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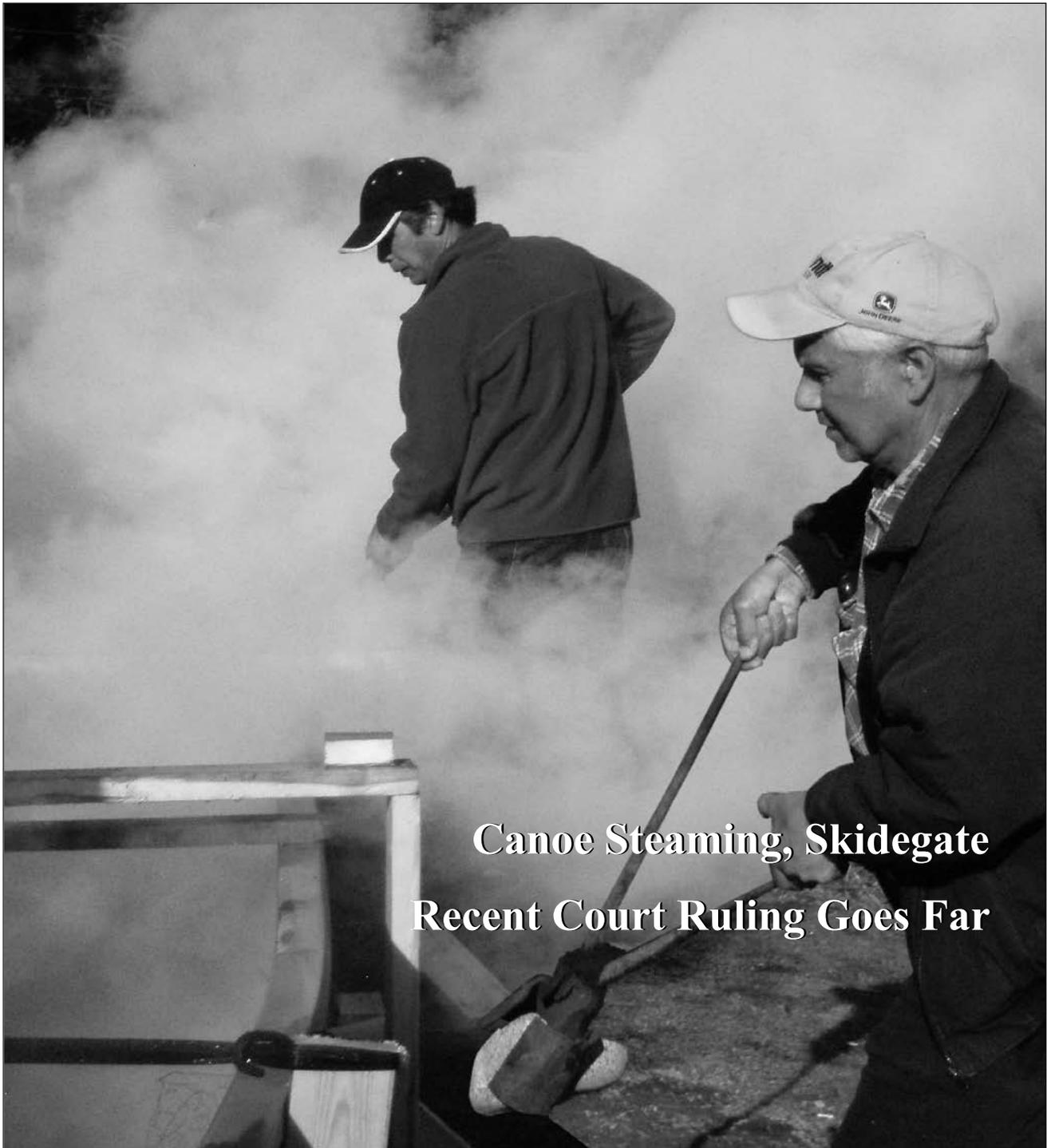


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HAIDA LAAS

Newsletter of the Haida Nation

December 2007



**Canoe Steaming, Skidegate
Recent Court Ruling Goes Far**

Photo - Irene Mills



HAIDA LAAS

NEWSLETTER OF THE HAIDA NATION

published by the
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DECEMBER 2007

PLEASE NOTE:

The spelling of Haida words in Haida Laas references the orthography used by the Skidegate Haida Immersion Program.

Haida Laas,

The duties of the Council of the Haida Nation are to look after the lands and culture as we restore our Title and independence through economic self-sufficiency. To this extent, we determine and design our own future, or someone else will design it for us as we have seen for the past 100 years.

Self-reliance and independence isn't new to us, this was the the natural course of events for our thousands of years of existence. During this time the lands have provided for us, and shaped the culture that we live today.

Over the past two hundred years, our population went from many thousands to a few hundred. From that time, our lands have been divided and exploited. Even during these difficult times however, our people held fast to the knowlege that this is Haida land and has never been surrendered.

