

## Making Modern Treaties Work – LCAC

### PLENARY 2 – Building Today: Modern Treaty Organizations and Community Development

**Moderator: Math'ieya Alatini, Chief Strategist, GSD Strategies**

**Presenters:** Clifford Daniels (Behchoko Chief, Tlicho Government) and Angela Wesley (Wes-Can Advisory Services)

**SPEAKER 1: Angela Wesley (Wes-Can Advisory Services)**

- Angela Wesley is a citizen of Huu-ay-aht. She has been involved in land claims and then modern treaty negotiations with Huu-ay-aht Government, in general, in British Columbia (BC) including every aspect of the treaty process from citizen engagement, ratification, preparation and capacity building leading to effective date of the treaty, to implementation of the modern treaty. She has worked with First Nations throughout BC since 1992.
- Angela was appointed as Commissioner to the BC Treaty Commission in 2018
- As a background, Huu-ay-aht is a signatory under the Maa-nulth Treaty with four other First Nations, of which 70% of the eligible voting citizens approved of the treaty. As a result, the Nations have been self-governing since April 2011 operating under their own constitutions and laws.
- Angela notes that a major challenge for the Nation is that 80-90% of citizens currently living away from home. The community is able to take part in economic development initiatives, within the forestry, business development, tourism and fisheries industries as they fit within the principles outlined in their governance structure.
- The Nation's vision statement was documented more than 25 years ago when the nation was entering into the modern treaty process. She notes that it is critical to always focus on where the community is going; the Huu-ay-aht envisioned a strong, self-governing and self-reliant nation.
- The foundations for successful economic development require guiding principles to support good decision-making, a comprehensive economic development plan that establishes priorities, strong and reliable leadership supporting implementation of the plan, and an arms-length civil service to implement laws, regulations, policies and procedures (free of political influence). Angela notes it is critical to understand the principles and adhere to them when determining how you are going to move forward.
- The guiding principle in Huu-ay-aht is *Ancient Spirit, Modern Mind* with the following sacred principles:
  - o Iisaak (Greater Respect)
  - o Uu-a-thluk (Taking Care Of)
  - o Hishuk Tsa'walk (Everything is One)
- Huu-ay-aht economic development focuses on triple sustainability, meaning initiatives must take into consideration the trade-offs, balance and acceptability of any given activity. It measures and attempts to create a balance based on economic, social and environmental sustainability.
- Angela notes that Nation Building involves earning profits and creating jobs while separating and managing relationships between political/administrative and business arms. The community, together, determines what the community will get involved in by going through a community process.

- The community strives to minimize their ecological footprint, however their dependence on the forestry industry and exploration of major projects in the territories has sometimes created division within the community; Angela stresses the importance of adhering to the sacred principles and the need for ongoing dialogue while also considering the generation of profits and capacity building.
- Within the HUU-ay-aht model, each element of triple sustainability requires a different set of values, approaches and goals that can conflict with one another; the challenge is agreeing upon balance and maintaining that balance over time.
- In the model, the HUU-ay-aht government determines which businesses the Nation becomes involved in, providing a mandate to the business arm to proceed with implementation. Feasibility studies and business plans must be completed in advance, and a governance and fiscal agreement (which includes extensive reporting requirements) between the business and government branches govern the relationship with the Nation as the shareholders.
- The business structure is meant to allow businesses to operate independently (not separately) from government, while the government creates the overall strategic approach of economic development.
- Angela notes there have been challenges with implementing the business structure; the process requires a large time commitment for reporting sometimes to the detriment of being able to then focus on profit and running successful businesses. A major discussion around *economic* development versus *business* development is a worthy conversation in ensuring that various entities fully understand their roles (eg - job creation vs. profit, geographic vs. market focus, business promotion, business creation, public sector vs. private sector, answering to the community vs. answering to shareholders).
- Angela concluded the presentation noting that moving towards success involves overcoming the cycle of dependency, measuring profitability in terms of the betterment of the lives of their citizens, and understanding universal values. It is a large piece of work, but we are up for it!

**SPEAKER 2: Clifford Daniels (Behchoko Chief, Tlicho Government)**

- In unity, the Tlicho Government has been able to accomplish great things. As a background, there are five communities governed by the Tlicho Government ranging from east of the Mackenzie River between Great Slave Lake and Great Bear Lake in the Northwest Territories that are rich in history, culture and resources.
- Clifford notes that the way of life defines their language and their people have survived with close and respectful relationships to those around them; as long as the sun rises, the river flows and the land does not move.
- Clifford notes that the Tlicho modern treaty was signed on August 25, 2003 and came into effect in August 2005; 82 years after Treaty 11 was signed.
- The Tlicho modern treaty is the first combined land claim and self-governance agreement in the Northwest Territories, negotiated by the Government of Northwest Territories, Canada and Dene that defines rights relating to land, resources and self-government.
- There are three geographic areas; traditional use, co-management of renewable and non-renewable resources, fee-simple ownership of 39,000 square kilometres of surface and subsurface land.

