

your Voice. your Choice.

our Future

Lheidli T'enneh Final Agreement Decision

Message from the Chief

# Greetings Lheidli T'enneh



Greetings Lheidli T'enneh and Mussi Cho to those of you who have been attending the Community Engagement meetings since November 2015.

The Lheidli T'enneh Ratification Committee has made a decision to postpone the ratification vote for the Lheidli T'enneh Final Agreement and Constitution, which was scheduled for October 2016. The reason for this is to ensure the membership of Lheidli T'enneh have adequate time to learn about the treaty and to make a good informed decision. The Ratification Committee will determine a new date in accordance with the Final Agreement, once it has received information from the three parties: Lheidli T'enneh, British Columbia and Canada. The members have been asking many good questions at the Community Engagement meetings and I encourage

you to review the information on the website, social media and the reports in this newsletter.

I am encouraged to hear there has been very good turn-out at the Elders meetings as their participation and input is valued. I welcome you to maintain the connection you have with the Treaty Project Team and to continue asking the important questions that will assist you in making the best decision for yourself, your families, your community and most importantly, the future generations of the Lheidli T'enneh.

## Mussi Cho!

Respectfully,

**Chief Dominic Frederick**

**On behalf of Chief and Council**



# Community Engagement Meetings

## OCTOBER 2016 SCHEDULE

Please note that Agenda's for each location are to follow under separate cover. Community members are encouraged to attend the Community Engagement sessions in their respective areas.

Dates	Locations
<b>North Coast Community Engagement</b> October 15 & 16, 2016 (Saturday & Sunday)	<b>Crest Hotel</b> 222 First Ave Prince Rupert, BC
<b>Prince George Elders Engagement</b> October 20, 2016 (Thursday)	<b>Fortune Palace Restaurant</b> 4088 Hollandia Drive Prince George, BC
<b>Vancouver Island Community Engagement</b> October 21 & 22, 2016 (Friday & Saturday)	<b>Hotel Grand Pacific</b> 563 Belleville Street Victoria, BC
<b>Metro Vancouver &amp; Fraser Valley Community Engagement</b> October 23, 2016 (Sunday)	<b>Sandman Hotel Vancouver City Centre</b> 180 W. Georgia Street Vancouver, BC
<b>Southern Interior Community Engagement</b> October 29 & 30, 2016 (Saturday & Sunday)	<b>Sandman Signature Kamloops Hotel</b> 225 Lorne Street, Kamloops, BC

# The long hard road to Recognition of Aboriginal Rights

*George Nicholson, Lheidli T'enneh Legal Advisor*



Lheidli T'enneh's community engagement continues to work hard and admittedly continues to have no shortage of challenges, including from the government and from neighbouring First Nations.

Unfortunately, challenges are fairly standard for the modern treaty process which struggles at every step of the way. Treaty is not easy, but keep in mind that there are no easy options.

The problem is that First Nations in British Columbia continue to have Aboriginal rights that remain unrecognized. Lheidli T'enneh, for example, has Aboriginal title somewhere in the Prince George and surrounding area, but it cannot use those lands because it is not clear how much they own or where exactly those lands are. That is the reason that First Nations entered the treaty process to begin with, and that simple fact has not changed.

Ultimately, First Nations really only have three options, litigate, negotiate or vegetate. In other words, you can sue like the Tsilhqot'in, negotiate like the Tsawwassen, or wait and accept at least temporarily that your Aboriginal title may still not be properly recognized, and as you wait, perhaps you can try to still pick and choose certain battles to try to leverage those rights on certain parcels of land. Lheidli T'enneh and many other First Nations have already been on the path that waits and probably should not expect a lot to be different without some other kinds of significant changes.

Whether you sue or negotiate, either is a long hard process. The Tsilhqot'in took well over 10 years to prepare and go through the courts, and Tsawwassen took over 10 years to negotiate their Final Agreement. Any process can be expected to take a decade and to cost millions of dollars. That is unfortunate but inevitable because Aboriginal rights touches on so many different aspects of the law, including forestry, fisheries, environmental management, education and health just to name a few of the important ones.

Some Lheidli T'enneh members and other First Nations people in BC would seek out another road, one that recognizes more rights to ownership than are recognized by negotiations or by the courts. This might be a road, but it is one full of even more obstacles. No First Nation needs the help of a lawyer for this path, but any First Nation should keep in mind that this is a path that likely leads to conflicts, and not all members will want to take such a difficult path when it is a bit unclear where such a path truly leads.