While the influence and control over the land had been largely lost to other governments and corporate interests, they could not sever the ties of our people to the land and sea. When the rights of our people came under assault in the 1970s the modern resistance began. Logging was at full tilt taking over 2 million cubic meters per year, about 300 barges a year. As our people witnessed the destruc-

tion of our forests and creeks, and declines of fish stocks, the Crown demanded that our people get hunting and fishing licenses.

The increasing assaults on the land and waters spurred the need for political organization. It took fifteen years to build the Constitution of the Haida Nation which incorporates the hereditary system and village councils and ensures that people have the final say.

Even with these large steps there were internal differences that could have kept us from moving forward. The Chiefs and leadership of the time, put together and signed the Haida Accord, committing to fight for Haida Gwaii as the common property of the whole Haida Nation.

Over the past 30 years, we have stood up to the corporate world and colonialism through blockades, the courts and alliances with our neighbors and other Coastal First Nations. Over the years we have blocked the Cinola mine, gone to Naden Harbour to advise the loggers that there will be no logging in Duu Guusd, blocked sport fishing and stopped logging in Gwaii Haanas.

We went to the Supreme Court of Canada and demonstrated the

Haida Laas - continues page 11

Cover - Canoe Steaming, Skidegate

Carver Garner Moody (back) with the help of Phil Gladstone and many others, place super-heated rocks into the canoe. The canoe is filled part way with water, the hot rocks generate steam which will allow the gunnels to be pulled out to give the canoe shape Photo - Irene Mills

Different Colours Show New *and* Different Ways

Artist Don Yeomans had his first solo exhibition in ten years at the Douglas Reynolds Gallery in Vancouver, October 13th 2007.

The show consisted of twenty-six new works including a spectacular Chief's Seat, various masks and a wall plaque that highlights his signature style which merges Celtic knot work and Haida form line.

Following is Yeomans' statement for the show:

"In the ten years since my last show, the primary difference in the work stems from an attitude of surrender. As Native artists trained in the formal sense, we become burdened by the need to keep the tradition alive and to pass on what we know. In essence, we teach by example, carefully outlining our footsteps so that others may follow, an honourable goal for an artist... if there were someone who wanted to follow. The world has changed, standards are different, and who am I to tell someone that they need to learn what I learned and follow my path.

The use of different colours in different ways is a strong part of the theme of this show. Not that I dislike the traditional red and black, but I found that adding new colours expanded my sense of design. Focus shifts from what an object means to how it is working. I don't view anything I do as radical or new, merely as steps to another place. 'Master Artist' is not a term I have ever been fond of, since it implies that one has arrived, to me the title merely announces that



Don Yeomans' Three Bears was part of his recent solo show at Douglas Reynolds gallery in Vancouver. Carved from Red cedar Three Bears combines Haida form line and Celtic knotwork the piece measures 48" in diameter.

this person has stopped moving and growing.

Ironically, success in the art world leads to it's own unique isolation. Having clients and private commissions is rewarding but the resulting projects rarely, if ever are seen by the public. Doing another one man

show excites me because it gives me a chance to reconnect and be visible once again." •

You can view the work online at www.douglasreynoldsgallery.com/

DID YOU KNOW THAT...

The Haida Nation TFL 39 case (Haida) is cited 20 times in the Tsilhqot'in v. British Columbia ruling. Our case was also the primary ruling used by the Musqueam when they stopped the sale of the Gulf Course which will now be theirs. "Haida" was also used to stop logging and sales all over the the Province as well as in the Yukon and Labrador. While the "Haida" case was primarily about logging, it has become one of the very critical building blocks as are *Sparrow*, *Gladstone* and *Delgamuukw*. •

Haida Fisheries reporting to the House of Assembly

Plan will Guide Future of Fisheries

The Haida Fisheries Committee had a very active 2007. Chair Ron Williams, Co-chair Robert Davis and Committee dealt with everything from the day-to-day operating of the committee to participating in negotiations, a Cooperative Management Group and six technical committees dealing with salmon, herring, halibut, groundfish and enforcement.

AGREEMENTS

Under the Aboriginal Fisheries Strategy (AFS) the Council of the Haida Nation (CHN) and the Department of Fisheries and Oceans (DFO) are involved in four agreements which have been renewed for another year. The agreements cover razor clams, guardian activities and the transfer of boats and licenses from the DFO Allocation Transfer Program to the CHN.

STAFFING

Haida Fisheries presently employs 10 full-time and more than 30 contract and part-time staff.

Full-time staff include Pat Fairweather, *Program Manager*; Irene Bruce, *Administrative Assistant*; Bart DeFreitas, *Biologist*; Peter Katinic, *Biologist*; Brad Setso and George Wesley, *Fisheries Guardians/Divers*; Vanessa Bellis, *Field Supervisor/Diver*; David Helmer, *Fish Culturist*; Melody Stanley, *Receptionist, Old Massett*; Sharon Williams, *Receptionist, Skidegate*. Technical Director Russ Jones, assists with program planning and advises on technical issues. Anita Moody has been acting as the Pallant Creek Hatchery supervisor since February 2007. Training for staff in the coming year are focussed on management and stock assessment, enforcement, hatchery management and habitat. The habitat component includes environmental monitoring, watershed restoration and stream classification.

