

NISGA'A SELF-GOVERNMENT: A NEW JOURNEY HAS BEGUN

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Abstract / Résumé

The Nisga'a Nation is a legally constituted self-governing First Nation within Canada under the terms of the *Nisga'a Final Agreement*. This treaty, which came into effect in 2001, was the first treaty negotiated in the province of British Columbia since 1899. Though the Nisga'a continue to govern themselves through their traditional Feast System, they have re-defined their own political landscape as a Nation and established a new relationship with Canada and the province of British Columbia. This article weaves together the perspectives of both an insider and an outsider to the present political reality of the Nisga'a Nation.

La nation Nisga'a est une Première nation autogérée légalement constituée au Canada en vertu des dispositions de l'*Accord définitif Nisga'a*. Entré en vigueur en 2001, l'*Accord* a été le premier traité négocié par la province de la Colombie-Britannique depuis 1899. Bien que les Nisga'a continuent de se gouverner eux-mêmes dans le cadre de leur système traditionnel de « fêtes », ils ont redéfini leur propre paysage politique à titre de nation et établi de nouvelles relations avec le Canada et la Colombie-Britannique. Le présent article intègre les points de vue d'une personne de l'intérieur et de quelqu'un de l'extérieur pour présenter la réalité politique de la nation Nisga'a.

The Nisga'a

Look at our faces. We are survivors. We have a story to tell.
(Calder 1993)

On 11 May 2001, after a hard fought struggle that took place over the period of one hundred and thirteen years, the Nisga'a Nation became a legally constituted self-governing First Nation within the Canadian state. The *Nisga'a Final Agreement* was the first treaty to be negotiated that encompassed lands in what is now the province of British Columbia since the signing of Treaty 8 in 1899. This marked a new beginning for the Nisga'a people. Though they had for millennia, and continue today, to govern themselves through their Yukw (Feast System), as a result of this agreement they have left behind the internal and external

Figure 1
Nisga'a Traditional Territories



(British Columbia 2001)

political relationships that were determined for over a century by the *Indian Act*. In the process of negotiating a new relationship with the federal and provincial governments, the Nisga'a re-defined their own political landscape as a Nation. This article weaves together the perspectives of both an insider and an outsider to the present political reality of the Nisga'a Nation.¹

In order to begin to grasp the present political landscape of the Nisga'a as it relates to self-government, one must have a rudimentary understanding of the cultural, geographical, social and political history of the Nisga'a Nation.

The Nisga'a have occupied the Nass River watershed in what is now northwestern British Columbia since "time immemorial." Their traditional territories extend from the Pacific coast to the headwaters of the Nass River (See Figure 1). Among the Nisga'a there are four pdeeks (clans): Ganada (Raven), Giskaast (Killerwhale), Laxgibuu (Wolf) and Laxsgiik (Eagle). Each of the four pdeeks are comprised of a number of wilps (house groups). The Nisga'a are a matrilineal society; every child is born into the pdeek (clan) and the wilp (house) of their mother. The Nisga'a language, Smylgyex, falls within the Tsimpshian language family. Within the Nisga'a territories there are four communities: New Aiyansh, Gitwinskiw (Canyon City), Laxgaltzap (Greenville) and Gingolx (Kincolith). There are approximately 6,400 members of the Nisga'a Nation (www.nisgaalisims.ca). Approximately 2500 of the Nisga'a people live within one of the four villages, the remainder live outside the Nisga'a core lands in urban centers throughout British Columbia and the rest of Canada. The majority reside in the cities of Prince Rupert, Terrace and Vancouver, British Columbia.

Nisga'a culture is based upon respect, honor, and knowledge of the age-old teachings that our people learned along our journey as a Nation. Our culture is shaped by the land we inhabit. Our cultural ceremonies are reflective of our interactions through history with the land that we call home. Culture is the basis of our connections with geography, our connections with each other in the various capacities as Nisga'a. It forms the foundation for our survival and success today.

My pdeek (Clan) is Killer whale, Giskaast, I am from the House of Niisyu'us, our family has inhabited many locations from the southern Nass River to the mid waters of the Nass River, all depending on the seasons and cultural activities we were involved in. Our connections with geographical locations are fundamental to our existence in the animate and inanimate worlds that we live in as members of the Nisga'a Nation. When I begin to talk about animate and inanimate in terms of

geography there is a direct reason for this. Land to me is not something that we just mow over and make what we want of it. Rather, it's something to be respected, cherished, and honored for its provisions. To me the land speaks to us about where things are going to be, seasons facilitate a form of communication that our people have harnessed over thousands of years. The ocean, rivers, streams, and mountains are crucial parts of our geography that foster definitive boundaries between other HuWilps (plural for Houses) and the respective Nations that neighbored our territory. Geography to the Nisga'a Nation's respective House groups is the foundation upon which all is built and fostered in all social, political, economical, and cultural arenas. Nisga'a culture teaches that there is no distinct separation, no walls or barriers, no mental barriers to hinder the concept that life is everywhere. This spirit of connectedness is known as Sayt Killum Goot, One Heart.