Any First Nation will inevitably have a relationship with other governments. Even if a First Nation develops its own sources of revenue and no longer needs funding from the federal or provincial government, which is a big if, it can never be truly independent. For example, First Nations will still need a relationship with local governments for basic utilities such as water, garbage collection, electricity and more. Also various resources such as fish, forestry and other environmental and economic issues always go beyond borders meaning you would still have a relationship with the federal and provincial governments too.

Any First Nation is more likely to prosper with healthy inter-governmental relationships, which takes both sides to accomplish that of course.

Also any First Nation will inevitably have a relationship with neighbouring First Nations.

First Nations have overlapping claims, and they cannot all own 100 percent of their traditional territory. There physically is not that much land in BC. In Lheidli T'enneh's case, only a small portion of its traditional territory within Prince George is not also claimed by other First Nations.

Lheidli T'enneh is unique in that, it is very close to the finish of one of those paths. Most First Nations in BC are nowhere near the end of either path. Lheidli T'enneh may reject the Final Agreement, and I fully respect the community's right to choose. However, members should clearly understand that by rejecting the Final Agreement, it is a big step backwards, and other options are very likely to take a lot of time and also be a lot of work.

During our community engagement, we have spent a lot of time talking about what is in the Final Agreement, and now we hope instead to start to focus on how to build good governance in future meetings. From past meetings, this is what seems to matter most to members. We hope to see you all out there and to have some great discussions on which journey is the best one for your community.

*George Nicholson is part Salish, English and Irish. He is a member of the Squamish Nation and a practicing lawyer licensed with the Law Society of British Columbia. For over seven years, George has worked with Aboriginal people. George has worked in treaty negotiations for over six years, serving both the federal government and various First Nations from Northern BC.*

## Eligibility & Enrolment Administrator



Hadih. My name is Shirley Wiltermuth and I have been working with Lheidli T'enneh for many years. My position has been the Indian Registry Administrator. I am also a Councillor for Lheidli T'enneh. Recently I have taken on a new position as Eligibility and Enrolment Administrator. This position is responsible for the enrolment of status members and anyone who has ancestral ties to Lheidli T'enneh. I will be attending meetings to assist anyone in filling out their enrolment application. When I am not at the meetings I will be in the office should you need assistance with membership or filling out your enrolment applications please call me at 250-562-0847 Ext. 101. You can also reach me by email at [swiltermuth@lheidli.ca](mailto:swiltermuth@lheidli.ca)

Mussi

*Shirley Wiltermuth, Eligibility and Enrolment Administrator*

## Eligibility & Enrolment Packages available

Packages containing information on Eligibility and Enrolment have been developed for Lheidli T'enneh Community Members. These packages will be available at all Community Engagement meetings or you may contact our office to request one.

# Community Engagement Initiatives

*Regina Toth, Treaty Project Manager*



I hope you are all having a wonderful Fall season! It has been a very busy summer and we are delighted to provide you with this October 2016 issue of the Treaty news. Since our last report, we have had new administrative staff join the team and the last three months has been orientation and implementation of the engagement strategy. The new staff have been exceptional in adapting to their new roles and we are continuously evaluating how we can do better as the weeks and months go by. The administration team meets on a regular basis for planning and ongoing communication. The Treaty Team as a whole has monthly strategic planning sessions as to how we will incorporate the Comprehensive Communications Strategy and discuss how we can be more effective for the benefit of Community members

We have had a very active summer with the regular monthly Elders meetings and we managed to fit in one Youth meeting, with intentions to implement a Youth Exchange with the Tla'amin First Nation (Sliammon) of Powell River, as well as keeping up with the monthly Community Engagement Meetings in the different areas.

## **VOTE EXTENSION**

As announced at all Community Engagement Meetings, the Lheidli T'enneh provided a letter to the Government of British Columbia and Government of Canada in August 2016, requesting an extension to the Treaty Ratification Vote date. Initially, we were scheduled to Vote in the month of October 2016, however due to issues that have arisen, the need was established to have the vote date changed to Summer or Fall of 2017. The two levels of government are giving the request consideration and for the time being, there is no Ratification Vote for October 2016. We are anticipating an answer will be provided to the Chief and Council by the end of this month. As soon as an answer is provided, we will be notifying the

membership as soon as possible. Thank you to the members who have been asking the important questions regarding enrolment, membership and shared territories. Those are important issues and with the Vote dates being extended, we will have more time to provide clarity around these issues. I also note that the proposed Vote extension accommodates the Chief and Council Election with Lheidli T'enneh conducting its leadership selection in March 2017 and the Government of British Columbia conducting its Provincial elections in May 2017.

