

Presentation to BC Treaty Commission
'Building Nationhood
Multi-Community Governance & Treaty Forum'
March 3, 2016

THE NISGA'A TREATY AND GOVERNANCE

Our Vision of Self-Government

- “To the Nisga’a, self-government begins – but does not end – with control over our land. Nisga’a Government means jurisdiction over our renewable and non-renewable resources, education, health and social services, public order and the shape and composition of our political institutions. While some of our plans may sound far-reaching to some people, they should not be regarded as a threat. We do not want to recreate a world that has vanished. We do not want to turn back the clock. Far from it. We welcome the challenge to see our culture grow and change in directions that we have chosen for ourselves. We do not want to become objects of sentimentality. Nor do we want our culture to be preserved in amber for the amusement or even the edification of others. What we do want, what we demand, is nothing more than control over our own lives and destiny. That control is called Nisga’a Government.
~Alvin A. McKay

Nisga'a Cultural Values...

- Have laid the foundation for Nisga'a Government
- The principles of our traditional feast system have been incorporated into our modern governance structure and process
- “Sayt-K'il'im-Goot” – the Common Bowl philosophy of working together collectively as one Nation

Say't Kilim Goot

- Common bowl philosophy became the basis of our approach to resolve the land question: from one bowl, one claim, all Nisga'a would share
- Basis for approach by the first Land Committee
- 1913 – Common bowl approach articulated in Petition to the Privy Council

1955 – the Nisga'a Land Committee is re-established as the Nisga'a Tribal Council – Frank Calder is elected its first President – 1913 Petition sets out mandate to seek a treaty.

1973 – SCC affirms existence of aboriginal title in *Calder* decision

History



Negotiations

- 1976 – Following the *Calder* decision, the Nisga'a Nation entered into Negotiations under the new Comprehensive Land Claims Policy with Canada (British Columbia formally joined in 1991)

Engagement

- Throughout negotiations, Nisga'a Urban Locals were established in Terrace, Prince Rupert/Port Edward and Vancouver
- Prince Rupert/Port Edward celebrated 50 years in 2015

The Nisga'a Government Model

- Before Canada and BC agreed to include self-government in Treaty negotiations, our leaders had already discussed and established a model of Nisga'a Government consistent with the composition of the Nisga'a Land Committee and Nisga'a Tribal Council with National leadership – Nisga'a Lisims and Nisga'a Village governments

Negotiations

- 1998 – Nisga'a Treaty and Nisga'a Constitution are ratified and adopted by Nisga'a Nation
- 2000 – May 11 – the Effective Date of the Nisga'a Final Agreement and the first sitting of Wilp Si'ayuukhl Nisga'a (WSN) – the Nisga'a legislative assembly

The Nisga'a Treaty

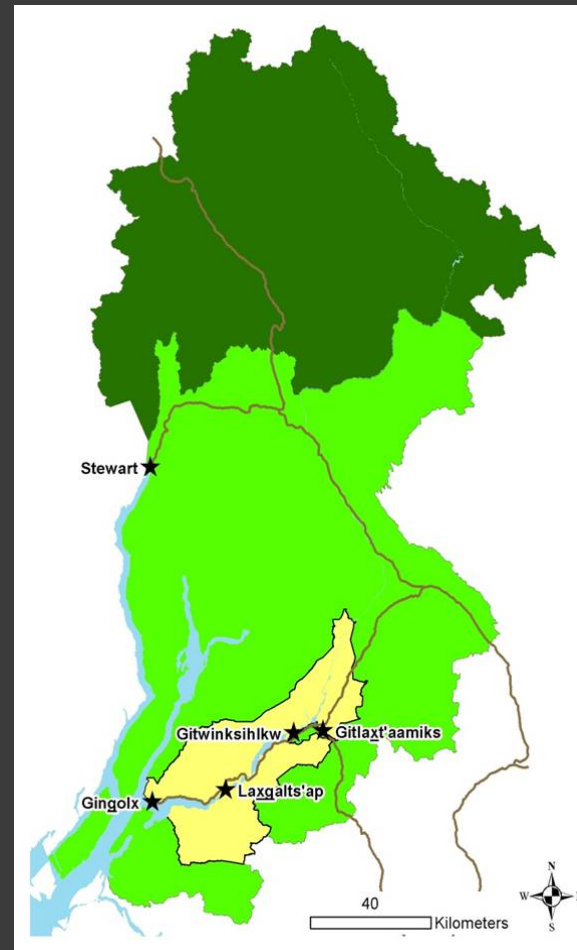
- ◉ 2000sq km of Nisga'a Lands
- ◉ \$190M in Capital Transfers over 14yrs
- ◉ Rights to Hunt for food, social and ceremonial purposes in 16,000 sq km of Nisga'a Traditional lands
- ◉ Rights to Fish for food, social and ceremonial purposes in 26,000sq km of Nisga'a Traditional lands
- ◉ Repatriation of sacred artifacts from B.C. and Canada
- ◉ Inherent right of self-government, defining our jurisdiction and law-making authority