The Fight for Recognition

They came and took our land without consulting us, doing away with us by the millions. So now we are the survivors. I guess they call it Land claims' – such and such a tribe's Land Claim. Today, you know, we have not taken not one teaspoonful of somebody's land. We are still in our land. This land is called Nisga'a Valley – Ts'eets'ikwshl Nisga'a. This belongs to our grandfathers, our grandmothers. We have not signed anything away.

(Nisga'a Tribal Council xiii)

The Nisga'a have always been a self-governing nation. Throughout many decades of colonial oppression that included a plethora of cultural, social, political and legally enforced prohibitions, the Nisga'a continued to practice their traditional form of governance within the Yukw (Feast/Potlatch). It was within the Yukw (Feast/Potlatch) that the Nisga'a continued to be a united Nation throughout the years that the administrative boundaries of the Band Council system were imposed by the federal government's *Indian Act*. Under the *Indian Act* each of the four Nisga'a villages were deemed and treated as separate political entities. Regardless of this imposition, when it came to the question of ownership of their traditional territories, the Nisga'a continually represented themselves as a united Nation to the colonial powers who sought to disenfranchise them of their rights.

In 1887, a Nisga'a and Tsimshian delegation traveled to Victoria, the provincial capital, in order to present their case regarding the ownership of their traditional territories. In 1890 they established the first Nisga'a Land Committee. The Nisga'a Land Committee formally petitioned the

British Privy Council in 1913, asking them to intervene in what was referred to as the Indian Land Question. In order to stifle the efforts of Native people to fight for their land rights, the Canadian government revised the *Indian Act* in 1927, prohibiting Indians from organizing to discuss land claims. This particular prohibition lasted until it was repealed in 1951. During those years the Nisga'a continued to covertly organize around the issue of their lands within the Native Brotherhood of British Columbia and the Pacific Coast Native Fisherman's Association (Tennant, 1990). In 1955 the Nisga'a formed the first tribal council in BC. The primary purpose of the Nisga'a Tribal Council was to continue the work that was begun by the Nisga'a Land Committee (Rose 2000). Unable to make progress in the political arena, they took the question of Aboriginal title to court in *Calder vs. the Attorney General of British Columbia*. After two defeats in the lower courts, the Nisga'a took their case to the Supreme Court of Canada. In the 1973 Supreme Court ruling six judges ruled that the Nisga'a had held Aboriginal title prior to the arrival of European settlers, but the court's decision was evenly split (3 to 3) on the question of whether or not the Nisga'a still retained their Aboriginal title.

As a result of the Calder decision the federal government established the comprehensive land claims process and began negotiations with the Nisga'a in 1976. The provincial government of British Columbia did not join the treaty process until 1990. Prior to that time the province had been unwilling to acknowledge the existence of Aboriginal title and the inherent right to self-government that had been recognized in the Canadian Constitution (*Canada Act*, 1982).

A twenty-year process of complex negotiations resulted in the ratification of a Final Agreement by the members of the Nisga'a Nation in 1998. The *Nisga'a Final Agreement* then had to be ratified by the provincial legislature and the federal government; this took place in 1999 and 2000, respectively. The Nisga'a Lisims Government came into effect on 11 May 2001. The Nisga'a had become a self-governing Aboriginal nation within Canada, as affirmed by Section 35 of the *Canada Act*, 1982.

Governance, better yet, Ayuukhl, is part of being Nisga'a in an historical and contemporary context. As a product of a generation brought up in the post-Calder era, I was a child of land claims negotiations, a product of two generations of Nisga'a ancestry that fought to have our rights recognized as the rightful owners of the Lisims, as the people of Txeemsim.

On March 20, 1991, in my home community, the Province of British Columbia and Canada signed a Framework Agreement with the Nisga'a

Nation, to begin formal negotiations. I recall this day very well, in seeing all of these well dressed Government men get off of helicopters, to sign a paper in our community hall, and then they were whisked away without hesitation. I remember a great deal of discussion between my generation and the leaders at the time like the late Alvin McKay, and their focus on our education for our nation when the Treaty came into being. I was very proud on this day, because it was about time that the government recognized that they needed to negotiate with the Nisga'a people. However, the Governments imposed difficult requirements that only granted eight percent of the territory to the Nisga'a Nation, thus directing our attentions to the "common bowl" directive, rather than focusing on our Traditional systems of representation through Wilp organization.