As a result of the request for a Vote extension, the Ratification Committee has formally announced that the Ratification Vote is postponed for October 2016. The Committee will consider new dates once it receives information from the three parties which includes Lheidli T'enneh, the Government of British Columbia and the Government of Canada.

## **COMMITTEE MEETINGS**

### **Ratification Committee**

The Treaty team has met with the Ratification Committee in late August 2016 to discuss the Vote extension request and the role of the Chief Electoral Officer and the relationships between Lheidli T'enneh, the Ratification Committee and the Chief Electoral Officer. These meetings are intended to formally communicate and a better understanding of roles and responsibilities, to ensure of a smooth voting process in the future.

### **Eligibility and Enrolment Committee**

The Eligibility and Enrolment Committee has had an orientation meeting and plans to meet monthly. The Committee members are Violet Bozoki, Edith Frederick and Clifford Quaw. The Committee has also been informed of the Vote postponement and is reviewing the Rules of Procedure and establishing their relationship with Shirley Wiltermuth, Eligibility and Enrolment Administrator. We are pleased to provide the Community members with the new Eligibility and Enrolment information packages at all our Community Engagement meetings. We may be

adding more updated information, in the coming months.

### Constitution Committee

The Constitution Committee has concluded its meetings and they have thoroughly reviewed the Constitution and will be making minor amendments to it. Once the amendments have been made, a new document will be distributed to the Community members. More information about the Committee's work is contained in this newsletter under Albert Peeling's report.

### COMMUNITY LIAISON – HOME VISITS

Lheidli T'enneh is pleased to announce the Community Home Visit Initiative and the hiring of Tamara Seymour, Community Engagement Liaison to communicate with all Lheidli T'enneh members about the Community Engagement sessions, as well as conduct home visits.

The purpose of these visits is to ensure that all Lheidli T'enneh have an opportunity to be informed and to express questions or concerns on the Treaty Ratification process. The Lheidli T'enneh Treaty Team is available to meet with individuals, elders, youth and/or families at the request of the membership. More information on this is also in this newsletter under Tamara Seymour's report.

### COMMUNITY ENGAGEMENT MEETINGS

We are developing plans for guest speakers to attend a future Special Assembly of the Lheidli T'enneh people. In addition to this, we are planning our schedule out for the next 10 – 12 months to include Land Tours, Home Visits, a Youth Exchange and other initiatives proposed by the membership and the elected leadership. We intend to conduct an analysis of the topics from the Final Agreement and ensure that we are covering all of the topics contained in each of the chapters. We have endeavored to meet the specific needs and requests of each the regional areas. Finally, we are looking forward to the final report from the Traditional Use Study with Jezelle Zatorski of Stantec Inc. Jezelle is in her second round of interviews & consultation meetings with the Lheidli T'enneh Elders.

We are also considering the challenges and obstacles regarding attendance at Community meetings and ensure that we cover every base going forward. We are also planning to provide information on what Lheidli T'enneh would look like in a post-treaty environment, including employment opportunities and capacity building for Lheidli T'enneh members.

I look forward to connecting with you at future meetings and we will likely be providing you with verbal updates on the Vote extension. Thank you for your feedback, support and attendance at the Community Engagement meetings.

*Regina Toth is a member of the Lheidli T'enneh and is the daughter of Frank and Marilyn Buzas (Pius). She manages her own consulting business and specializes in project management, facilitation, and mediation/dispute services. Regina completed studies at the University of Victoria in Public Administration and Business Administration and the Family Law Mediation Program at the University of Northern British Columbia.*

*"Modern treaties, fairly negotiated and honourably implemented, are the greatest expression of reconciliation and of the UNDRIP," said Acting Chief Commissioner Celeste Haldane. "A new era of recognition and reconciliation is at hand. The BC Treaty negotiations process is well placed to embrace these changes and lead the country and the world, in reconciliation."*

**~Celeste Haldane, Acting Chief Commissioner, BC Treaty Commission**

*(excerpt from Fall 2016 Update, British Columbia Treaty Commission newsletter)*

# Negotiating Mandates

*Rick Krehbiel, Lheidli T'enneh Treaty Consultant*



How did the Lheidli T'enneh treaty negotiating team know what goals they wanted to achieve in their negotiations with the federal and provincial governments? After all, negotiations are not about sitting down and arguing. There must be targets, strategies and decisions at every step.