MARINE STRATEGIC PLAN

Over the past year, the Fisheries Committee and the Haida Marine Work Group spent a lot of time on the Haida Marine Strategic Plan (MSP). This plan looks at conservation and sustainability of the fishery, possible economic opportunities and ideas around collaborative management. This plan is intended to guide future fisheries direction and workplans.

The Aboriginal Aquatic Resource and Oceans Management (AAROM) is a federal government program which provides funding for aquatic resource and oceans management. One purpose of the Marine Strategic Plan was to establish the CHN and the Haida Tribal Society as a management body eligible for this funding. The Management Plan was used to support a funding application to AAROM and was focussed on marine planning. Under this program HTS will also be able to get involved with new commercial fisheries and lead initiatives in collaborative management.

HERRING

Surveys of herring spawn in 2007 showed a slight improvement to stocks in the area from Cumshewa Inlet to Louscoone but on the west coast there



Remains of a fish weir in Gwaii Haanas.

was a decline. DFO is calling for no commercial fishery in the area from Cumshewa to Louscoone and a limited commercial spawn-on-kelp fishery on the west coast. The Fisheries Committee is supporting spawn-on-kelp fisheries on the east and west coast in 2008 but with some restrictions.

PALLANT CREEK HATCHERY

The Hatchery continues to work on its plan to become self-sufficient by increasing production and harvesting a portion of the returning adult fish to help offset costs. The Northern Endowment and Restoration Fund approved an application to double coho production by adding three more pens to the existing three in Mosquito Lake. This will increase production from 550,000 to 1.1 million smolts a year. •

Excerpts from the Executive Summary of *Tsilhqot'in v. British Columbia*

Recent Ruling Goes Far

The Xenigwet'in First Nations Government is one of six Tsilhqot'in bands. This action is brought by Chief Roger William in his representative capacity as Xenigwet'in Chief on behalf of all Xenigwet'in and all Tsilhqot'in people.

The plaintiff seeks declarations of Tsilhqot'in Aboriginal title in a part of the Cariboo-Chilcotin region of British Columbia defined as Tachelach'ed (Brittany Triangle) and the Trapline Territory.

In addition, the plaintiff seeks declarations of Tsilhqot'in Aboriginal rights to hunt and trap in the Claim Area and a declaration of a Tsilhqot'in Aboriginal right to trade in animal skins and pelts.

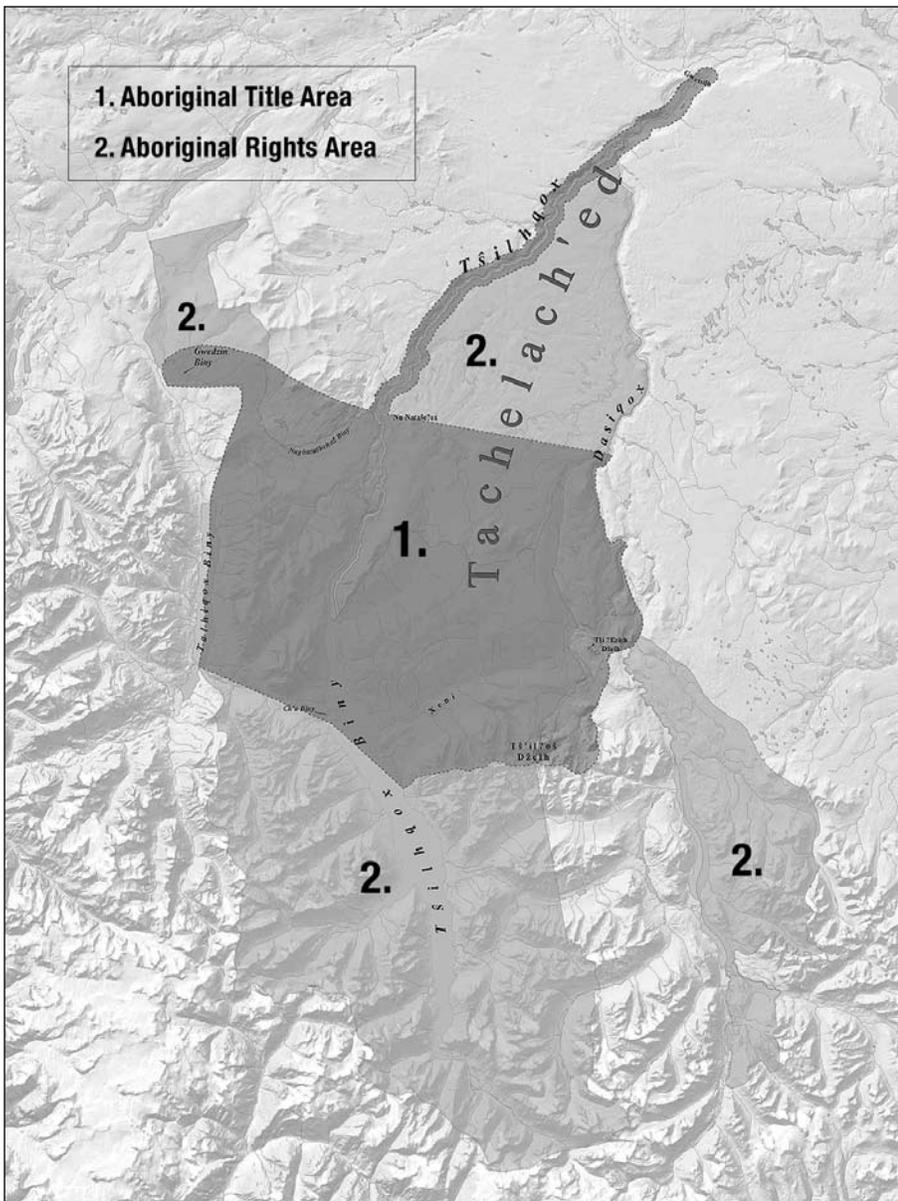
... The trial commenced in Victoria on November 18, 2002. There were a total of 339 trial days. In the late fall and early winter of 2003, the Court sat for five weeks in the language resource room of the Naghataneqed Elementary School at Tl'ebayi in Xenig (Nemah Valley). The balance of the trial took place in Victoria. In the course of this lengthy trial, the court heard oral history and oral tradition evidence and considered a vast number of historical documents.

