

ECONOMIC DEVELOPMENT AND THE NISGA'A TREATY

*Interview with Dr. Joseph Gosnell, Sr.
President of the Nisga'a Nation*

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Warren I. Weir

INTRODUCTION

On Tuesday, August 4th, 1998 the proposed Nisga'a treaty was signed during a gala celebration in New Aiyansh, one of the four Nisga'a villages in the Nass Valley, British Columbia. This event marked the signing of the first modern day treaty in B.C. since the mid 1800s. The Nisga'a have sought this agreement for over 100 years, which started in 1887 when Nisga'a representatives first paddled in canoes to Victoria seeking a settlement to their land claim.

The treaty was formally accepted by the Nisga'a people through a ratification vote held November 6 and 7, 1998. B.C. introduced settlement legislation to approve the Final Agreement in the Legislative Assembly on Nov. 30, 1998. The settlement legislation was passed by a free vote of all members on April 22, 1999. On October 21, 1999 the Minister of Indian Affairs and Northern Development, the Honourable Robert Nault, introduced Bill C-9, called the Nisga'a Final Agreement Act, into Parliament. When adopted the Act will signify the completion of the ratification of the Nisga'a Final Agreement. Serious discussions regarding the treaty were often marred by attacks launched by those who opposed the agreement for one reason or another. But aside from petty politics, deeper and more pressing questions remain unanswered, such as the impact that the Nisga'a treaty will have on political, social, legal and economic affairs.

In this interview, Dr. Joseph Gosnell, Sr (Hon. LLD) talks about economic development and the community economic development opportunities embedded in the Nisga'a Treaty. He helps answer a number of social and economic questions, including: Will the treaty have a positive impact on the economic situation of the Nisga'a people residing in Nisga'a territory? And, if so, how will this occur?

Dr. Gosnell was an active member of the Native Brotherhood of B.C., and is a former member of the Northern Native Fishing Corporation. A veteran Com-

mercial fisherman, he is a member of the Nisga'a Fisheries Committee and recently resigned as Commissioner on the Pacific Salmon Commission, the advisory body to the Canada/U.S. Salmon Treaty Negotiations. He has been the President of the Nisga'a Nation since 1992, and is the Chief Negotiator of the Nisga'a Treaty Negotiating Team. He received an Honorary Doctorate of Laws Degree from the Royal Roads University, October 18, 1997.

Where would a person find reference to economic development in the Nisga'a Treaty?

You won't find economic development specifically mentioned anywhere in the Treaty. But, when you look at the lead paragraphs, and the general provisions, it speaks of rights, and the rights of the Nisga'a Nation. It speaks of opportunities. The whole document should be looked at in that fashion. You won't find any of these things specifically mentioned. But, if you look close enough, you'll see that opportunities do exist, and will exist. Everything is linked together.

Why wasn't economic development and community economic development specifically highlighted in the Treaty document? Was this done on purpose?

Yes. We negotiated this Treaty with a view of finally moving away from the Department of Indian Affairs and the Indian Act to create something for ourselves. That is the whole intent of the Treaty, to create opportunities for our people.

How do you define community economic development? Is it the same thing as economic development?

Yes, they are different. For one thing, we are talking about economic development that can be created by a community and a community government, as opposed to economic development that is developed by individuals. It is different, because it is economic development that is developed by the community.

And we encourage our communities to get into economic development, as well as individuals, bearing in mind some of the tenures that will be granted to our nation at the effective date of the Treaty. Certainly in our view this will create and hopefully jobs and generate revenue,

not only for communities but for individual entrepreneurs as well. We certainly encourage our individual members to get into it.

Do you have a plan that will guide these economic activities?

We have economic development officers currently, in all of our communities, and we have been encouraging them, for over a year now, to begin looking at the ways and means by which communities could get into the area of economic development for job creation for our people.

There will be certain tenures granted, or made available, when the Treaty comes into force. This should be noted in the document as well. In my mind, hopefully communities will begin looking at these things. I know that they have already been looking at community lands, lands that will be held for the benefit of our community, including the resources on those land.

For example, take the Commercial Back Country Recreation Tenure that will be granted. We already have a management plan that has been developed over several years, and continues to be fine-tuned. That will be ready to go when the Treaty does come into force.

Certainly we recognize that a tenure of this nature requires personnel that will be required to manage and to operate this tenure. We are looking at both summer and winter activities, bearing in mind the great demand by overseas visitors coming into not only Canada but to British Columbia, to see nature in the raw, really.

There are related service areas that will be required, and we are hopeful again that our individual entrepreneurs can come on-stream and see what they can do.

So will this be a full-fledged tourism and hospitality operation, complete with hotels, tourism facilities and restaurants?