The answer lies in the “mandate” that was given to the negotiators by the members of Lheidli T'enneh First Nation. A mandate is the set of instructions that are given to negotiators so that they know what they must try to achieve for the party they represent. In Lheidli T'enneh's case, the negotiating mandate came from the community through three sources: a set of fifteen Negotiating Principles, a Strategic Vision and a Community Treaty Council.

The Negotiating Principles were developed during a members' retreat at the 108 Mile Resort in the fall of 1996. They came at the beginning of actual negotiations and covered such issues as rights, governance, jurisdiction, programs and services, and community economic development. Copies of these principles have been circulated at the community engagement meetings and are also available from the Treaty Office on request.

The Strategic Vision was developed by a group of elders and other members in a professionally facilitated strategic planning session in Prince George in February 1997. The vision stated that Lheidli T'enneh wished to achieve a better quality of life while living in harmony with the environment. The group also identified six strategic

goals that would help to achieve that vision. The goals called for capacity building, effective internal communications, natural resource stewardship, responsible financial management, economic development and infrastructure.

Finally, the Community Treaty Council was the community body that directed the negotiations on a day to day basis. The council was made up of representatives from each of the families that make up the Lheidli T'enneh First Nation as well as representatives from the Band Council, the elders, the Youth Treaty Council and any others who chose to attend. The Council was not without challenges but was well-attended and provided a weekly forum for the negotiators to report to the community and receive questions and direction. At times, more than forty members attended the meetings and guests from other First Nations, government and local organizations were present by invitation. In addition to information exchange and general direction, the Council made specific important decisions such as approving the Agreement in Principle in 2003 and referring the Final Agreement to a vote in 2007.

These mechanisms provided general and specific guidance or “touchstones” as negotiations proceeded and understandings were recorded in the Final Agreement. When the negotiators concluded in August 2006 that they had gone as far as possible toward achieving all of these goals, they arranged to initial the Final Agreement and recommend it to their respective parties or “principals” for ratification.

*It is now up to the Lheidli T'enneh First Nation to determine whether the mandate was successfully achieved.*

# Constitution Update

*Albert Peeling, Lheidli T'enneh Legal Advisor*



A Constitution Working Group composed of Helen Buzas, Carl Frederick, Miranda Schmol, Rena Zatorski and myself operated over the summer with a mandate to review and make changes to the Constitution of the Lheidli T'enneh in light of events after the treaty vote in 2007. The most obvious event which had to be accounted for was the dissolution of the Community Treaty Council. The CTC had been given a role in the Lheidli T'enneh Constitution and in light of its non-existence the Constitution has to be changed. The Working Group determined that the most important change concerned issues which according to the 2007 draft Constitution couldn't be dealt with by the Lheidli T'enneh Government without the approval of the CTC. Those issues include:

- removing lands from Lheidli T'enneh Lands, including sale of Lheidli T'enneh Lands to Canada;
- reducing the principle of the Capital Transfer (which is the 16.5 million dollars to be received from Canada and put into a trust to benefit Lheidli T'enneh);
- investing the Capital Transfer other than in a prescribed manner (which prevents the Capital Transfer from being invested in a risky manner;
- establishing or altering criteria for Lheidli T'enneh Citizenship; or
- amending the Final Agreement.

These items are all of central importance to Lheidli T'enneh. Because of that importance the Working Group decided that no changes should be made concerning these issues unless a special assembly of Lheidli T'enneh Citizens so that everyone would be given a chance to voice their opinions on the proposal. This change to the Constitution maintains the check on Lheidli T'enneh governmental powers in the spirit of the 2007 constitution while dealing with the CTC issue.

The Constitution was also read over carefully in order to make sure that the document is clear, and ready for the vote. The revised document will be circulated to the members as soon as it is ready.

*Albert C. Peeling is a practicing lawyer in Victoria, specializing in Aboriginal Rights. After graduating from the University of British Columbia Law School in 1991, he was a Law Clerk to Mr. Justice Lambert from 1991 to 1993 at which time Delgamuukw and Van der Peet were heard at the B.C. Court of Appeal. He was called to the Bar in 1993 and went to work shortly thereafter on the Policing Inquiry headed by Mr. Justice Oppal, in 1994 and 1995.*

*He has worked actively in the area of Aboriginal Rights and Title for many years. He has taught at the University of Victoria and written extensively on Aboriginal Rights and Governance. He has extensive experience in Aboriginal law and has successfully negotiated a number of revenue sharing agreements among First Nations, the provincial government, and industry.*

# Communications Coordinator

*Maureen Luggi, Communications Coordinator*

## **IMPLEMENTING THE COMPREHENSIVE COMMUNICATIONS STRATEGY**



Greetings Lheidli T'enneh

My name is Maureen Luggi and I am from the Wet'suwet'en First Nation in Burns Lake, BC. My role as the Communications Coordinator for the Lheidli T'enneh Treaty Ratification is to assist in implementation of the

Comprehensive Communications Strategy which was developed by Lheidli T'enneh and Tait Communications and Consulting Inc. of Yellowknife, Northwest Territories.

