



## TREATY UPDATE

– Maureen Garrity –



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**K**aska Dena Council continue to negotiate an Agreement in Principle in 2012. Some may wonder what the BC Treaty process is for BC First Nations and where in that process Kaska Dena Council is with their negotiations?

The BC Treaty process is a six stage process, starting from stage one where a First Nation first files the intent to negotiate a treaty, to stage six which is the final stage where a treaty is implemented.

There are now 60 First Nations participating in the BC Treaty process. The 60 First Nations represent 110 Indian Act bands and approximately 67% of the registered Indian population in the province. There are 34 First Nations in Stage four Agreement-in-Principle negotiations (eight of which are in the advanced AIP stage). One First Nation (K'omoks First Nation) has completed an AIP, two First Nations are in Advanced Final Agreement Negotiations and three First Nations have completed their Final Agreements. Tsawwassen and Maa-nulth have implemented Final Agreements (Maa-nulth comprises five First Nations). More information on the BC Treaty process, which First Nations are in the process and the stage they are at can be found at the BC Treaty Commission website [www.bctreaty.net](http://www.bctreaty.net). (BC Treaty process information has been excerpted from this website.)

### AGREEMENT IN PRINCIPLE

Kaska Dena Council are in Stage Four of the Six Stage BC Treaty process – the stage in which an Agreement in Principle (AIP) is negotiated. The AIP defines a range of rights and obligations including: existing



and future interests in land and resources; structures and authorities of government; relationship of laws; fiscal relations and so on.

An AIP is not a legal document; rather it is a blue print from which to begin negotiating the Final Agreement and it must receive approval before advancing negotiations toward Final Agreement. Following sign-off and with a mandate given to the negotiators to conclude a treaty, negotiations move to Stage Five of the process, the stage in which a Final Agreement is concluded. The Final Agreement must go back to the First Nation for consultation and ratification. Once ratified the provincial and federal governments present the agreement to their respective cabinets for approval.

The Sixth Stage of the Treaty process is Implementation, when the Treaty is put into effect or phased in as agreed to.

Treaties are negotiated between the First Nation, Canada and British Columbia, and generally take place in three types of meetings:

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- **Main Table**, which are lead by the Chief Negotiators are intended to set the direction for negotiations and deal with particularly difficult negotiation issues;
- **Side Table** which are generally led by the Assistant Negotiators of the three parties and are meant to negotiate the details of each of the chapters that together will form the Agreement in Principle; and
- **Chief Negotiator's meetings**, which are meant as a forum for the Chief Negotiators to deal with process issues or other issues that are best dealt with by those who are leading the negotiations.

KDC Negotiations are led by Chief Negotiator Dave Porter and Assistant Negotiator Bill Lux with support from their technical team and legal counsel. KDC's legal counsel for Treaty matters is Steve Walsh. Technical Team members are: Dave Crampton, Maureen Garrity, Norm MacLean, and Corrine Porter. John R. McCook attends Treaty Side Tables as a community representative from Kwadacha.

Of some 30 chapters thought to be required for an Agreement in Principle, 27 are in some stage of negotiation. The focus for the work plan for 2012 is on the lands and resources chapters of the AIP,

which includes Wildlife, Forestry, Lands, Environmental Assessment and Protection, Sub Surface, Heritage and Culture and Parks and Protected Areas.

#### **INCREMENTAL TREATY AGREEMENT**

British Columbia has entered into negotiations regarding an Incremental Treaty Agreement with 11 BC First Nations, including Kaska Dena Council.

An Incremental Treaty Agreement is a pre-treaty agreement that would advance treaty related benefits, and can serve as a milestone on the way to achieving a Final Agreement; providing benefits including some certainty with respect to lands and resources.

Land packages that are transferred as part of an ITA remain in the complete ownership of a First Nation even if Final Agreement is never reached. Commitment from all parties to negotiate, plus a strong team and a clear focus positions Kaska Dena Council well to make progress and advancements at the Treaty Table in the next phase of our negotiations with Canada and BC.