Not hotels. Currently we have Bed and Breakfast outfits operating in each of our communities in the moment. Again, and this deals with the individual, hopefully they will be able to get into that aspect, not only to see what they could do, but specifically to create jobs for other members of our nation.

We are planning, in the tenure, to create a community. An original Nisga'a community. We are targeting international visitors in this area, noting their curiosity with respect to things being Aboriginal.

It is highly unlikely that anybody to date has set foot in those areas. They are extremely pristine areas that we are talking about. The only accessibility to some of the areas is by helicopter, up into the mountains. Again, we are looking at the possibility of developing those areas as well.

In addition, we have 2 parks here — Nisga'a Memorial Lava Bed Park and Bear Glacier Park, to the north of us here in New Aiyansh — and also an Ecological Park. The management plans are already in place for these areas. People are working on these. And certainly, services will be required in these areas, and quite possibly, and hopefully, individuals will get in, and get on-stream, and take advantage of these opportunities. Our own carvers could get in on the act and provide their artwork for sale to those visitors that come in to our territory.

We have noticed, over a number of years, the increased numbers of tourists that do come in here. Not only in private cars, but in tour buses as well.

What other economic potential do you see with the Treaty?

The other item in the Treaty deals with water and water volumes. When the Treaty comes into force, we will have what is being referred to as a Nisga'a reservation. It will hold a huge amount of water that will be for the benefit of our nation. Certainly, as indicated in the document, we will have the ability to sell water under current federal and provincial regulations.

From my understanding, and from those of us who peer into the future, there is an indication that water will be the most valued commodity by the year 2020. And I couldn't agree with them more. And do we have lots and lots of water.

Where would the water be sold?

I would imagine not only here in our country, but internationally as well. Again, this can be done by either a community effort under one of our community governments, or it can be done by individuals. There is quite an opportunity in that area.

And, still dealing with water, we are going to have the ability to examine the numerous small rivers and creeks within the territory for the development of hydro power and hydro potential. We have been given 20 years once the

Treaty has come into effect to have a look at these streams. And we have already done that. We know that there are half a dozen or so streams in the territory that has the potential for hydro development. There will be job creation, but more importantly it generates revenue, over a long, long period of time. And this will be for the benefit of our nation.

It's sustainable?

It is. It is sustainable and it's continuous. There is no end to it really. You can peer as far into the future as you possibly can. There will always be a need, not only in the province, but elsewhere, for the hydro potential that is available here.

You had mentioned in a letter to the Victoria Times Colonist (October 18, 1998: p. A9) that "to us, a Treaty is a sacred instrument, a framework for a society on the move. Clause by clause, the (Nisga'a) Treaty emphasizes self-reliance, personal responsibility and modern education. The Nisga'a Treaty is also about investment, economics and meaningful work. The experience of other First Nations across North America suggests a First Nation's ability to govern itself greatly increases its chances of reaching economic independence." Is this going to occur with your agreement? And why?

Absolutely. Currently, under the Department of Indian Affairs, there is a very small section set aside for economic development. I think that the government does this so that they can say to the general public that the government is doing something about Aboriginal economic development. And it sounds big when the minister mentions this one big figure. But, you disperse that money across the country, and, quite frankly, it really amounts to next to nothing. It's peanuts in our view. So certainly, for the ordinary guy in the street, he will acknowledge that "Yes, something is being done for Aboriginals with respect to economic development." And yet, that is not the case.

Does the Treaty then move you away from requiring the little bits and pieces

of monies that come from the Department of Indian Affairs?

Not necessarily a move away from that. Even after the Treaty comes into effect, programs that are made available and continue to be made available to other Aboriginal groups, we will also be receiving those. Those programs will continue, and as small as they may be, I think that our individuals and our communities will continue to participate in those programs.

The Treaty is about the increased ability to do certain things. Bare in mind, none of the things that I have mentioned to date have been available to our people for any given period of time. It is non-existent in our area. I have to use the term non-existent because certainly there are things that are being done, but they are very small in nature.

The Treaty will ensure that changes will occur. We negotiated certain things in the Treaty that would be for the benefit of our nation, our communities and for our individuals in providing opportunities for them that were not there previously. This includes those areas I have mentioned so far. And there is the forestry.

The forestry is a big issue here. We are going to own all of the forest product on Nisga'a land when the Treaty comes into force. We have licensed operators working in the area, but we have a 5-year transition period that will see the phasing out of their operations. Eventually our people will gradually take over the management and harvesting of the forest resources as well as the enforcement that will be required in that area.

In addition to that, we will have the opportunity to acquire, through normal government channels, an additional tenure of 150,000 cubic metres. And we will have the ability to export forest products on current provincial regulations.