I have assisted in coordination activities between Tait Communications and the Treaty Team in the development of the Fact Sheets, the YouTube videos and communicating the information to be placed on the "Your Voice Our Future" website and the Facebook page. I also develop the Community meeting agendas and Elders Invites, in consultation with Regina Toth and the Legal Team, as well as the newsletters. It is also my role to communicate with the Lheidli T'enneh Community Members through electronic mail.

I have also worked with Blake Productions with coordination of their services to the Prince George Community Engagement meetings and 6ix Sigma Productions Ltd with providing audio-visual services to Lheidli T'enneh. Regina Toth has requested that the Fact Sheets and YouTube videos be publicized to the local Lheidli T'enneh community at the Administration office and this is now being coordinated. I have also developed documents that are utilized for gathering data to assist the team in determining strategy, for Community Engagement meetings. Part of my role is to analyze the feedback from the community and

to communicate suggestions to the team, for consideration.

Please feel free to visit the website at [www.yourvoiceourfuture.ca](http://www.yourvoiceourfuture.ca) for information on the Final Agreement and the Constitution, as well as the power point presentations from the Treaty Team.

The schedule for Community Engagement meetings can be found on the website, as well as the Facebook page entitled "Lheidli T'enneh Your Voice Our Future". The You Tube videos also contain information on various parts of the Final Agreement and the Constitution.

I admire the approach that the Lheidli T'enneh have taken in the development of the Comprehensive Communications Strategy. I note that the Lheidli T'enneh take their roles seriously in providing all of the information necessary for the membership to make informed decisions, when it comes time to the Ratification Vote.

Due to the large volumes of email, I have established a Telus email account only for connecting with the Lheidli T'enneh members and I can be reached at [rmluggi@telus.net](mailto:rmluggi@telus.net) if you have any questions or concerns. It is a pleasure to serve your community and it is always very busy working with the Treaty Project Team.

*Maureen Luggi is a member of Bear Clan (Git'dem'den) of the Wet'suwet'en First Nation. Maureen is experienced in leadership and management. She has over 20 years of experience working with Aboriginal communities, companies and non-profit organizations. She has been involved in policy development and implementation; community engagement and collaboration; negotiation & conflict resolution skills; budget development & financial management. She has exceptional communication and organization skills. She has knowledge and experience in project management, proposal writing, program implementation and report-writing.*

# Treaty Staff

*Nicole Wiltermuth, Treaty Executive Assistant*



I am grateful to be a part of the Treaty team and be involved in this process. I have been working for Lheidli T'enneh since 2010 as the Lands Clerk & Communications. I recently took on the role of Executive Assistant for the Treaty. I have thoroughly enjoyed the process so far meeting and engaging with all our members.

You will usually find me at the sign in table at the Community Engagement meetings with all the fun swag and door prizes. I make sure that all the presentations are printed along with the agendas and any other information for each meeting. I also help with the scheduling and planning of our numerous meetings.

Please do not hesitate to contact me if you have any questions or concerns at 250-562-0847 ext. 102 or [nwiltermuth@lheidli.ca](mailto:nwiltermuth@lheidli.ca)

*Tamara Seymour, Community Liaison Coordinator*



Hadi Lheidli T'enneh! I am proud to say that I have been blessed with the opportunity to be the Community Engagement Liaison for Lheidli T'enneh during this treaty process.

I am very excited about this new opportunity and look forward to meeting and engaging with all of our members in the near future. I will be the voice that will be contacting all our members before the upcoming community engagement meetings.