... The Tsilhqot'in people are a distinct Aboriginal group who have occupied the Claim Area for over 200 years.

The Court is not able, in the context of these proceedings, to make a declaration of Tsilhqot'in Aboriginal Title. The Court offers the opinion that Tsilhqot'in Aboriginal title does exist inside and outside the Claim Area. On the evidence in this case, title lands include: [...]

Aboriginal title land is not "Crown land" as defined by provincial forestry legislation. The provincial Forest Act does not apply to Aboriginal title land.

Court case - continued next page



More Views of the Case

Court case from page 7

... The Province has no jurisdiction to extinguish Aboriginal title and such title has not been extinguished by a conveyance of fee simple title.

... Tsilhqot'in people have an Aboriginal right to trade in skins and pelts as a means of securing a moderate livelihood.

These rights have been continuous since pre-contact time which the Court determines was 1793.

Land use planning and forestry activities have unjustifiably infringed Tsilhqot'in Aboriginal title and Tsilhqot'in Aboriginal rights. •

Vancouver Sun
November 21, 2007

Court rules Tsilhqot'in Nation proved title to B.C. land

Jonathan Fowlie and Gordon Hamilton,

In a landmark decision, the B.C. Supreme Court has found the Tsilhqot'in native band has proven its aboriginal title to about 200,000 hectares of land in the B.C. Interior, but stopped short of giving it full ownership because the band's request was too broad.

... The decision means the band will continue to maintain hunting and trapping rights on the land, but will have to enter negotiations if they want full

ownership. his legal team's request for an "all-or-nothing" claim, and the fact they did not allow in their arguments for ownership of portions of the contested area.

[Judge] Vickers determined the band had title rights to only about 200,000 hectares of the 438,100 hectares in dispute. Given the all-or-nothing request, the judge had no choice but to hand over nothing, Woodward said.

"The court has made it very clear that my client has aboriginal title [to the 200,000 hectares] and it's only held up by the merest and most fragile of technicalities," Woodward said.

"Our approach is going to be to speak to the premier and the prime minister and tell them both that this has happened and that we would like them to see through the technicality to avoid any further court proceedings," he added.

Woodward said if the politicians do not agree, he will return to the courts. ... Vickers called on all parties to reach agreement.

"After a trial of this scope and duration, it would be tragic if reconciliation with Tsilhqot'in people were postponed through seemingly endless appeals," he wrote. "The time to reach an honourable resolution and reconciliation is with us today."

About the forest industry, the ruling declared: "The Forest Act... cannot apply to aboriginal title land because the impact of its provisions all go to the core of aboriginal title."

If the Forest Act had jurisdiction, [Judge] Vickers said it would "render meaningless the aboriginal right to

ownership.

.... Lawyer, Jack Woodward, said the judge stopped short of transferring title because of a technicality, and that the ruling essentially tells the governments to hand over the land.

"It's a breathtaking victory for first nations and will change the way the Crown deals with first nations in British Columbia and across Canada," Woodward said, adding the case will send ripples though all treaty negotiations in Canada.