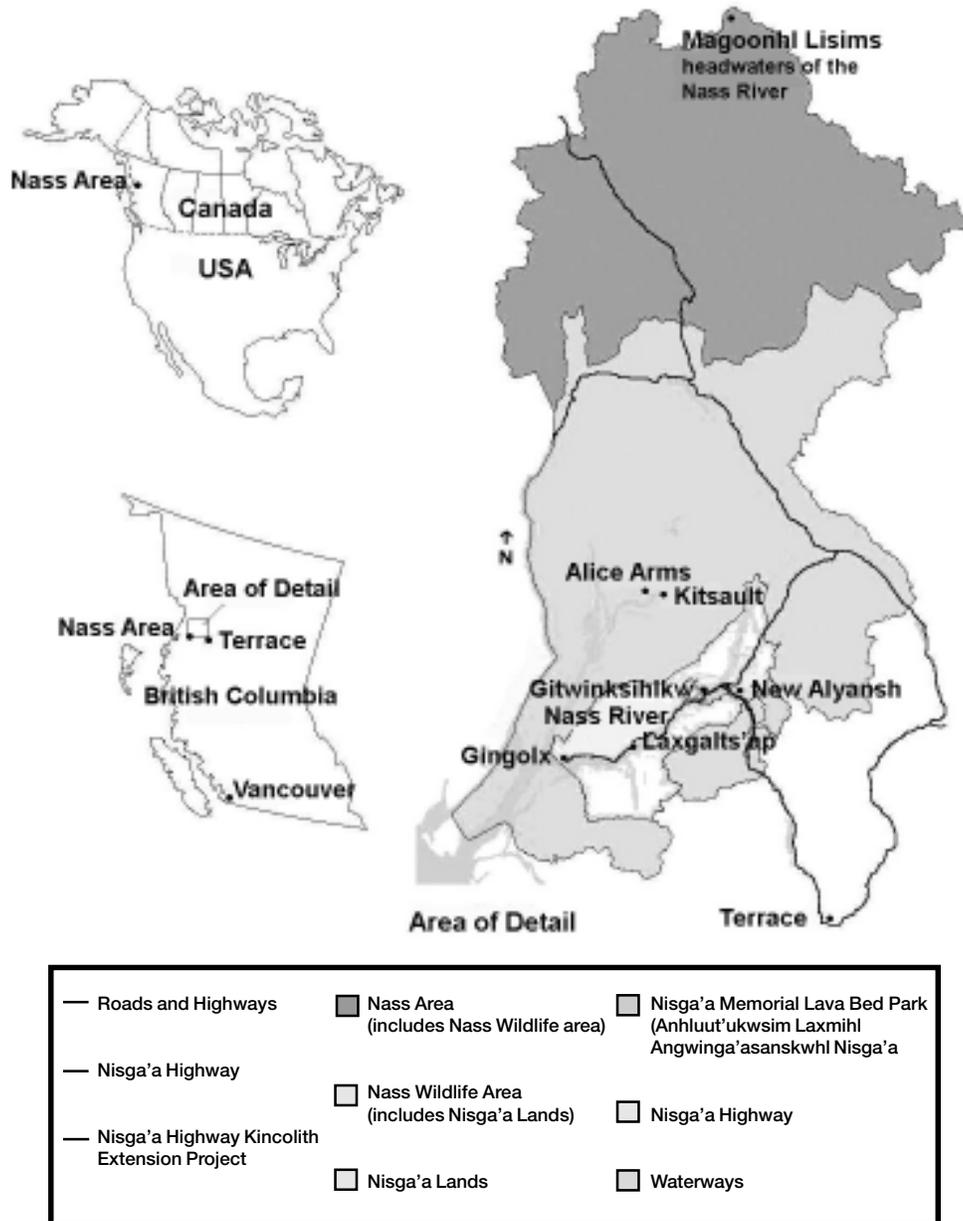
The Nisga'a Final Agreement

The Nisga'a Treaty offered a compromise between the rightful land-owners, the Nisga'a people, and the foreign bodies that failed to address the situation of land theft that occurred even when Canadian law states that Indians had rights to the Land in the Delgamuukw decision.

The *Nisga'a Final Agreement* is a lengthy (252 pages) and detailed document; far more complex than the very brief numbered treaties that were signed between 1871 and 1921. Within the parameters of the present article, only the most important provisions of the treaty will be discussed.² The agreement sets out the Nisga'a's right to self-government, and the authority to manage Nisga'a lands and resources. First and foremost, the Nisga'a people and their lands no longer fall under the jurisdiction of the *Indian Act*. They continue to be an Aboriginal people under sections 25 and 35 of the *Constitution Act (1982)*, and they enjoy the same rights and benefits as all other Canadian citizens. The *Canadian Charter of Rights and Freedoms* applies to the Nisga'a Government and its institutions, and federal and provincial laws continue to apply to Nisga'a citizens and others on Nisga'a lands. The treaty defines the Nisga'a people's Aboriginal rights under section 35 of the Canadian constitution.