Our team is working extensively to ensure that our members are aware of the important information that comes along with going through a treaty vote. I am very happy to announce that I will also be conducting home visits for Lheidli T'enneh members to give opportunity to learn about the treaty and ask questions in the comfort of their own homes or in a more private setting. If you have any questions or concerns, please feel free to contact me by phone at 250-562-0847 ex. 100 or email [taseymour@lheidli.ca](mailto:taseymour@lheidli.ca)

*"The challenge moving forward, I submit is not to fight battles already won, but rather to translate these hard fought for rights into practical and meaningful benefits on the ground in our communities. Indigenous communities are clearly in a period of transition – of Nation building and re-building...."*

**~Jody Wilson-Raybould, Minister of Justice and Attorney General**

*(excerpt from Fall 2016 Update, British Columbia Treaty Commission newsletter)*



## Lheidli T'enneh Salmon River Land Request 1914

*Rick Krehbiel, Lheidli T'enneh Treaty Consultant*

**The following exchange between Commissioner Shaw and Second Chief Joseph regarding land on the Salmon River occurred during the 1914 Royal Commission on Indian Affairs for the Province of B.C. (McKenna McBride Commission):**

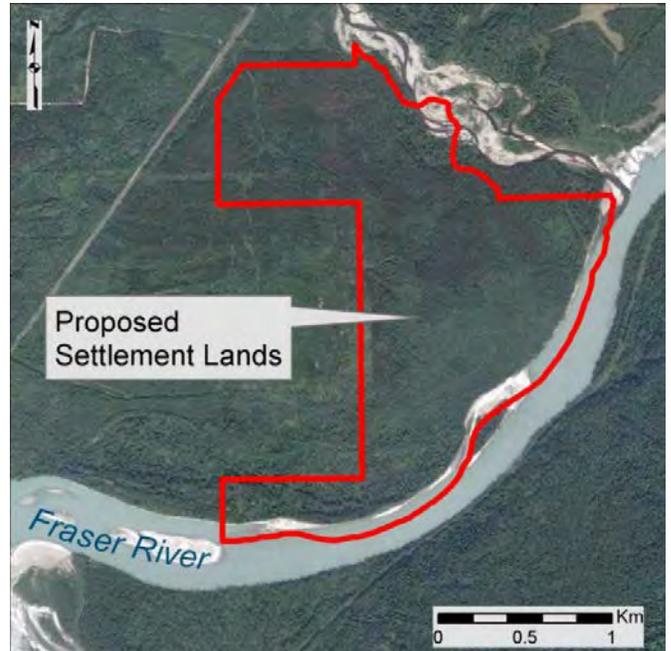
Meeting with the Fort George Band or Tribe of Indians on Fort George Indian Reserve No. 2, on Thursday, July 30th, 1914.

“THE WITNESS: We cannot fish salmon in the Fraser River - the only place we can fish salmon is in the Nechaco river, and we want to get a little piece of [sic]catching salmon up there, say four or five acres, and also a piece at the mouth of the Salmon River.

“MR. COMMISSIONER SHAW: (TO THE WITNESS); ...

“Q. And you want a piece at the mouth of Salmon River?

“A. Yes. We just want it for the fishing season. If we go there now we will be chased away, but if we had a piece of land up there we would not be chased away.”



The proposed settlement lands include a section of the Salmon River— something Lheidli T'enneh has been asking for more than a century.

### **SAVE THE DATE**

#### **Lheidli T'enneh Elders Meetings**

**Thursday, November 24, 2016**

**Location: TBA ~ Prince George, BC**

**Thursday, December 15, 2016**

**Location: TBA ~ Prince George, BC**

# SAVE THE DATE

## Community Engagement Meetings

PROPOSED SCHEDULE ~~ NOVEMBER AND DECEMBER 2016

November & December 2016	Location
<b>Prince George Community Engagement</b> November 5 & 6, 2016 (Saturday & Sunday)	<b>Coast Inn of the North</b> 770 Brunswick Street Prince George, BC
<b>Western Canada Community Engagement</b> November 12 & 13, 2016 (Saturday & Sunday)	<b>TBA</b> Edmonton, AB
<b>Vancouver Island Community Engagement</b> November 18 & 19, 2016 (Friday & Saturday)	<b>Hotel Grand Pacific</b> 463 Belleville Street Victoria, BC
<b>Metro Vancouver &amp; Fraser Valley Community Engagement</b> November 20, 2016 (Sunday)	<b>Sandman Hotel Vancouver City Centre</b> 180 West Georgia Vancouver, BC
<b>North Coast Community Engagement</b> November 26 & 27, 2016 (Saturday & Sunday)	<b>Crest Hotel</b> 222 1 <sup>st</sup> Avenue Prince Rupert, BC
<b>Southern Interior Community Engagement</b> December 3 & 4, 2016 (Saturday & Sunday)	<b>TBA</b> Kelowna/Westbank, BC
<b>Prince George Community Meeting</b> December 9 & 10, 2016 (Friday & Saturday)	<b>TBA</b> Prince George, BC

# Neutral Presentations

*Rick Krehbiel, Lheidli T'enneh Treaty Consultant*

From time to time, some of us who are working to explain the Final Agreement are criticized for being “pro-treaty” or “biased” and for not presenting the material in a “neutral” manner. However, it is not clear what exactly the critics mean or what is expected so I am taking this opportunity to clarify the approach.