#### **TREATY RELATED FUNDING PROGRAMS**

As KDC is actively involved in negotiating a treaty, treaty related funding programs have been able to be accessed by Kaska Dena. Canada provided funding through Treaty Related Measures (TRM) to Kwadacha for a human resource capacity initiative. A TRM proposal has been submitted to Canada for Good Hope to conduct the same HR Capacity Planning initiative in 2012. (See page 6 of this newsletter). As well, Canada continues to provide capacity funding through the BC Capacity Initiative, which Daylu Dena Council and Dease River First Nation have accessed to fund its land and resource officers and through which Kwadacha has funded its Elders program.

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# LAND PROTECTION & MANAGEMENT

## Land Use Plan Approved for Kaska Territory in BC

- Norm MacLean -

In February, 2012 Premier Clark announced the signing of a land use plan in Kaska Dena Traditional Territory. A signing ceremony between BC and Kaska, attended by the Minister of MARR, is being planned for this summer at Boya Lake where a plaque written in Kaska and English will be erected.

Back in 2004, the Kaska Dena Council and British Columbia agreed to a land use plan on forestry and wildlife management in the Dease Liard area in the traditional territory. At that time, Kaska had proposed the Ne' ah' Horseranch Range as a protected area. In 2008, Kaska Dena Council and British Columbia met again to discuss finishing the plan to set land use direction for mining, oil & gas, tourism, and energy in the Dease Liard Area.

A part of this work is the protection of the Horseranch Range, where Kaska and British Columbia will be joint managers of a protected area from Boya Lake to the Muskwa Kechika Management Area (see map). The grey area is the area for protection and the area around it is a special management zone (Gu Cha Duga For the Grandchildren) to manage Kaska values to avoid or reduce development activities around the Horseranch Range.

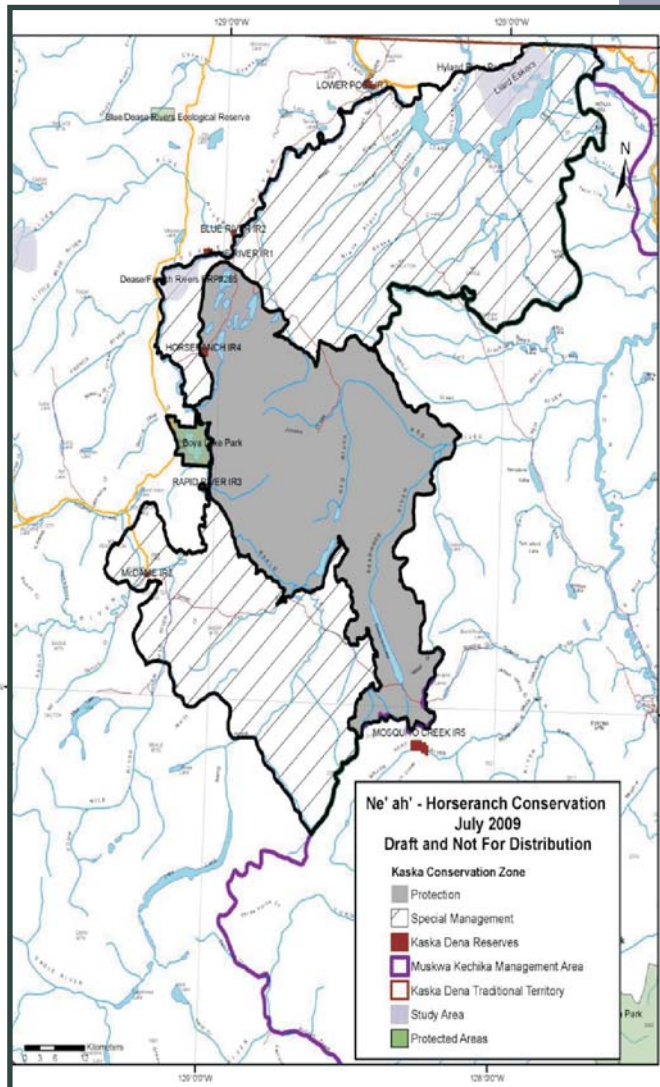
The Horseranch Range, as told by Kaska Dena Elders, is an area of regional importance and a breadbasket for the Kaska Dena. It is an area that people would go to when food was scarce. It is described by the Elders as an area in Kaska Traditional Territory where the animals go to get fat. It is an area the Elders have wanted protected for a very long time.