The Final Agreement set out the structure and the mandate of Nisga'a self-governance. Under the agreement the Nisga'a are governed by the Nisga'a Lisims Government (central government), four Nisga'a Village Governments, and three Urban Locals. All three aspects of Nisga'a government are representational democracies based on a one vote per Nisga'a citizen electoral process. The Nisga'a Government has the power to make laws required to carry out its responsibilities and exercise its authority under the agreement. The Nisga'a Government can make laws governing Nisga'a citizenship; Nisga'a language and culture; Nisga'a

**Figure 2
Nisga'a Lands**



This map is not to scale and is for general information purposes only. Within the area of detail there are private lands owned by the Nisga'a Nation and others (not shown).

Source: Nisga'a Lisims Government, Province of British Columbia and the Government of Canada 25

property in Nisga'a lands; public order, peace and safety; employment; traffic and transportation; the solemnization of marriages; child and family, social and health services; child custody, adoption, and education. That being said, it is most important to note that federal and provincial laws continue to apply to Nisga'a citizens and Nisga'a lands. There are provisions within the treaty that enable the Nisga'a Government to provide policing, correctional, and court services on Nisga'a lands if they choose to take on these responsibilities, but at the time of this writing this has yet to occur.

Under the treaty, the Nisga'a regained control of approximately 1,930 square kilometers of transferred Crown land (provincial) and 62 square kilometers of Indian reserves (Figure 2). This land is held in fee simple by the Nisga'a Nation, in the same manner as land ownership is held by other landowners. Unlike other fee simple lands, the Nisga'a own all subsurface resources on the Nisga'a lands. The Nisga'a own all forest resources on Nisga'a lands but are not able to establish a primary timber processing facility for ten years after the effective date of the treaty. The Nisga'a Lisims government will be able to implement forest management standards, provided that these meet or exceed provincial standards. The Nisga'a received a wildlife hunting allocation for domestic purposes for moose, grizzly bear and mountain goat in the Nass Wildlife Area (a provincially defined wildlife management area greater in size than the Nisga'a lands set aside in the agreement). The province maintains responsibility for all wildlife, but agreed to co-manage the Nass Wildlife Area with the Nisga'a. Nisga'a citizens who hunt outside the management area are subject to provincial laws. The Nisga'a are able to trade or barter wildlife, wildlife parts and migratory birds among themselves, or with other Aboriginal people. Trapping is regulated in accordance with provincial laws.

Under the agreement, the Nisga'a are entitled to an average yearly allocation of 44,588 sockeye salmon, 11,797 coho salmon, 6,330 chum salmon, 6,524 chinook salmon, and 4,430 pink salmon. The agreement also provides for a shellfish allocation and the Nisga'a may negotiate an allocation for other species, such as halibut and crab. They also received \$11.8 million to increase their participation in the general commercial fishery. Under an agreement that is not part of the treaty, the Nisga'a are also entitled to a commercial yearly allocation averaging 28,913 sockeye and 88,526 pink salmon. The federal government also provided \$10.3 million to the Lisims Fisheries Conservation Trust, to which the Nisga'a provide \$3.1 million. Under the agreement the Nisga'a will not establish large-scale fish-processing facilities within eight years of the effective date of the Treaty.

The Nisga'a Agreement includes a cash settlement benefit of \$190 million that is being paid through capital transfers over a period of fifteen years. The loans made to the Nisga'a to support their participation in treaty negotiations over the years will be fully repaid over the same time period. The Nisga'a also received one-time funding of \$40.6 million to support the transition into the new form of self-governance.

Under the agreement the Nisga'a Lisims government has the power to tax Nisga'a citizens on Nisga'a lands and the tax exemption for Nisga'a citizens under the *Indian Act* will be eliminated after a transitional period of eight years for transaction (e.g. sales) taxes and twelve years for other (e.g. income) taxes. In relation to the province of British Columbia and the federal government, the Nisga'a Lisims government and Nisga'a Village governments will be treated in the same way as municipalities for tax purposes.

The Nisga'a Agreement also included provisions specific to Nisga'a culture and heritage. This included provisions for the Royal British Columbia Museum and the Canadian Museum of Civilization to return portions of their collections of Nisga'a artifacts to the Nisga'a. Important cultural sites are being protected through heritage site designation and almost all the geographic features within the core Nisga'a lands have been renamed with Nisga'a names.

The Final Agreement can only be amended with the consent of all three parties, the Nisga'a Nation, the province of British Columbia, and the Canadian government.