I must point out at the beginning that the members of the treaty team who practice law in British Columbia are bound by a professional Code of Ethics which sets out their responsibilities to their clients. I do not practice law in British Columbia so the following is very much my own approach and one I have maintained for over twenty years in this process.

To illustrate one meaning of neutrality, let me refer to the standard of conduct that applies to Crown prosecutors in a criminal trial. There the Crown does not advocate for conviction of an accused with the same vigor that a defence lawyer advocates for an acquittal of their client. Rather the prosecutor's role is simply to present the facts of the case to the court so that the judge or jury can independently decide guilt or innocence. But surely that cannot be the standard that applies here? A treaty is not evidence in a trial and Lheidli T'enneh are not judges. And even in a trial, the prosecutor is expected to present the evidence in a way that explains the Crown's conclusions and beliefs.

Being entirely neutral in that sense would essentially mean that we should read the text aloud (which would provide for even more boring presentations!), but do nothing to increase anyone's understanding of what was intended. In fact, those words were intended to as much as possible achieve the mandate given to the negotiators by Lheidli T'enneh. Unless we can fully explain that

relationship, the Final Agreement would be meaningless to most members.

A more balanced approach to “neutrality” was suggested by the Nisga'a Lisims negotiators during their very helpful presentations to Lheidli T'enneh while the treaty was being negotiated. They explained that their approach was not to “sell” the treaty to their members; rather it was to fully explain the content of the treaty before letting the members decide for themselves.

Properly understood, I think that is the correct approach. Explaining the possible implications of the treaty will inevitably involve positive and negative considerations such as comparison to the Indian Act, background information, the results of research that was done for the treaty, analysis of potential pros and cons, and an assessment of alternatives. Some effects will be positive, others less so. That is the nature of negotiations. While no one is suggesting that your advisors should be cheerleaders for the treaty, failing to explain positive features as well as anticipated shortcomings would be irresponsible and self-defeating.

There is also the question of support for the BC treaty process itself. Certainly there are opponents of the process, but remember that these negotiations were demanded and agreed to by the involved First Nations. It cannot reasonably be expected that anyone would want those who negotiated their treaty to undermine the process that was voluntarily undertaken by Lheidli T'enneh in 1993?

So in summary, it seems to me there are three main considerations for presentation of the Final Agreement:

1. There is nothing improper in supporting the BC treaty process. Lheidli T'enneh chose to enter the process and is still a leading participant. Lheidli T'enneh and its treaty team are justified in defending the process generally.
2. The Lheidli T'enneh Final Agreement is the product of over ten years of intense negotiation and effort. Those who negotiated it concluded that it has both positive and negative features that, on balance, meet the mandate we were given by the members. Had it not done so, it would not have been initialed and presented for ratification in 2006.
3. It is definitely not our place to advise members whether or not they should vote to support the treaty. You will not hear us doing that. Every member has to decide for themselves whether their future lies with the treaty or the Indian Act. We are doing our best to ensure that decision is fully informed.

The fact that some features of the treaty may be positive does not mean that presenters are unfairly prejudiced. In fact, failing to present an accurate and balanced view of the treaty would imply that one had determined its failure before Lheidli T'enneh members make their final decision.

I believe that adequately informed members are perfectly capable of making that decision themselves.

*Rick Krehbiel served with the Saskatchewan and BC Natural Resources Departments until founding his consulting business in Prince George in 1993. Prior to relocating to British Columbia in 1990 he graduated from the University of Saskatchewan College of Law, then worked in private practice and as a provincial Crown Prosecutor. His consulting practice includes First Nation governance and land management, particularly technical assistance to First Nations in the national First Nation Land Management Initiative. He has been involved in BC treaty negotiations since 1993, including ten years with the Lheidli T'enneh Treaty Office.*