He said the technicality rests on

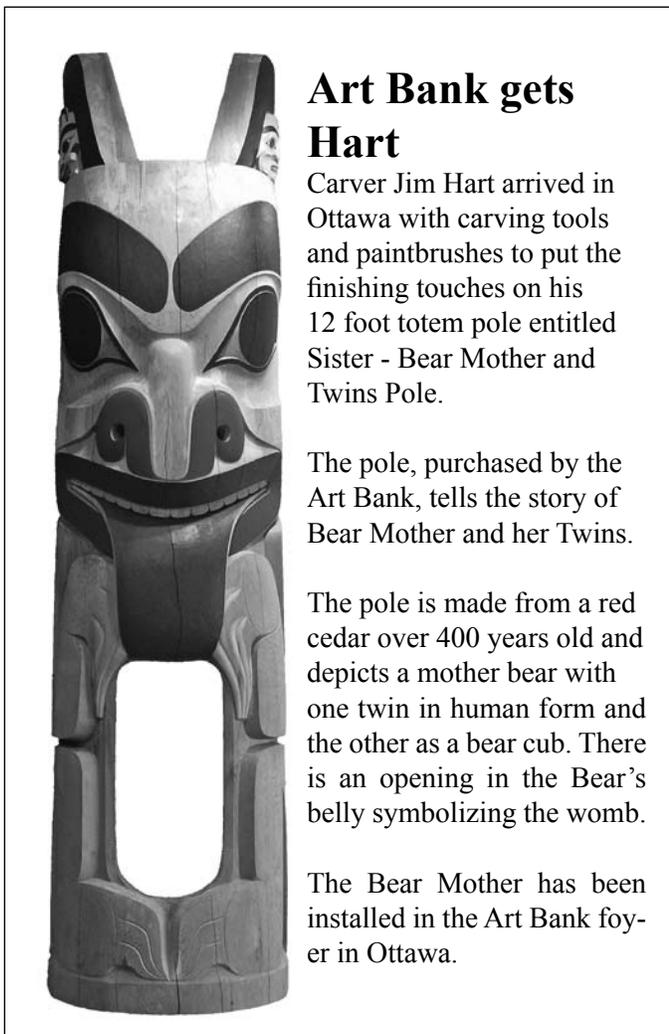
Art Bank gets Hart

Carver Jim Hart arrived in Ottawa with carving tools and paintbrushes to put the finishing touches on his 12 foot totem pole entitled Sister - Bear Mother and Twins Pole.

The pole, purchased by the Art Bank, tells the story of Bear Mother and her Twins.

The pole is made from a red cedar over 400 years old and depicts a mother bear with one twin in human form and the other as a bear cub. There is an opening in the Bear's belly symbolizing the womb.

The Bear Mother has been installed in the Art Bank foyer in Ottawa.



manage land over which aboriginal title is held.”

...Vickers also concludes the province has unjustifiably infringed on aboriginal rights by authorizing logging in the area without first doing preliminary research. The B.C. Council of Forest Industries had no comment and the two forest companies with licences in the area were reluctant to say more than that they were still digesting it.

The Province
November 22, 2007

Huge win for Interior natives

David Carrig

... “What the judgment confirms is what we already know,” Phillip said. “The full measure of aboriginal title is a legal reality in B.C.

... The Xeni Gwet’in court battle began as a bid to prevent large-scale logging on the band’s traditional territory.

Vickers found the band had established exclusive and continuous occupation -- the current legal test of title -- to nearly half that parcel of land.

It is the first time a court has determined a specific band has title to a specific piece of land.

November 24, 2007
Times Colonist

Keep land claims out of the courts

... The Tsilhqot’in achieved a significant legal victory. The ruling, almost 500 pages long, questions the provincial and federal governments’ unwillingness to acknowledge title in the face of significant evidence. The governments’ obduracy in forcing First Nations into costly, long efforts to establish reasonable claims is destruc-

tive, it noted, and a barrier to reaching negotiated treaties.

But [Judge] Vickers also argues strongly that these issues should be resolved in negotiations, not in the courts. “This case demonstrates how the court ... is ill-equipped to effect a reconciliation of competing interests,” he noted.

The legal process is always risky. And it tends to produce winners and losers, when what’s needed are settlements that bring together First Nations and surrounding communities in a shared effort to build a better life for all.

... For government, the lesson should be that leaving these matters to the courts is risky. First Nations have won a series of significant victories; each ruling has increased expectations at the treaty table. It makes more sense to deal with claims quickly and fairly, rather than push the problems off into the future.

November 24, 2007
Vancouver Sun

BC, First Nation to talk outside courts

Jonathan Fowlie

Premier Gordon Campbell and the Tsilhqot’in native band have taken the first major recommendation from this week’s landmark B.C. Supreme Court ruling and agreed to begin negotiations outside the courtroom.

Chief Roger William said that in a half-hour meeting with Campbell on Thursday - about 24 hours after the release of the ruling - both sides agreed not to appeal for at least four months.