On the surface, it may appear to many non-Aboriginal Canadians that the Nisga'a Treaty settlement was generous towards the Nisga'a people, but one must also consider what the Nisga'a gave up in the process of negotiating. The Nisga'a claimed a traditional territory that encompassed 24,000 square kilometers. In relation to that claim, the Nisga'a lands they now own under the Final Agreement are approximately only eight percent of the total.³ The ramifications of the decision to settle on a package of core land that is termed a "Common Bowl" go far beyond matters related to the quantity of the landmass itself. This decision initiated a permanent legal disconnection of the Nisga'a people from their traditional territories and represents a fundamental shift in the social, political and economic fabric of the Nisga'a Nation. Each of the Nisga'a wilps (house groups) has an ancient connection with specific tracts of land within the traditional territories. The rights and responsibilities of each of the Simgigat and Sigidimhaanak (Hereditary Chiefs and Hereditary Matriarchs) of the various wilps (house groups) are associated with their respective house territories. The living resources of the house territories (plants, animals, fish, shellfish, etc.) provide for the

members of the wilp (house group) and in turn the members of the house group, under the guidance of the Simgigat and Sigidimhaanak (Hereditary Chiefs and Hereditary Matriarchs) ensure that the resources of the territories remain vital. The collective of all the Simgigat and Sigidimhaanak (Hereditary Chiefs and Hereditary Matriarchs) forms the traditional system of governance of the Nisga'a as a nation. This is publicly demonstrated within the Yukw (Feast System). The sacrifice that has been made on the part of the Nisga'a in order to settle the land question rests in the fact that the core lands (1,900 km²) that are now legally constituted as Nisga'a lands do not include the majority of territories that have been associated with individual wilps (house groups) since "time immemorial." In some cases, Simgigats (House Chiefs) and the members of their respective wilps (house groups) have been left without any of their traditional territories. Though they can still access these territories to gather resources, these lands are now legally constituted as provincial crown land. The finality of the Nisga'a Agreement means that the Nisga'a no longer have an Aboriginal right to contest what takes place on those lands. These lands can be sold, leased to forest or mining companies, etc., (as they have in the past) without the possibility of any legal recourse.

The other important shift in governance that has taken place as a result of the treaty is that the Nisga'a Lisims Government now holds the legal jurisdiction, on behalf of all Nisga'a citizens, over the various traditional territories contained within the core Nisga'a lands, not the respective hereditary Chief and house members.

Our brothers and sisters (other First Nations) and some Nisga'a hesitated at the door step, wondering if it was safe to support such a sacrifice of Nisga'a land. As a Nisga'a, I was so angry that my family's lands, my Wilp lands, were not in Category "A" lands, and the remainder of the territory outside was no longer a part of recognized Nisga'a lands. Many Western academics state that they understand the colonial situation and the evident complacency of the oppressed. However, if you have not lived it, it is very hard to remove oneself from the western worldview and understand our Nisga'a vantage point. In understanding the situations that the oppressed are a part of, it becomes clear that as the oppressed we have to resolve the situations as best we can to facilitate our journey and goals within the frameworks that we all find ourselves within.

Nisga'a Lisims Government

Where are we going as Nisga'a People? What tools do we have to make these decisions?

An important aspect of the ratification of the Final Agreement by the Nisga'a in November of 1998 involved the adoption of a Constitution that set out the terms of governance and the rights and freedoms of Nisga'a citizens.⁴ The Nisga'a Constitution established the Nisga'a Lisims Government that is made up of five parts: Wilp Si'ayuukhl Nisga'a, the Executive of Nisga'a Lisims Government, four Village Governments, a Council of Elders and three Urban Locals. Wilp Si'ayuukhl Nisga'a is the legislative arm of the Nisga'a Lisims government that enacts Nisga'a Laws. It is an elected body composed of six government officers,⁵ the Chief and Councillors from each of the four Nisga'a villages (New Aiyansh, Gitwinsilkw, Laxgaltsap and Gingolx), and two representatives from each of the three urban locals (Vancouver, Terrace, and Prince Rupert/Port Edward).

The Executive is responsible for overseeing the administration of the Nisga'a Lisims Government. It is composed of the President, the Secretary-Treasurer, the Chairperson, the Chair of the Council of Elders, the Chiefs of the four Village Governments and one representative from each of the three urban locals. The Executive oversees five committees; Programs and Services, Capital Finance, Finance, Lands and Resources, and Fish and Wildlife.

Each of the four Village Governments are comprised of an elected Chief and Councillors. Each village government has their own Charters and the authority to make laws regarding local matters. They are responsible for administering local programs and services. All the Chiefs and Councillors of the Village Governments are members of the legislative arm, Wilp Si'ayuukhl Nisga'a. The elected Chief of each village is a member of the Executive.