- The Tlicho Government is the law-making authority, from aspects of resource management, training, child and family services, economic development, language and culture, and there is also a Tlicho Agreement Service Agency.
- There is an annual gathering held every year in one of the Tlicho communities, which acts as an open forum for citizens to ask questions, make recommendations, provide broad policy direction to the Tlicho Assembly.
  - o The law-making body is comprised of a Grand Chief who is elected by Tlicho citizens, along with the Chiefs and two representatives from each community elected by residents of each community.
  - o The Assembly meets four times per year and the executive council oversees the implementation of Tlicho laws, administration of day-to-day activities, law development program and delivery and strategic planning.
- There are six fundamental themes (strategic intentions) outlined in the Tlicho Constitution:
  - o Sustaining lands, water and wildlife
  - o Revitalizing language, culture and way of life
  - o Building strong, healthy communities with opportunities for healing and wellness
  - o Strengthening Tlicho governments and institutions
  - o Building Tlicho prosperity and employment through economic development
  - o Creating effective government to government relationships with other peoples 'in Tlicho unity'
- The Constitution reflects on how ancestors used to meet (30 boats arriving to community for meeting). There are summer student opportunities in language and culture. There is a research and training institute. The school system is built on vision of Chief Bruno, preparing youth to be strong like two people in order to be successful in the modern world.
- Clifford notes the young people should be able to participate fully in modern society while at the same time remaining grounded in their culture and language.
- Clifford notes that strong programming requires strong governance, accountable and open government.
- Social media is used to communicate programs and activities but the key to development is the people.
- The Assembly is preparing Tlicho people in the involvement of resource projects, all-season roads, and mining projects through training, scholarships, creation of employment opportunities through internments.
- The Tlicho Government is trying to fill a massive gap that exists between current infrastructure and actual needs. They have invested in community building (example: culture centre) and has established a number of working groups on housing, economic development, infrastructure and tourism to break down silos between jurisdictions.
- The Tlicho Government is the most self-sufficient in the North; the treaty has brought the creation of jobs, investments and improved economic opportunities for citizens.
- In 2014, an impact assessment resulted in net positive impact of \$450 million to the Northwest Territories economy.
- The Tlicho Government has great plans for their own economic self-sufficiency and well-being of their people.

- Tlicho institutions employ more than 500 people, and citizens have pride in government and themselves. There are new opportunities emerging, especially in tourism with the northern lights, vast forests and plentiful resources.
- Clifford emphasizes that the Tlicho government can achieve results when the governments work together as treaty partners, showing what reconciliation can look like.
- Tlicho self-government is a key that has unlocked the door to a new world of possibilities, and they are working hard to bring possibilities into realities for communities and Tlicho citizens.
- Section 2.1 of the Tlicho Government's Constitution upholds the purpose of the Tlicho Governments and institutions to act in the best interest of Tlicho and to respect all laws including the laws among other things.
- Clifford concluded that the laws reserve treaty rights and way of life including the culture, language, heritage, lands, economy and resources for all Tlicho, today and for the future generations, as long as the land shall last.

#### Questions:

1. Small business in communities: First Nations-run business, or do you partner with citizens?

##### **Angela Wesley**

- o Huu-ay-aht is still working on building entrepreneurial capacity within citizens, noting that one of the strategies in economic development is to provide small grants to get started.
- o Angela notes there are areas the community needs to grow, mentioning that a lot of the business are mom-and-pop operations that were purchased but there is difficulty in profitability. The community is looking to train people as entrepreneurs to take over long term strategies.

##### **Clifford Daniels**

- o The Tlicho Investment Corporation is the business arm that deals with all businesses.
- o Communities are promoting entrepreneurship and trying to get into tourism developing strategy for that. Several local businesses, family businesses are involved in mining industry and radiation projects.

2. Provision on language and culture: In Nunavut, Article 32 of Nunavut Agreement uses very broad language, so broad that it is hard to interpret. In Tlicho Government, your ability to govern laws on language and culture is very specific – your language how strong is it, within Tlicho? Has the ability to govern laws on language and culture stabilized your language?

##### **Clifford Daniels**

- o Tlicho Government is still struggling with language, there has been a gradual decline in language as well. But it's still strong.
- o Younger generations can read but can't comprehend what they're reading. As a result, the Tlicho Government has developed programs with universities to gain

language back; well over 100 people that have participated in language courses, sharing with younger generations.

- The smaller communities have stronger language; however, my community is connected to road and there is a decline. Younger generations are losing language.
- Not so much laws but having additional revenues to focus on language and culture. The infusion of extra revenues to put more focus on language and culture and do that in a meaningful way.

3. What do you see as some of the major issues and how do you overcome them? As an Elder in the community: our agreements, the one chapter that was missing was the chapter on transition.

**Angela Wesley**

- It's a work in progress, our ability financially, unfortunately, to be able to bring youth, being able to include young people in forums such as this, help us with transition and getting young people involved.
- After our effective date, majority of council members were quite young, and took up a passion for the future by getting themselves educated, learning more about our culture and language, helping next generation; succession and transition is so important in how we bring our treaties and agreements to life.

**Clifford Daniels**

- Transition is a big thing, we got into these modern land claims and what we're developing today is not really for us, it's for the future.
- Get younger generations involved, make sure they understand the agreements, we had Elders that were heavily involved, sometimes we do understand there's differences in treaty rights, modern agreements, working together trying to resolve things to move forward. Every community deals with different things in different ways.
- Understanding your agreement is very important, LCAC's together united we work with Canada and try to resolve all the issues that affect us.

4. Wildlife issue its longest article in Inuit agreement, tough to balance industry with environment and wildlife.

**Clifford Daniels**

- There are two boards, 50% are Tlicho Government representatives, and there are sections in the Agreement that protect lands and wildlife, sections on water quality remains as is, wildlife still sustains our hunting activities and way of life on the land.
- We have mines north of our traditional territories, experience with uranium mine that was downstream of that area that worked without regulation or rules but times have changed.
- We're downstream of another project and there were 26 measures that were requested. It's a different process now, there is a lot of consultation now.
- Create the balance, make decisions.