“It gives time for everyone to go through the decision and it also gives us time to put an agenda in place and

start working on it,” William said on Friday.

“Four months is going to give us enough time to test the waters -- for them and for us,” he said.

... Grand Chief Ed John of the First Nations Summit said all of B.C.’s chiefs had already been invited to a four-day meeting in North Vancouver this coming week, and that the Vickers ruling will be dominant element of those discussions.

“We’ll sit down and talk about where we are right now and ... where we need to go in the future,” he said, adding the chiefs will also look at the Tsawwassen and Maa-nulth treaties that have been introduced into the legislature this session.

John was loath to predict the outcome of that four-day meeting, but did say that things need to change.

“The problem we run into is the governments refuse to acknowledge what the courts have said and use that as a foundation for negotiations,” he said. “We’re going to see more litigation,” he added.

... In an interview on Thursday, Minister of Aboriginal Relations and Reconciliation Mike de Jong confirmed the government had met with William, but would not reveal any details about what took place.

“I think we’ve demonstrated a willingness to adjust to changing circumstance, but I’m not going to predict to you today what the effect of a single opinion from a judge, however lengthy, is going to have or how we are going to respond,” he said.

“I do know we are going to keep talking, I do know we are going to keep discussing.” •

Cultural Wood Access Permit - Reporting from the 2007 House of Assembly

Making It Fair for All

The Haida Gwaii Cultural Wood Access Permit process is co-managed by the Council of the Haida Nation and the BC Ministry of Forests and Range (MFR).

The current program merges the Free Use Permit program used by MFR and the Right to Access Permit program which the CHN set up. The new combined process is to ensure that the process is accountable, provides better management and use of the forest in providing wood for cultural activities. The program has been set up to facilitate respectful access to the forest for the long-term benefit of Haida culture.

Any Haida can apply for wood for a specific cultural project. Things like poles, canoes and longhouses are part of a long list of projects that have been supported.

To apply for wood you must complete the Cultural Wood Access Permit application and include specific amounts needed. All applications must include a detailed workplan, harvest locations, blueprints and names of the harvesting crew and transport company.

There are designated areas from which to harvest wood and it's the job of the applicant and the Process Coordinator, Percy Crosby to match the quality of tree needed for the project and then identify the area or areas from which they can be harvested.

Applications are submitted for review by an Advisory Board made up of representatives from the CHN, MFR, both Band Councils and Chiefs. Applications that meet the criteria are



photo - Percy Crosby

Cooper Wilson's two storey longhouse progresses in Old Massett. The wood for this project was obtained through the Cultural Wood Access Permit program.

recommended to CHN and MFR for approval.

The Sappier and Gray court decision of December 2006 affirmed the right to harvest timber for domestic use.

The First Nations Forestry Council and the Ministry of Forests are working to rewrite legislation to accommodate this right. Wood for domestic use is now being considered by the Cultural Wood Advisory Board . •



photo - Irene Mills

When the canoe at Skidegte was being steamed a large crowd gathered in the bright sun and spent many hours watching the process. L-R: Verna Williams, Percy Williams, Dempsey Collison, Paul Pearson, Gary Russ and Arnie Bellis

AMB hosts the Nah'a Dehé Consensus Team from Nahanni National Park

The Word is Spreading

Throughout the world, people look to Gwaii Haanas as a model of co-operative management. Students come to study it, the media come to write about it, and many types of groups come to learn about it when considering using this structure in their own nation or territories.

Gwaii Haanas is a unique organization. The *Gwaii Haanas Agreement*, signed in 1993 by the Government of Canada and the Council of the Haida Nation, outlines how the place will be managed, and at the heart of the document is the agreement to disagree—both parties claim rights to land ownership in Gwaii Haanas. Recognizing these differing opinions, the Agreement sets out a co-operative management structure, which supports the commitment to protect and preserve the natural and cultural heritage

of Gwaii Haanas. Gwaii Haanas is not managed by Parks Canada or by the Council of the Haida Nation, but by both through the Archipelago Management Board (AMB).

The AMB is the decision-making body that oversees the planning, management and operations of Gwaii Haanas. It is made up of two representatives of the CHN (Captain Gold and Cindy Boyko) and two representatives of the Government of Canada—in this case, Parks Canada (Superintendent Ernie Gladstone and Heritage Resource Conservation Manager Dennis Madsen). They meet twice a month throughout

the year. Decisions are made by consensus and are measured against the Gwaii Haanas Management Plan. The Management Plan was developed by CHN and Parks Canada through the AMB, and it meets the requirements of both the *South Moresby Agreement* (1988) and the *Gwaii Haanas Agreement* (1993). The plan identifies ac-



While in Yukon the AMB shared knowledge at a conference on co-operative management. This picture of butting moose was snapped a

tions to protect and maintain ecological, cultural and wilderness values in Gwaii Haanas.