When you combine the opportunities with the back country recreation tenure, the parks, the water and forest resources, and all of the additional services that relate to these major areas, you really get a picture of a strong and vibrant economy.

Absolutely. And we are not look just looking at the management and harvesting of the forest resources, for example. We will also look at value-added endeavours such a processing. We have to move away from being solely dependent

on the harvesting sector. We have to get into the manufacturing of products. There are some areas in B.C. that are getting into this. In the interior, there are 1 or 2 bands that are involved in the value-added processing. And that creates steady employment for people.

Under the terms of the Treaty we will not have the ability, over a ten-year period, to develop a primary timber processing facility. But that doesn't stop us from entering into joint ventures with existing tenure-holders, whether it would be in our area, or in close proximity, like, for instance, the Terrace area. That ability is there.

And again, there is a large service sector that is always required in the area of forestry, and I am quite optimistic that our individual entrepreneurs will recognize the need for that, and get into the services areas. It is an opportunity that will be added on to forest tenures that will provided to our people.

Has the Treaty process had a positive psychological impact on Nisga'a people. Will this impact carry on after the Treaty has come into force?

Absolutely! For example, those people who are currently operating Bed and Breakfast outlets today, they are really looking forward to the day when the Treaty comes into effect. They recognize the opportunities that will exist when that day does come, so they are gearing up for it. It is exciting for those people that recognize the opportunities that will exist when the Treaty comes on stream.

Will one of the roles of the community governments be to motivate, to re-invest into the small businesses and into entrepreneurial development?

To a certain degree I think that has happened already. Some of our communities have been involved in small timber sales, and they have become involved in smaller non-renewable forest licenses. I am hopeful that these will be taken over by individual members.

We currently have 4 or 5 sub-contractors in the forest sector, and we hope that that will increase. We have individuals involved in the silviculture area. There are about 8 of them in the valley. And there is always room for more, recognizing that when trees are harvested, trees

have to be replaced, and there is a need for restocking of the forests.

What will be the role of culture in the development of the Nisga'a economy? How will traditional ways integrate into community economic development once the Treaty has come into effect?

As I indicated earlier, the back country recreation tenure will include the creation of an original Nisga'a community, where our culture will be featured. Everything that our people did, utilized, the way they lived will be featured in that community. This will also occur in the three parks that I mentioned. The culture of our people will be featured in each one of these areas.

Not only does our general executive board recognize the importance of doing that, but our senior Chiefs and matriarchs continuously indicate that to us, that we should never, never at any time let an opportunity go by where we can feature the culture and the language of the Nisga'a Nation.

Will the increase in economic development activities that will occur once the Treaty has come into force assist in the strengthening and maintaining of the Nisga'a culture and traditional ways?

Absolutely! It will strengthen what is currently happening in our school district. I believe that we have the only Aboriginal school district in British Columbia, called District 92 Nisga'a. All of the individuals that operate this particular school are our people. We make provisions for non-native participation, and this has been going on for the past 20 years. It is nothing new.

That same thing is happening and continues to be developed in our health sector. We have the Nisga'a Valley Health Board, and the Board of Directors are all members of our Nation. And we have provisions, again, made for non-native participation, recognizing that they will be living along side us for many, many years to come.

So all of the economic initiatives will assist in the financing of Nisga'a government and Nisga'a programs — social, cultural, educational.

Yes, that's right.

What will be the major challenges facing the development of effective community economic development in your communities over the next 5 to 10 years?

I think that the challenge will be to take advantage of the opportunities that the Treaty will provide. These are opportunities that our people never had before. And when the Treaty comes on stream, they are going to be there. So it is a matter, not only for our respective Village Government, but individuals as well, to recognize these opportunities that will be there.

For example, we are going to be granted an Angling Guide License, for those members of our Nation who may wish to get involved in the area of recreational sport fishing. We are going to be granted a guide outfitters license and a guide outfitters certificate. When I hear about these things of this nature coming on stream, to me, it's an opportunity for individuals to get in on what is already happening throughout the province. This is something new.

Are there any other challenges?

Another big challenge that needs to be met, not only for the Nisga'a but for British Columbians as well, is to diversify away from the fisheries and forestry sectors on which we are so heavily dependent. In my view, we will need to be able to diversify, so when harvesting goes down, or when the need for raw forest resources overseas diminishes, we don't take a shellacking. We need to have developed other areas so that we will be able to continue to operate. This is where the value-added initiatives and products come in, and these will certainly be beneficial to our people.

Will there be additional opportunities in tourism and hospitality?

That continues to increase in our area. Our roads aren't that great. Our roads will be upgraded to regular highway standards within a two-year period. One of our isolated communities, Kincolesh, will finally be connected. That means easy access by those who may wish to come into our territory for tourism. This will bring opportunities when the road to Kincolesh is connected. There is a great deal of recreational fishing happening down in that area.