The Council of Elders is composed of Simgigat (Hereditary Chiefs), Sigidimhaanak (Hereditary Matriarchs) and other respected Nisga'a Elders. Their role is to advise the Nisga'a Lisims Government on matters relating to Nisga'a traditional values. This is not an elected body; the members of the Council are those that hold hereditary titles. The Chairperson of the Council represents the Elders as a member of both the Wilp Si'ayuukhl Nisga'a and the Executive of the Nisga'a Lisims Government.

Nisga'a citizens who reside in Vancouver, Terrace and Prince Rupert/Port Edward are members of the Urban locals. Each of the three locals elects two representatives who sit as members of the legislative arm, Wilp Si'ayuukhl Nisga'a. One of the representatives from each of the locals sits on the Executive. The Urban locals provide contracted services to Nisga'a citizens who live in those three cities.

Since 11 May 2001, when the Nisga'a Final Agreement became law,

the Wilp Si'ayuukhl Nisga'a has enacted more than 28 acts and other pieces of legislation (Nisga'a Lisims Government Kawaskimhon Moot Factum 2). In February 2006 they enacted the *Nisga'a Government Act*. This important piece of legislation delineates the roles and responsibilities of the members of the various bodies of the Nisga'a Lisims Government.

For many years prior to the settlement of the treaty negotiations, the Nisga'a developed, administered and delivered an array of services within their Nation through a variety of federal and provincial programs. These included education, healthcare, and social services.⁶ These programs are now being delivered through the Nisga'a Lisims Government under a Fiscal Financing Agreement. The first Fiscal Financing Agreement in 1999, which is not part of the Treaty, provided funding of \$32.7 million per year. Now that the treaty has been implemented, the Parties (Nisga'a, Canada and British Columbia), are required to negotiate a fiscal financing agreement every five years. Under these agreements, funding is provided to the Nisga'a Government to enable the delivery of programs and services including health, education, social services, local services, capital asset maintenance and replacement, housing, and resource management (Canada 2007).

On May 11, 2001, the Nisga'a Treaty became the most influential document that exists within our Nation. To me as a Nisga'a person, it was hard to grasp the fact that our self-government meant adapting to western systems and structures that would facilitate "self-government."

As a Nisga'a person first, and second as a member of a Nisga'a Wilp, it removed the authority from our respective house groups to facilitate our traditional knowledge in the pursuit of self-governance. As a product of the Calder era, I thought that self-government was going to mean our Simgigat and Sigidimhanak (Chiefs and Matriarchs) establishing forms of governance that reflected our traditional authority on the lands that made up the Nisga'a Treaty Lands. Little did I know that our authority would be eroded for a more modern take on delegated communal and national responsibilities. As a western educated Nisga'a, I found this approach to be offensive to our ancestors, and not reflective of the language and culture the Nisga'a Treaty was to uphold. In my discussions with my family and community members, I found that through the first Nisga'a Election held on November 8, 2001 our traditional systems of representation would place their foot in the door of the self-governing model known as Nisga'a Lisims Government.

The Nisga'a communities were the first to see election results come from the November race. In all four of our homeland communities,

Gingolx, Laxgalts'ap, Gitwinskwihi, and Aiyansh, there were representatives elected that all held prestigious names as Simgigat (Chiefs) within the Nisga'a culture. On the outskirts of Nisga'a land, in our three urban locals, Terrace, Prince Rupert/Port Edward, and Vancouver, the same results were reflected. Several Nisga'a Sigidimhanaks (matriarchs) were elected into Village Government roles. The point here is that no matter what our Nation thought in the early 1970s and 1990s about the adoption of western forms of governance, our families and communities provided for the sitting of a very unique delegation of Nisga'a Simgigat and Sigidimhanak, for the first Wilp Si'ayuukhl Nisga'a (Nisga'a House of Representatives).

Challenging Times

In November of 1998 the members of the Nisga'a Nation ratified the Final Agreement by a vote of 1,451 (61%) to 558 (23%), with 356 (15%) of the eligible voters not taking part in the vote (Canada 2007). In terms of the number of people who exercised their vote, this result (72%) surpassed the seventy percent minimum condition that was set out in the Agreement. In any society, there will always be opposition, critics and dissenters who voice strong convictions against social and political decisions that affect their lives. In the case of the Nisga'a Final Agreement, opposition came from within the Nisga'a Nation, from their neighbors the Gitksan people of Gitanyow, and from the leaders of the official opposition party in the British Columbia Legislature.