This summer the AMB hosted visits from the Nah'a Dehé Consensus Team from Nahanni National Park Reserve (made up of the Deh Cho First Nations and Parks Canada), the Maori from New Zealand, and the Lutsel Ke (Dene First Nation near Great Slave Lake). Visiting First Nation groups also spoke with community members to find out their perspectives on co-operative management. As Guujaaw, President of the Council of the Haida Nation, mentioned during this year's

House of Assembly, the CHN is seen as leading the way for other aboriginal groups, who use the precedent-setting Supreme Court cases and the AMB as examples to advance resolution of their own issues.

During this past year, the entire AMB were the keynote speakers at a co-operative management conference in the Yukon. They were also invited to attend a conference in the Southern Okanagan where First Nations in that area are working with Parks Canada to create a new national park.

A few years ago, National Geographic *Traveler* magazine identified Gwaii Haanas as the number one national park in North America. In their Second Annual Tours of a Lifetime Edition (October 2007), they again included Gwaii Haanas as one of "50 of the World's Best Trips".

Much of this recognition is a direct result of the shared management structure.

CHN and Parks Canada are now working to establish a National Marine Conservation Area Reserve (NMCAR). This area would extend the boundaries of the existing protected land area from the shoreline by 10-12 km. As part of this initiative, a new agreement between the Government of Canada and the CHN will be developed to determine how the NMCAR will be planned and managed. This is an exciting step, one that will bring fresh new ways of finding solutions to old problems. •

New Election Regulations has Mail In Ballot

At long last, revised Election Regulations were passed at this year's Annual House of Assembly of the Haida Nation. The regulations include some processes that were omitted in previous versions. There is a name change from CHNElection Policies to CHNElection Regulations. These new and improved regulations will also allow us to move forward with the Haida citizen registry.

Following is a summary of changes:

A new section called 'Interpretation', Section 3 has been added and it defines the meaning of terms so everybody has the same understanding when reading them.

Section 4 explains the composition and size of the elected Council and their alternates. Changes were made to the 'Term of Office', Section 4.3 and 'Vacancy', Section 4.12 is a new section which clearly defines how positions can become vacant.

'Removal of President, Vice-President and Regional Representatives', Section 6 was not included in the last version of the regulations and was added to this set to clarify what the process is for removing elected representatives for just cause, and sets out the by-election process to fill the vacant positions.

'Code of Ethics', Section 5 outlines the behavior expected of candidates running for CHN positions.

'Pre-Nomination Procedures', Section 7.1 was changed to accommodate the appointment of the Chief Electoral Officer position. Previously, the Electoral Officer was voted in at the HOA but in the future will be advertised and hired by the Haida Tribal Society Administrator and Board. The main reason for the change is that the Chief Electoral Officer must be in place well in advance of the CHN election nomination period.

'Oath of Office', Section 7.8 is a new section and states that electoral officers must sign an oath to uphold the CHN election regulations. The 'Responsibilities and Ethics', Section 7.9 was cleaned up and sets out the job of the Chief Electoral Officer.

'The Nomination Process', Section 8, remained the same except to add 'Candidate Eligibility', Section 8.5(e), which states that you can run for one position only.

'Withdrawal', Section 9 is a new section, added to clarify a process for withdrawing from the election process. There was no clearly defined process for this in previous versions of the election policies/regulations.

'Pre-Election Procedures', Section 10 has been revised with some basic language changes, the main change being the addition regarding mail-in ballots, Section 10.4.

By accepting the Election Regulations at the 2007 HOA we now have the ability to process mail-in ballots. This brought our notice of elections to October 12, 2007. Nominations opened on October 15th, 2007 and closed on October 26th, 2007. The advance poll is December 1st and the regular poll is December 8th, 2007. The mail-in ballot process allows for 35 days to mail and receive back ballots. The mail-in ballots will allow voting for the President and Vice President positions only.

These election regulations were put into practice immediately, as we are in an election year! It's exciting to think that we can now reach more Haida than we have previously.

'Election Day', Section 11 has been revised with language clean-up only.

'Counting the Ballots', Section 12 has been revised to include more detail.

'Post Election Procedures', Section 13 has been revised to include 'Oath of Office', Section 13.3 – 13.4. This was not included previously and states when the Oath should be completed.

'Appeals Board', Section 14 has been revamped for clarity (see function of the board and how they make their decision. There is a strict process to follow when an appeal is handed in.

'Amendments', Section 15 has been revamped for clarity and sets out process for proposed changes to the CHN Election regulations.

A copy of the revised CHN Election Regulations can be picked up at either office in Massett and Skidegate for your viewing. Please give the office a bit of an advance call so they can have it ready for you when you drop in.

Questions about the Election Regulations?

Contact: Charlotte Marks,
Chief Electoral Officer
250.626.5252

Haida Laas - from cover

Crown's "impoverished" view of its duty of Honor and establishing the very real "Duty" to the original people. We also filed a major Title case, whereby we will easily meet the test of proving Aboriginal Title, but also show the court that the Crown had no legal basis for their claims and therefore their title and every license is illegal.

