looked like, what exists now, and what will change with a Treaty in place. He directed members to the draft governance document, p. 301, where the right to ‘Namgis self government is discussed.

Historical View

The ‘Namgis had self-government. Laws and governance came out of the Big House, and councils were made up of five houses headed by five chiefs. They all had some responsibility for parts of the ‘Namgis territory. All programs and services were delivered by the chiefs and houses. This system was torn down with colonization: First Nations people were moved onto reserves and told they would be better off.

Bill Cranmer:

In 1792 when Captain George Vancouver arrived, he saw a healthy community of ‘Namgis that was self-governing. We were governed by the rules in our potlatches and ceremonies. In 1884 the Indian Act was established, reserves were created, and land grants were started, which gave access and control of land to non-First Nations individuals and companies. In 1918 the Indian Agent

convinced the government to give him powers over the potlatches, and in 1922 they were outlawed. We had to give up our masks, ceremonies and our language was also outlawed. We want to go back to self-government with and for the 'Namgis.

Present System

INAC: Today the band's governance comes under the Indian Act of the federal government. The Act establishes the Indian Act Band, and the Band council is legally accountable to the Minister of Indian Affairs through one of their program managers first, and then to the Band members. There are Band elections for chief and council but the real accountability is to the Department of Indian Affairs, as they control the purse strings.

Programs and services are funded by the federal government, who also has arrangements with the provinces to deliver services. This is the same for all areas of governance: Health, Social Services, Education, justice, etc.

The entire territory is under provincial jurisdiction right now with the exception of the reserves – however, the 'Namgis don't make the laws for their reserve as the federal government has to approve all the bylaws. Even if we want to pass a dog by-law, it first has to go to Vancouver, the province then signs it off, and sends it to Ottawa to the Minister, where it sits on his desk until he signs it off! One of the first things the 'Namgis will make into law is the Constitution – this is the law by which every other law you will pass is measured.

Future: What Might Governance Look Like with a Treaty?

The 'Namgis constitution will set out the system of self government: how you will manage and represent yourselves. Your historic system of government will be part of this. The Canadian Constitution will protect your inherent rights as 'Namgis as well.

Question: Lillian Hunt: What will happen to INAC?

With a Treaty, INAC will no longer apply. The Indian Act disappears and is replaced by the 'Namgis Constitution and the Treaty. There will be agreements in place that guarantee funding for programs and services that get administered by the Band.

Question: Robert Mountain: What funding will be cut after a Treaty? Will we get less money?

There is a 5 – 7 year implementation period where money will be reduced. Over a 20 year period, 'Namgis will develop our own revenue generation. There is a chronic shortage of funding from the government – this will probably not change in the short term as they are cutting back everywhere – not just for First Nations – but economic control over our lands and resources and an ability to generate more funds will help support our programs and services.

They will not take the funding for hospitals and education away with a treaty – some arrangements will continue.

The treaty says that 'Namgis has the right to self government and the right to make its own laws. The Treaty would also give you tax powers. Right now the province makes money off economic activity in the territory but the Treaty will change this, as the 'Namgis would have more of that jurisdiction. The balance of power will shift to the 'Namgis .

Question: Robert Mountain: Is it possible to see the numbers? What will be cut and reduced for each program, and what it will cost us? What will the financing agreement look like, what percentage will we lose, and then have to pay for ourselves?

The Treaty will trigger discussions and negotiations around each program and service. The financial costs will be spelled out then as well. An example is the Nis'ga - they decided they would take over non-insured health benefits through their Treaty – things like glasses, dental, etc. They went broke trying to cover all these expenses. The lesson for us here is not to try and take over programs that are expensive to deliver.

Question: Bill Wasden: We need to have stronger jurisdiction over the resource extraction and business dealings that happen on our land.

Mike: We do get some reimbursements – for example, the Hydro project we were reimbursed for. Western Forest products are working in the valley – and we are pushing to get money out of them.

Right now when a company wants to do something in the 'Namgis territory, they approach the provincial government. We get a notice from the government asking if our rights will be affected by their operations. We always say yes. Then we look at the company and what they want to use the land for. If it's not consistent with our values and uses for the land we say no. If it is something that is of interest, we see if we want to partner with the company. If we don't want to take on the business risk, we won't partner with the company, but we do negotiate a royalty from their profits.

Question: Who watches the resource extraction that goes on in our territory? Do we know who is doing what, and how much they are removing?

The Natural Resources team have mapped the reserve and know the area well. They are our eyes and ears in our territory. We can also shut down any work that goes on if we feel it is not in our interests. For example, we even shut down our own logging crew as they wanted to log in an area of culturally modified trees by Nimkish Lake. For Orca Sand and Gravel, we know the area they are working in and have claimed the rights and sub-surface rights to the large deposit of gravel (estimate 35 years worth) beside their site. They also have to plant trees and restore the land they are working on.

Question: What about the airspace above our territory? Do we have jurisdiction over that? Military jets flying overhead?

No – we will not be able to control the airspace – usually the military can do whatever they please. Often their conduct can be influenced: an example in Labrador years back where low flying jets were disturbing caribou calving grounds: the Innu got the flight paths changed. We do have rights to air quality and there are specific environmental protection sections in the Treaty.

7:35 PM Break

7:45 PM Constitutional Committee Update

Bill Wasden: I am the co-chair for the Constitutional Development Committee; we have a big committee of about 16 people now. We are developing a constitution and working with Eric Woodhouse and his law firm. There are many opinions and ideas but the Constitution is very important to the 'Namgis, and we will go ahead with it whether we go to Treaty or not. We hope to get out and speak to people about it soon. The preamble is about the history and values of the 'Namgis. The preamble is important – it is the statement about our identity, it speaks about what it means to be 'Namgis. The constitution will exist outside the Treaty. Right now it is restricted by the limitations set out in the Indian Act.

We will be bringing the constitution to the membership to review it with everyone and ask what you want to see in it.

Question: Chris Cook: *Can you change a treaty after it is complete? There are still things in past treaties we hear about that have not been implemented.*

Mike: Funding arrangements seem to be the biggest hurdles in the treaty implementation. We need to make sure we tighten these up and have a clear implementation plan.

Question: Chris Cook: *Are we being stick-handled to Treaty? The documents are hard to understand, we don't really know what we are getting into.*

Chief Bill Cranmer: The treaty is for our kids and grandchildren – we are working for a brighter future for them, 100 years down the road. We will bring all the information we have to you as best we can.

Request:

Can we have more accessible information about the Treaty, and about what it will mean for us economically?

Mike: We are working with an economist who is building an economic model. This model will take inputs – things like program costs, taxes, the economic activity on reserve - and project into the future so we can see the effects on our economy. We will share this information as soon as we can – we are still waiting for a second installment offer from the government.

Question: Ethel Speck: *How do we get our young people involved?*

We need to get our young people involved in this process and get them to attend these meetings. There are so few of us here tonight. We have a membership of about 2000 and there are not even 30 of us here. We have so many smart young people, this treaty will affect them the most, they need to be part of it.

****Action Item:** Council and band members to explore hosting Family Meetings to share governance and treaty information, answer questions, and share documents. Another option is to have smaller meetings: get Mike and some councilors to go door to door and answer questions.

8:15 PM Summary / Closing

Participants asked to drop off questions for tomorrow's meeting in the box by the door: to be collected by Sue and reviewed by Sue and Verna.

NOTE: The Band Business meeting scheduled for Wed. April 13, and the upcoming meetings scheduled in Vancouver April 16 and 17 were cancelled due to the recent death of a hereditary Chief. They will be rescheduled as soon as possible.