All of this was achieved in 2012, where the Horseranch Range has been approved as the Ne' ah' Conservancy Area and will

be collaboratively managed by the Kaska Dena and British Columbia. The Dease Liard Sustainable Resource Management Plan has been updated and approved to provide Kaska Dena direction on land uses in the area.

Finally, The Kaska Dena Council wants to ensure land use planning occurs over the entire traditional territory in British Columbia. Currently an agreement has been approved to support opportunities, as they occur, for land use planning in the North Liard and around Kwadacha, over the next five years.

A signing ceremony between BC and Kaska, attended by the Minister of MARR, is being planned for this summer at Boya Lake where a plaque written in Kaska and English will be erected.



## HEALING AND RECONCILIATION

### *Gathering Around the Fire* Lower Post Residential School Healing and Reconciliation Ceremony

- Steven Jakesta & Rosemary Rowlands -

This gathering is scheduled to be held in Lower Post, BC and will start on August 10 and will wrap-up on August 13th, 2012.

Mark your calendars! After many long months of anticipation KDC received confirmation in November 2011 that the proposal submitted to the Truth and Reconciliation Commission to host a cultural healing and reconciliation gathering in Lower Post was approved.

This gathering will acknowledge all former Residential School students, their families and even those who did not attend but were never-the-less impacted indirectly by the attendance of their family members, friends, grandchildren and community members.

This gathering is scheduled to be held in Lower Post, BC and will start on August 10 and will wrap-up on August 13th, 2012. Activities throughout the four days will include: guest speakers, entertainers, dancers, traditional meals, cultural ceremony to cleanse the land, and provide former students with the opportunity to share stories and support one another.

The Kaska, Taku River Tlingit and Tahltan First Nations are working collectively through various working groups and committees to ensure the effective planning and preparedness for community members who may wish to attend this event. The focus will be to celebrate the strength of the many survivors who attended the Lower Post Residential School and to draw upon the beauty and power of our land and culture.

We are also very pleased that Lesley du Toit has agreed to work together with us in preparation of this gathering. Lesley is known by many in Northern BC for her pinnacle role in supporting the establishment of the Stikine Holistic working group, and the Northern Nations reconciliation initiatives. Her background will bring a wealth of experience; including a first-hand account of the Truth and Reconciliation process that was undertaken in South Africa. This will contribute greatly towards a partnership linking restorative justice principles, with our First Nation values to develop a strong foundation to build our ceremony upon.

In the coming weeks, and months, the Stikine Holistic Working Group and Lesley du Toit will be visiting northern B.C. First Nation communities to prepare for the Gathering Around the Fire ceremony. In addition we are seeking the services of Health Canada to provide support before, during and after the gathering.

We welcome Rosemary Rowlands a Kaska Dena descendant as the coordinator for the event. Rosemary has worked for many years in capacity building,



Making drums

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## First Steps on the Healing Journey

- Lesley du Toit -

The healing work for **Gathering Around the Fire** began in earnest over the last two weeks with two visits to Lower Post to talk with the Daylu Dena Council and staff, to spend some time in the community and then to come together to begin the healing dialogue and orientate the Stikine Wholistic Working Group on the journey that lies ahead.

This working group is made up of leaders, community service managers and front-line staff from Taku River Tlingit, Tahltan and Kaska. We were fortunate to have a few survivors and elders present who contributed their stories and thoughtful ideas. We look forward to more of these types of discussions.

As one survivor put it last week, "It's good to know that this journey and the gathering at Lower Post is now a reality." It will not be an easy road for anyone and some have already expressed the thought that its all a bit 'scary'.

We will be working with communities to bring a measure of closure and an opportunity to claim back traditions and language, together with the dignity and strength of the First Nations who have been impacted by this Residential School.

The three days at Lower Post in August are shaping up to be a community-driven cultural gathering and not an event structured around an institutional approach to Truth and Reconciliation. People in communities are beginning to frame this up as a way to express and reclaim culture, to share stories of hurt and triumph, and to honour the strength of survivors and their families. It's already become clear that this will be an opportunity for connecting again with relatives and friends from across the North.