Internally, some members of the community of Gingolx (Kincolith) were so strongly opposed to the Agreement that they launched a court action against the federal government in April 2000 hoping to prevent ratification of the Agreement by the Parliament. They attempted to get an injunction based on their belief that the Final Agreement violated their rights as Canadian citizens and if the federal government proceeded to ratify the agreement the government of Canada would be violating their responsibility to uphold the plaintiffs rights as Canadian citizens. The BC Supreme Court denied the application stating it "is not appropriate to take the extraordinary step of enjoining the executive from carrying out its statutorily authorized duties" (Canada 2007, 26).

Even earlier, in March of 1998, the Hereditary Chiefs of the neighboring Gitanyow Nation initiated court proceedings in an attempt to have it declared that BC and Canada were not acting in good faith in their negotiations with the Gitanyow Nation within the BC Treaty Process. This action was initiated because the *Nisga'a Agreement in Principle (1996)* included 85% of the lands that the Gitanyow consider their traditional territories. The Gitanyow were very concerned that the Nisga'a Agree-

ment would undermine their claim. One year later, the British Columbia Supreme Court ruled that the provincial and federal governments were obligated to act in good faith in their negotiations with the Gitanyow. The province and the federal government appealed the decision, which was placed in abeyance when all three parties agreed to resume treaty negotiations. In November of 2000, BC and Canada made a settlement offer to the Gitanyow, but it was turned down. At the time of this writing negotiations are continuing in an attempt to complete an agreement.

The strongest opposition to the Nisga'a Agreement arising within the context of non-Aboriginal society originated within the provincial political system. In October of 1998, the BC Liberal Party, which was at the time the official opposition in the British Columbia Legislature, launched a suit in the BC Supreme Court against the provincial and federal governments and the Nisga'a Tribal Council. The BC Liberal Party sought to have the Nisga'a Final Agreement declared unconstitutional. Their argument was based on the following perceptions: the Nisga'a Government would have the authority to make laws that would prevail over federal and provincial laws, that this would lessen the powers and authority of the BC Legislature and the federal Parliament and because non-Nisga'a citizens could not vote for or participate as members in the Nisga'a Government then it violated the guarantee of democratic rights found in the *Charter of Rights and Freedoms*. In July of 2000 their application was dismissed on the grounds that these arguments were not valid and in no way did these aspects of the Nisga'a Final Agreement violate the Canadian Constitution. The BC Liberal Party launched an appeal, but they were forced to rescind it in 2001 after they won the provincial election and formed the government. Since they were now the government they could not proceed with a lawsuit that involved them suing themselves.

In 2002, the Liberal Party of BC followed through with their election promise to hold a province-wide referendum on the Nisga'a Treaty. This \$9 million dollar process was highly criticized by First Nations, church groups, and labor organizations, because it was seen as a potentially divisive political act that would serve no useful purpose, except allowing the BC Liberals to say they fulfilled their election promise. In fact, the referendum's eight convoluted and confusing questions related to matters that were specifically delineated in the Nisga'a Final Agreement that had already been enacted into law a year prior to the referendum taking place (CBC News 2004).⁷

The Nisga'a Lisims government has only been operating in its present form since 2001. At the time of this writing, there have only been two general elections since its inception. Yet, as it has been with the advent

of self-government in the federal territory of Nunavut, the expectations of the electorate are extremely high.

In terms of the big issue, Self Governance, the Nisga'a Nation is moving forward in a proactive and an inclusive manner. In the 2006 Nisga'a Nation Special Assembly, our Central (Nisga'a Lisims Government) and Village and Urban Governments provided materials to the Nisga'a Nation Membership about their activities and strategic goals and objectives for their respective community, or membership body. One of the most interesting bodies within our Central government is the creation of the Communications and Intergovernmental Relations Department. This body is mandated to insure that the Village Governments, Urban Offices, and the membership are aware of the activities and actions of the Nisga'a Lisims Government in the political realm.

As Nisga'a, everything we do is based on proper communications and sharing accurate information with one another. Nisga'a oral history provides the backbone for effective and efficient communications. Through the Nisga'a Lisims Government's current objectives and initiatives, like the creation of the Communications and Intergovernmental Affairs Department, the Nisga'a membership will be better informed about all of our activities, and our struggles. In the briefing provided by the Communications and Intergovernmental Affairs department, the prime objective was to ensure that people were aware of the complex issues in front of the elected officials, and their struggles to meet the objectives of the Nisga'a Final Agreement for our Nations' membership.