The Nisga'a Treaty

The Nisga'a Nation has constitutionally protected rights, interests and jurisdiction in:

- 2,000 sq km Nisga'a Lands (yellow area)
- 16,000 sq km Nisga'a Wildlife Area – (Lime colour area)
- 26,000 sq km Nass Area – (moss colour area plus lime plus yellow)



The Nisga'a Treaty



Nisga'a Lisims Government may enact laws in respect of:

- Governance & administration
- Elections
- Financial Administration
- Lands, Land Title, Assets
- Public Safety
- Language and Culture
- Education – K-12 & Post-Sec
- Health
- Child Protection, custody, adoption
- Social Services
- Solemnization of Marriages
- Traditional healing practices
- Fisheries and wildlife
- Forestry
- Environmental Protection
- Policing
- Emergency Preparedness
- Direct Taxation

Nisga'a Government Structure

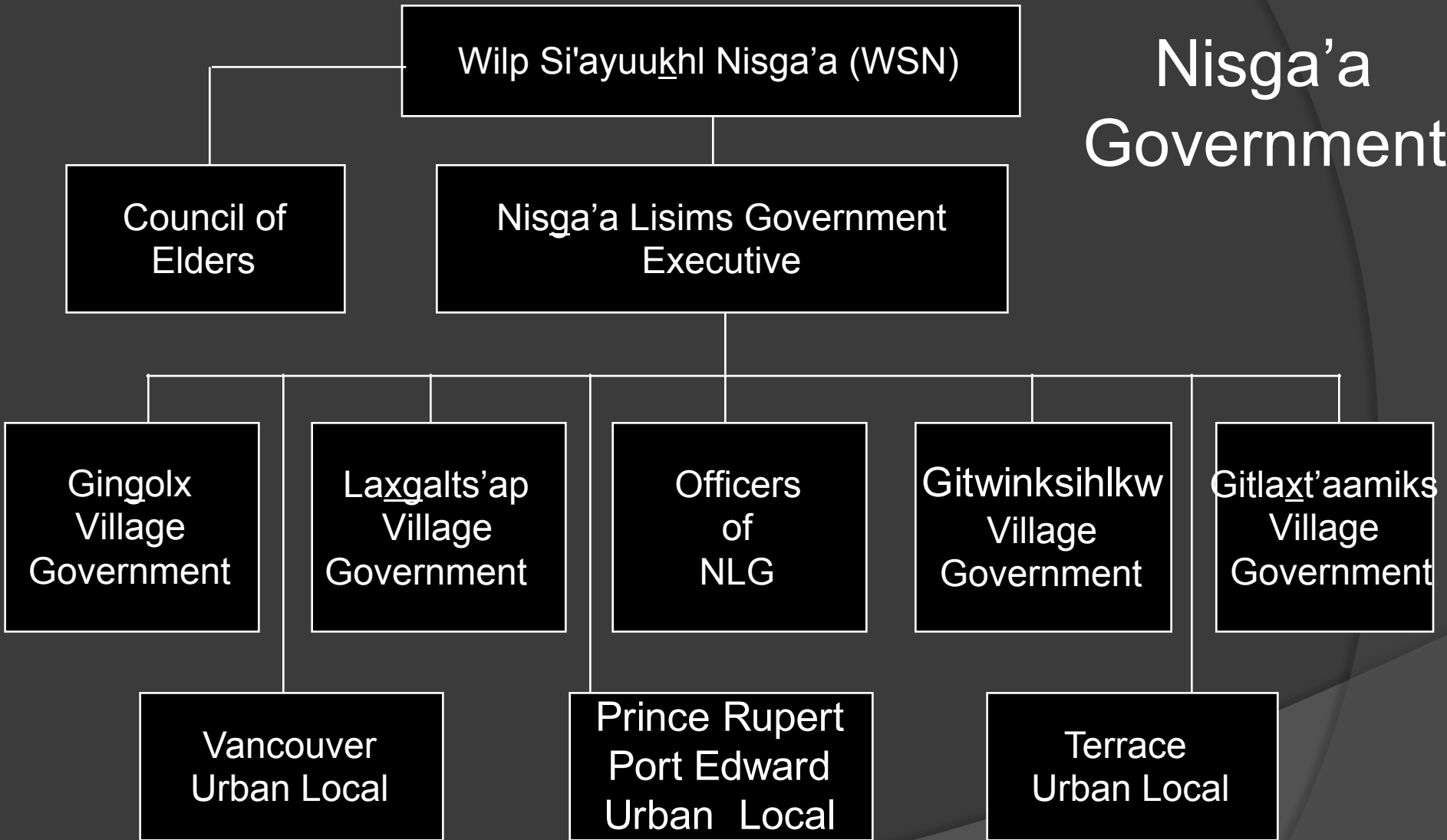
- ⦿ Nisga'a Lisims Government and the Nisga'a Village Governments, are the governments of the Nisga'a Nation and Nisga'a Villages respectively
- ⦿ Nisga'a Lisims and Nisga'a Village Governments are each separate and distinct legal entities
- ⦿ The Treaty also recognizes political representation from Nisga'a Urban Locals