We want to make this a safe, warm, welcoming and supportive gathering. The same applies to the journey of



Liard River, Lower Post

healing leading up to the gathering. In the months to come, starting in March we will deliver training to those who want to be supports in their community and at the gathering, and we will have community workshops and healing dialogues which will ensure that survivors and their families can share ideas and stories, and prepare for the gathering. We do not want anyone to feel more wounded before, during or after the gathering. If we prepare well and have supports built into the community we believe that can be achieved. Most importantly we want to recognize, claim and build on our personal and collective strengths.



Ross River Dena Drummers

"It's good to know that this journey and the gathering at Lower Post is now a reality."

## Human Resource Capacity Planning in Kaska Communities

- Maureen Garrity -



Mitchell McCook



Shawna Case

Shawna Case and Mitchell McCook have been working on this initiative in Kwadacha since the fall of 2011, and will be completing phase one of the initiative by the end of March, 2012.

Human resource capacity planning is critically important for Kaska communities to ensure that we have our own people trained to take on important roles in our communities. Thanks to BC Treaty Commission (BCTC), a Human Resource Capacity Tool has been developed for First Nations so that we can do the planning to have the right people in the right jobs at the right time.

BCTC Commissioner Dave Haggard summed it up when he said "With well qualified people, a First Nation can more efficiently deliver programs and services, manage assets, create economic opportunities, and perform other functions of governance." With this Human Resource Capacity Tool, First Nations can take a focused approach to developing the capacity in our own communities.

Kaska Dena Council were asked to partner with BCTC to aid in the development of this HR Planning tool. Kaska leadership participated in two workshops



with BCTC, and Bill Lux and Kaska technical advisor, Maureen Garrity, participated in follow-up workshops with BC Treaty Commission staff.

Last fall, after Treaty Related Measures funding was negotiated at the Treaty Side Table, Canada contributed funding for Kwadacha to undertake the first phase of HR Planning in that community, using the BCTC HR Planning Tool. Kwadacha was the first in the province to utilize this new planning tool. Shawna Case and Mitchell McCook have been working on this initiative in Kwadacha since the fall of 2011, and will be completing phase one of the initiative by the end of March, 2012.

Through the Treaty Side table, a TRM proposal has been submitted to Canada with the intent of securing funding for Good Hope to conduct this initiative starting in the fall of 2012. BC Treaty Commission has agreed to flow funds to KDC to give Daylu the opportunity to conduct this initiative as well.



Kwadacha community presentation



## Update on KCA

- Michelle Miller -

The Kaska Leadership once again gathered at the Sundog Retreat on January 10-11, 2012 to have discussions with respect to the Kaska Collaboration Agreement (KCA). The main topic of conversation was how the Kaska will move forward to successfully implement the KCA. The planning that took place over the two days was very comprehensive and assisted in creating a path to move forward with this very important initiative.

The Kaska leaders provided the technical and negotiating team clear direction on carrying out future steps to ensure that the message of recognizing the importance of economic sustainability and enhancing the competitiveness of the Kaska Nation through the spirit of this agreement is met. The Kaska nation understands that building internal capacity, training and

education plays a vital role in the ongoing success of First Nation economic development and are confident that continuing with the implementation of the KCA will lead the Kaska to economic independence.



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restorative and aboriginal justice, and has been involved in providing residential school services for survivors, and raising awareness on inter-generational impacts.

A Residential School Survivors working group, representative of the three Northern Nations, has been established to work with the Rosemary Rowlands to plan and participate in this historical ceremony. A web page will be up and running by the end of February where survivors

can check out the activities (find link on [www.kaskadenacouncil.com](http://www.kaskadenacouncil.com)), register on-line, volunteer, contribute ideas or get updates on various aspects of the schedule of events as they begin to take shape.

We're on the web!  
Visit:  
[www.kaskadena-council.com](http://www.kaskadena-council.com)

Look forward to further updates on *Gathering Around the Fire*, Lower Post, through newsletters, the KDC website or please call Rosemary if you have any questions (867) 332-2346 or email: [rowlands.rosemary@gmail.com](mailto:rowlands.rosemary@gmail.com).



