

Historic treaty will allow B.C.'s Maa-nulth First Nations to go beyond the Indian Act

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Five First Nations will begin a new era of self-government this week, as Vancouver Island's first modern-day treaty comes into effect.

The Maa-nulth Final Agreement—which incorporates the Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht and Ucluelet First Nations of western Vancouver Island—has been in the works for 18 years.

On April 1, a series of new laws will be enacted to breathe life into what Huu-ay-aht First Nations hereditary chief Tom Mexsis Happynook says is a 150-year ancestral vision.

As one of the lead negotiators of the treaty, Happynook is “ecstatic” to be on the doorstep of a form of government that he says will allow his community to “shed the shackles of the Indian Act”.

“We will be rising from the ashes of colonialism and taking our rightful place in Canada,” Happynook told the *Straight* by phone.

“Many of our hereditary chiefs before us and members of our leadership before us had a vision of this, of having the treaty and creating a new relationship with the government, and we've accomplished that.”

The treaty will reinvigorate powers of Huu-ay-aht hereditary institutions; a system of government that combines traditional hereditary chiefs with elected council members will be enacted on April 1.

Happynook said he also hopes it will lead to economic stability and new opportunities for future generations.

As part of the final agreement, the Huu-ay-aht First Nation will receive a capital transfer of \$26.4 million over a period of nine years. They'll also receive access to natural resources they say are critical to economic stability.

“We will be able to climb out of the Third World conditions that Canadian First Nations live in across this country,” Happynook said. “We now have the tools and the resources, both human and natural, to start rebuilding our local economy and to let the world know that we're open for business.”

Those tools include an already successful forestry company, fishing opportunities, and cultural tourism.

“The treaty provided natural resources that we didn't have access to prior to the treaty,” said Huu-ay-aht Chief Councillor Robert Dennis. “We'll now have a forestry tenure in treaty; we'll have halibut quota in our treaty; we'll have some salmon licenses that will enable us to fish; we'll have allocation to herring and black cod [sablefish]; and we'll also each of us have water reservations in our treaty that we can look at microhydro or other opportunities.”

Dennis said the community is looking at offering cultural tours of its historic Kiix'in village. The site still contains some of the posts and beams of the ancient settlement's original structures.

The Huu-ay-aht population, located near Bamfield on the west coast of Vancouver Island, is almost 700 people, according to Dennis, but he anticipates that nearby communities will also benefit from the new economic stability.

“We run our own forestry company right now, and as of 70 people that we employ, half of them are non-Native and the other half are Huu-ay-aht, so in that regard...it’s for the benefit of the Native and non-Native community,” he said.

The Maa-nulth agreement will affect about 2,000 people between the five First Nations.

Dennis said he hopes the treaty could also inspire other First Nations around the province to pursue their own agreements.

“I’m hoping that other nations may see this as an opportunity, but at the same time I respect those nations that are choosing a different path to advance their interests,” he said.

Happynook said he anticipates that the process will eventually be simplified for others going through the negotiation process.

“I think that as time passes by that we will become more efficient at negotiating treaties in B.C. and that other First Nations will feel the joy that we’re feeling right now,” he said.

The Maa-nulth Final Agreement is just the second modern-day treaty to be ratified under the [B.C. Treaty Commission process](#). The Tsawwassen First Nation treaty [came into effect](#) in April 2009.

The Nisga’a Final Agreement, the first modern-day treaty in the province, came into effect in May of 2000, and was not a part of the current B.C. treaty process.

The Maa-nulth treaty-implementation date comes about a week after a vote by the K’ómoks First Nation on March 26 in favour of their agreement in principle. The eastern Vancouver Island community is one of seven First Nations across the province in advanced agreement-in-principle negotiations.

However, there could still be further road blocks ahead for some First Nations, according to the chief commissioner of the B.C. Treaty Commission, Sophie Pierre.

Pierre said unexpected delays on the Sliammon First Nation agreement have left some questioning the process.

The Sunshine Coast community has been waiting since June for the federal government to initial their final agreement so they can take it to their members for a vote. Pierre said she fears that the federal election will mean further delays.

“I suspect that there’s going to be a whole lot of questions that will ripple right through the aboriginal community,” she told the *Straight*. “It’s going to be very, very difficult to gain the momentum again.”

The Sliammon community is one of three First Nations that have completed treaties that have not yet been ratified. The Lower Mainland’s [In-SHUCK-ch Nation](#) and the northern Interior’s Yekooche Nation are completing their treaties, while another 27 First Nations are in active negotiations, according to the commission.

But for the Maa-nulth First Nations, this week is a time of celebration as they prepare to implement the result of nearly two decades at the treaty table.

On April 1, a series of new laws will be enacted, and a celebration will be held in Port Alberni the

following day.

Dennis is optimistic as his community moves forward with new powers to draft its own laws related to its treaty lands.

“We now have the tools to provide more than what’s in the Indian Act, and that’s a good place to be,” he said.

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