Nisga'a Government Structure

The Constitution of the Nisga'a Nation...

- Provides for Nisga'a Lisims and Nisga'a Village Governments including duties, composition and membership:
- 4 National Officers — President, Chairperson, Secretary-Treasurer, Chair-Council of Elders
- Chief & Council of Nisga'a Village Governments
Gitlaxt'aamiks, Gitwinksihlkw, Laxgalts'ap & Gingolx
- Urban Local Representatives
Terrace, Prince Rupert/Port Ed., Vancouver

Nisga'a Government



Wilp Si'ayuukhl Nisga'a

- Collectively, the elected representatives of Nisga'a Lisims, Nisga'a Village and Nisga'a Urban Locals comprise our 36 member legislative assembly called...
- Wilp Si'ayuukhl Nisga'a (WSN)
- WSN is the body responsible for enacting Nisga'a Law as it applies to the Nisga'a Nation

Nisga'a Government

- Wilp Si'ayuukhl Nisga'a

Enacting Nisga'a laws and adopting annual budgets of the Nisga'a Nation; Presided by Speaker and Deputy Speaker – meet quarterly

- NLG Executive

4 National Officers, Village Chief Councillors, Urban Local representatives meet monthly and responsible for day-to-day business of Nisga'a Government – Enacts regulations

- Council of Elders

Advise Nisga'a Government on matters relating to traditional values of the Nisga'a Nation

Nisga'a Village Governments

- Each have Village Charters consistent with the Constitution that set-out the legislative process and administrative authority of each Nisga'a Village
- Law making authority extends to local matters and apply within Nisga'a Village lands...

Consensus Approach to Decision making

- At first meeting of our legislature, Calder reminded us that our WSN was a 'sacred house' – that our cultural values of respectful conduct extended to the decision's we make, and the process by which we make them.
- Certainly, within the Nation we have our differences in viewpoint from time to time, but in general, we handle them by reasoning together, as our elders have always taught.
- Most resolutions of Executive and Legislature are passed with solid consensus

Dispute Resolution

- The Nisga'a Constitution also provides that Nisga'a seek to resolve disputes based on values expressed in the Ayuuk, including:
 - (a) preserving the unity of the Nisga'a Nation;
 - (b) maintaining the dignity of and respect for each individual;
 - (c) acknowledging wrongdoing, and providing restitution for harm suffered;
 - (d) achieving healing and reconciliation;
 - (e) restoring harmony; and
 - (f) developing collective understanding of the Ayuuk.

Disputes between or among Nisga'a governments

- ④ 49. (1) The Nisga'a Nation expects Nisga'a Lisims Government and the Nisga'a Village Governments to endeavour to resolve disputes between or among them by informal discussion and without the necessity of invoking formal means of dispute resolution.
- ④ (2) Wilp Si'ayuukhl Nisga'a must make laws to provide for the consideration of disputes between or among Nisga'a Lisims Government and the Nisga'a Village Governments, which may include:
 - ④ (a) the establishment of another dispute resolution body;
 - ④ (b) referral to the Council of Elders;
 - ④ (c) the establishment of a Nisga'a Court in accordance with the Nisga'a Treaty; or
 - ④ (d) other appropriate means of dispute resolution
- ④ So far, Nisga'a Government has never had occasion to resort to this mechanism.

Conclusion

- Values of unity and Say't Kilim Goot have guided our approach to resolving the land question, have been incorporated into our model of governance
- Sixteen years of Treaty Implementation has proven that our structure and process of governance is sound

For more information

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