## Kaska Art Gallery on KDC Website

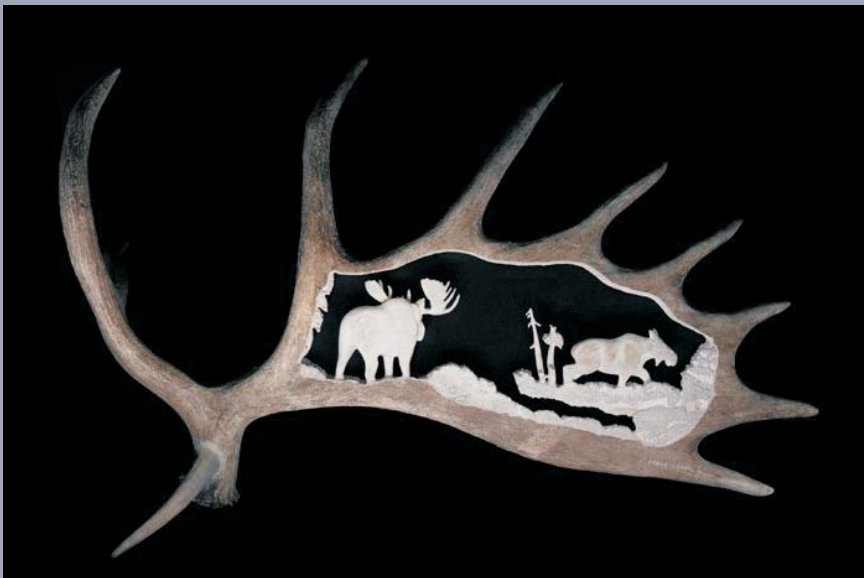
Kaska Dena Council website has an Artist's Gallery dedicated to Kaska artists and their art. The KDC Artist's Gallery is one way that we can share and celebrate our culture, honour our Kaska artists and showcase their work.

The Artist's Gallery currently profiles seven Kaska artists: Willie Atkinson, Mary Caesar, Joe Glada, Gordon Peter, Dennis Shorty, Norman Sterriah and Early Ray Stone. To view their art and the Kaska Artist's Gallery go to:

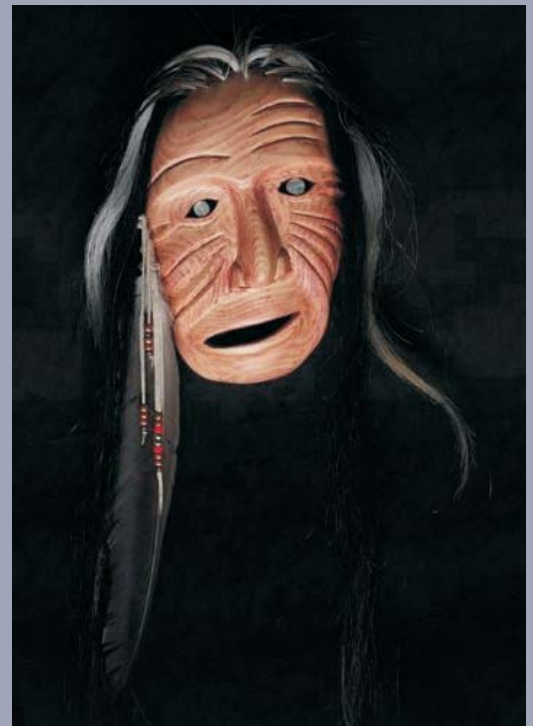
<http://www.kaskadenacouncil.com/kaska-dena-nation/our-culture/artists-gallery> or google Kaska Artists Gallery.

Whether you create carvings, paintings, jewellery, beadwork; cultural or contemporary art, the Kaska Artist's Gallery is an opportunity for Kaska artists to display or promote your art, display your information available; have a link to your own website, or profile your biography.

Help us to continue building our Kaska Artist's Gallery. If you would like to have your artwork profiled on the KDC website, please contact Michelle Miller, Executive Director for Kaska Dena Council at 250-779-3181 and email her photos of your artwork at [kdc@northwestel.net](mailto:kdc@northwestel.net).



Moose carving in antler by Dennis Shorty



Mask by Gordon Peter

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