Even though the transformation process seems slow for many and progress on program and governance reforms is seen as being too little, major efforts are being made. Much of this view takes place when some of the Nations citizens (and many public servants) are unaware of what the NLG or the Nation is doing in terms of the progress with the Treaty Agreement and how much work continues with the Federal and Provincial systems. (Nisga'a Lisims Government 2006, 30)

As a citizen of our government it is my obligation to make an effort to participate and understand the complexities of having self-governance. I honestly think that our people thought that things would get easier once we had our land back, and our own systems of governance. Little did they know that the systems that we were fighting for were not reflective of our traditional values and ways, rather they were reflective of a participatory role within the context of the larger western society. Still, this does not deter from the fact that this is our government, our responsibility, and our obligation to fulfill our ancestor's wishes to continue on

within the Lisims (Nass River). Nisga'a Lisims Government is attempting to meld political systems and practices that are foreign to our lands, but not to our minds, since our traditional forms of political representation are still in action, just outside of the contemporary political arena.

The weakest aspect of Nisga'a Lisims Government from my perspective is the lack of participation of the Nisga'a membership during Wilp Si'ayuukhl Nisga'a meetings, and in the executive meetings that take place in the Nisga'a Lisims Government building. The days of only coming out for the Annual Convention are long gone, and our membership needs to take responsibility for the direction that our government is taking. Only through participation will the Nisga'a voice be heard. Sure things are forwarded onto our respective membership, but this does not hold the same weight as active oral participation in the governance activities of our Yukw.

Conclusion

In the summer of 2006, the provincial highway that connects the four Nisga'a communities with the main east-west thoroughfare through northern BC (Highway 16) was named Highway 113, to acknowledge the one hundred and thirteen year struggle that the Nisga'a fought to have their land rights recognized. At the time of this writing, the Nisga'a Final Agreement is one of only two treaties with Aboriginal Nations to be ratified and implemented in British Columbia since the signing of Treaty Eight in 1899. The other is the Tsawwassen First Nation Final Agreement, which is the only treaty within the BC Treaty Process (that began with the establishment of the BC Treaty Commission in 1993), to have been fully ratified and to have entered into the process of implementation. They too have begun a new journey in self-governance.

It is far too early to measure the impacts of the Nisga'a Final Agreement and to judge the efficacy of the self-governance model that the Nisga'a have chosen to implement. Moving out from under more than a century of colonial domination, and effectively implementing a new model of governance in an altered socio-political landscape, is a supreme challenge. It will take time for the Nisga'a people, individually and collectively, to fully embrace and actualize this new journey that they are on.

The results of the most recent general election in 2008, of the representatives to the Wilp Si'ayuukhl Nisga'a (Nisga'a House of Representatives), reveals that the strong trend to elect hereditary leaders that was observed in 2001 has continued. The majority of those elected to positions of responsibility within the new government system are at the same time either Chiefs or Sub-Chiefs within the traditional feast system of governance that has served the Nisga'a since time immemorial.

Culture is the basis of our connections with geography, and our connections with each other in our various capacities as Nisga'a. It forms the foundation for our survival and success today. What we know now is derived from countless generations of our people sharing their stories and experiences. Now it is up to our generation of Nisga'a people to utilize that knowledge and strategically plan for our future as a self-governing body in the context of contemporary Canada.

Notes

1. *GalksiGabin nee, Wilp Niisyu'us (House of Niisyu'us), Giskaast niy, Laxgalts'ap wil witgwi, Prince George wil wit, Nisga'a nee. My name is GalksiGabin, "To Surface Between Two Points." I am from the House of Niisyu'us, a killer whale clan, I come from the community of Laxgalts'ap (Greenville), I currently reside in Prince George, BC, I am a member of the Nisga'a Nation. I am also known as Andrew Robinson. In this chapter, my words appear in italics.*

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2. The primary source of information for this overview is derived from *The Nisga'a Final Agreement in Brief - Bringing BC Together* (British Columbia, 1998). A complete copy of the Nisga'a Final Agreement can be accessed at www.ainc-inac.gc.ca/pr/agr/nsga/nisdex12_e.pdf.
3. It is difficult for anyone to answer the question of why the Nisga'a were willing to agree to settle for eight percent of their traditional land base. Andrew's thoughts on the subject are: "I think that the lands question dealing with the 8% is something that our officials were willing to sacrifice in order to obtain control over the 8% without hindrance from the federal or provincial governments. The 8% question was brought to our peoples' attention a number of times, and the matter was agreed to by the people, not just by our negotiators."
4. In order for the Final Agreement to be successfully ratified by the Nisga'a people, it had to be accepted by 70% of the people who voted in the referendum.
5. The six elected officers are the Speaker, Deputy Speaker, President, Secretary-Treasurer, Chairperson of the Executive, and Chairperson of the Council of Elders.

6. The Nisga'a and the province of British Columbia established School District #92, the first Aboriginal school district in Canada in 1975. The Nisga'a Valley Health Board was established in 1984.
7. Since this time the BC Liberals, under the same leadership, have drastically changed their political rhetoric and actions in regards to their relationships with First Nations peoples and in their views regarding the self-determination of Aboriginal Peoples.

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