*Rick is an Adjunct Professor in the School of Environmental Planning at the University of Northern British Columbia, where he has taught Environmental Law and various Aboriginal natural resources courses since 1997. He lectures frequently on Aboriginal issues to local government, industry, educational institutions, and conferences, and in 2001 and 2007 lectured on Aboriginal Land and Resource Rights and Environmental Assessment with the faculty of the International Summer School in Legal Anthropology in St. Petersburg and Khanti Mansiis, Russia. He publishes regularly and served for three years on the UNBC Research Ethics Board.*

*Rick was a founding member of the BC First Nations Environmental Assessment Technical Working Group and the Nechako Watershed Council. He is a supporter of the Scottish Studies Society, an active member of the Royal Canadian Legion, and a trustee of the Canadian Naval Memorial Trust.*

## *For your information*

### **GOVERNANCE**

Dominic Frederick **Chief**  
Dolleen Logan **Councillor**  
Louella Nome **Councillor**  
Vanessa West **Councillor**  
Shirley Wiltermuth **Councillor**

### **TREATY TEAM-RATIFICATION VOTE**

Regina Toth **Project Manager LTN**  
Rick Krehbiel **Treaty Consultant Advisor**  
George Nicholson **Legal Advisor**  
Albert Peeling **Legal Advisor**  
Maureen Luggi **Communications Coordinator**  
Nicole Wiltermuth **Executive Assistant**  
Tamara Seymour **Community Engagement Liaison**

### **ADMINISTRATION**

Jason Morgan **Executive Director**  
Dolleen Logan **Executive Assistant**

### **RATIFICATION COMMITTEE**

Julie Jackson **INAC**  
Tom Dendes **MARR**  
David Pilling **MARR**  
Lindsay Hutchinson **MARR**  
Ian Hollingshead **MARR**  
Art Kaehn **Lheidli Representative**  
Jim Martin **Lheidli Representative**

### **CHIEF ELECTORAL OFFICER**

Loreen Suhr **Chief Electoral Officer**

### **ELIGIBILITY AND ENROLLMENT**

Shirley Wiltermuth **Administrator**  
Violet Bozoki **Board Member**  
Edith Frederick **Board Member**  
Clifford Quaw **Board Member**

### **ELIGIBILITY AND ENROLLMENT APPEALS BOARD**

Carl Frederick **Board Member**  
Elaine Gagnon **Board Member**  
Michael Mladen **Canada Rep Board Member**

### **MAIN TABLE**

Jean Gauld **Canada**  
Ben Clermont **Canada**  
Robert Leece **MARR**  
Gerry Walsh **MARR**

Ian Hollingshead **MARR**

### **EXTERNAL CONSULTANTS**

Leanne Tait **Tait Communications**

### **CONSTITUTION COMMITTEE**

Helen Buzas **Committee Member**  
Rena Zatorski **Committee Member**  
Carl Frederick **Committee Member**  
Miranda Schmold **Committee Member**

### **LEGAL ERRATA COMMITTEE**

Jonathan Sarin **Council Aboriginal Affairs**  
Mark Timmis **Aboriginal Land & Litigation Group**  
Albert Peeling **LTN Legal Advisor**

your Voice. your Choice.

our Future

Lheidli T'enneh Final Agreement Decision

## Community Announcement

The Lheidli T'enneh Ratification Committee (the Committee) has decided to postpone the ratification vote for the Lheidli T'enneh Final Agreement and Constitution, presently scheduled for October 2016, to ensure the membership of Lheidli T'enneh has adequate time to learn about the treaty and to make a good informed decision.

The Committee will determine a new vote date in accordance with the Final Agreement once it is in receipt of information from the Parties that will allow it to conduct a vote in accordance with the Committee's obligations.

Any inquiries should be directed to the Lheidli T'enneh  
**Chief Dominic Frederick, Lheidli T'enneh**  
(250) 963-8451

your Voice. your Choice.

our Future

Whatever the outcome, this vote will be historic. As we walk this path, as we talk about and consider our future together, our people will become stronger. We will hold the conversations about our choices in an open and respectful way, where all thoughts and opinions will be valued; where we respect and learn from each other; where we decide our future together.

We are the Lheidli T'enneh.  
We have many voices  
But we are one proud people.  
We will move forward together  
To make a better future.

Do you have questions about the Final Agreement? Want to find out more?  
Visit [www.yourvoiceourfuture.ca](http://www.yourvoiceourfuture.ca) or go to [Facebook.com/yourvoiceourfuture.ca](https://www.facebook.com/yourvoiceourfuture.ca) or email [info@yourvoiceourfuture.ca](mailto:info@yourvoiceourfuture.ca)