Is there a concern among members of the Nisga'a Nation regarding opening up

these areas, and about development generally?

There is always concerns expressed, I think, not only by Nisga'a, but other British Columbians as well, when an area is opened up, because they are concerned about the state the area will be in once development has taken place. The environmental concerns must be looked at. That is one of our greatest concerns, is the environment. It will effect our people, not immediately, but sometime in the foreseeable future. Whatever happen today will effect us 10 and 20 years down the line. Our people have expressed concerns in that area.

How do you think that the realization of the Nisga'a Treaty will effect future Treaty negotiations in British Columbia? Do you think that you are paving the road, and ironing out some of the kinks?

I'm viewing the work that we have done, in bringing negotiations to a close with respect to the Nisga'a land question that we will hopefully be easing the way for other tribal groups. Not necessarily for those tribal groups to follow exactly what we have done, but to further expand on what we have done. They know what has been accomplished to date, and hopefully their view is "how can we improve on this?" To a large degree that what's the Nisga'a Treaty has done.

The Nisga'a Treaty and the Treaty negotiation process provides a ray of hope, to Aboriginal tribes in British Columbia. It says that, yes, things of this nature can be accomplished in a peaceful way by way of negotiations rather than by court litigation cases, court challenges, road blockades and armed stand-offs. Most people realize that issues of this nature can be resolved in a peaceful fashion. The Nisga'a Treaty has done this. It says to people that yes this can be done. It can be accomplished.

And I suppose that once we find that it works, those people who oppose the Treaty and the Treaty process will finally come on side as well.

Yes, but unfortunately our opponents are trying to link everything to the Nisga'a Treaty. I don't think that everyone will come on side. It will happen to a certain degree, but I think that some people will see through what the opposi-

tion is trying to accomplish, and see that what is happening today in B.C. will not happen with respect to what will be required in the Nisga'a Treaty. We will try to avoid what has been happening, similar to the Musqueam issue.

Unfortunately, my view in that area is that the finger is being pointed in the wrong direction. The finger should be pointed at our fiduciary. Canada, I think, must take all of the blame. They should have known what was going to happen in the foreseeable future, that land and land values don't remain stagnant. And that the values are constantly on the increase.

And then, unfortunately, there is a connection made by the people who are upset about that to the Nisga'a Treaty.

We view that situation as a landlord and tenant dispute.

Why do you think people like provincial opposition leader Gordon Campbell and newspaper owner David Black oppose the Treaty to the extent that they do?

We've always had Indian fighters in the past. I've mentioned that in several of my presentations. We've always had Indian fighters right from day one. These are people opposed to Indian people improving their lot in life. They would like to see the Aboriginal people remain where they are. To stay under the Indian Act, so to speak. But we know what the Indian Act has done to Aboriginal people. The Indian Act severely restricts their ability to do things. The Minister of Aboriginal Affairs has almost total and absolute power.

What are these people afraid of, really?

I don't know. I think that it is just a restrictive view with respect to opportunities that will become available to our people.

Do you think that they are afraid of the competition?

Absolutely. Take a look at just one sector, the fisheries for example. Some of the most successful fishermen on the B.C. coast today are Aboriginal people. They know the opportunity is there, they work well in that sector, in their environment, and they succeed. They succeed over everybody else. And that's what scares the hell out of other people. Boy, you give these

guys the opportunity, and they are going to take it and run for all it's worth to try to improve their lot.

You have been at this a long time. What is your vision for the future of your community, and Canada as a whole?

I don't view the Nisga'a Treaty as creating a Utopia on day one. Once the Treaty comes on stream. It has taken us about 130 years when the Indian Act was imposed—and I use the word 'imposed' quite liberally—on Aboriginal people. It has taken us over 130 years to be in the situation that we are in at the moment.

When the Treaty comes on stream, then the opportunities will be provided and then we will be able to take advantage of these opportunities. But this will happen over a period of time. We will gradually see people taking over, and investing, and creating jobs and opportunities for themselves and other people in the Nisga'a com-

munities. I see that happening over a period of time. I don't expect a Utopia on Day 1.

What is your vision of Canada 50 to 100 years from now?

Oh Boy... Do I have a vision! Compared to where we came from. I have to continuously make the comparisons and look back to where we came from. From the lack of opportunities that existed. As opposed to 10 years from now. And what will happen 50 years from now. I see a great deal of opportunity for our people. Opportunities that were never, never there before. They will be there, and they will be made available. And it will be up to our people to take advantage of that. It will be up to us to take advantage of that.

If you wish to learn more about the Nisga'a agreement, please visit the following web site: <http://www.inac.gc/subject/agree/nisgaa/index.html>