It is our use of the courts that stopped logging in the sacred places of our ancestors and we have been able to convince these courts and the public at large that these Islands are worth protecting and our culture is of value to the world.

The TFL 39 case that we took to the Supreme Court of Canada has become one of the most cited cases in Aboriginal Law. These cases combined with the positions and stands that we have taken, the support base that the Haida Nation fostered, particularly on Island, make us a serious challenge to all of the successive governments of the Crown. A major factor in our favor is the respect for the Haida name, established through our ancestors, the many artists and leaders and the actions of our people over the years, this level of respect must be maintained over the years..

We have seen the alienation of land through fee simple or private lands, tree farm licenses, and parks. Nainkoon Park has been a bone of contention for many years as the provincial government protected the land for tourists and the rights and interests of our people were ignored. Duu Guusd and Gwaii Haanas were the first Haida Protected Areas designated by our people as protected for the sake of the land, our people and our culture.

Through our actions Gwaii Haanas eventually became the first jointly managed area with Canada on Haida Gwaii. This had never been done in Canada before, nor had Aboriginal Rights been explicitly written in as a lawful activity. While that might seem obvious, up to that time indigenous people had been simply locked out of "parks" giving rise to tensions and resentment.

While the Gwaii Haanas arrangement has been celebrated by First Nations across the land, and many have used the arrangement as their model, and while the National Geographic had named Gwaii Haanas as the best run protected area in North America, it would not be left alone. The Gwaii Haanas Agreement has been challenged in federal court as a "racist" arrangement and the case argued that Haidas should be treated as any other Canadian citizen. This petition failed at the first court level, was appealed and failed again at the higher court.

Gwaii Haanas remains foremost, a place protected by our people, for our people.

Year after year, we have had to deal with attempts by Husby to log in Duu Guusd, and other than an early venture, we have managed to keep them out and the place intact as our people had ordered. There has been several bouts with the courts as Husby pushes to log or get compensated.

Our people have also identified many other areas in need of protection, places like Kun Xaalas (Cumshewa Head), Government Creek, Yakoun Lake, the entire west coast, also many cedar, and wildlife areas. We also made it known that logging practices

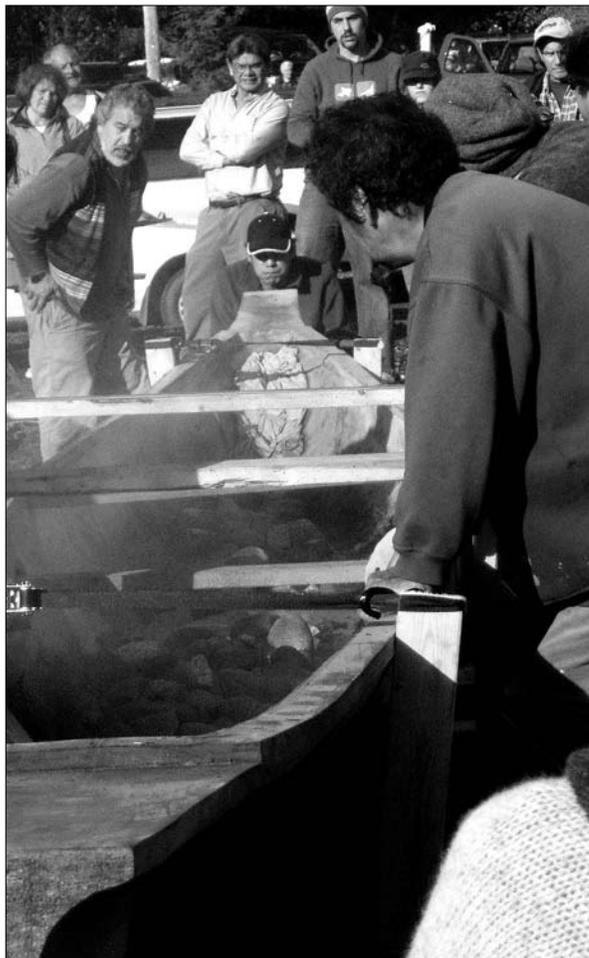


photo - Irene Mills

Carver Garner Moody gauges the spread of the gunnels at the end of the steaming process.

and the rate of logging were problems that needed to be dealt with.

These issues were the force that motivated the Haida Land Use Vision, a plan that was also accepted as the Haida Gwaii Land Use Plan. This is the first comprehensive planning to ever be done on these islands. The plan was completed over two years ago and last year the protected areas were designated. In 2007 both the

continued next page

Haida Laas - from page 11

Vision and the Land Use Plan were accepted at the House of Assembly. Overall, the areas of protection include about half of Haida Gwaii and most of the remaining old growth or natural forests.

The primary purpose of protection are for the land and our people. Had we waited for a court decision or attempted to negotiate a Treaty most of the lands including the cedar would be spoiled. The logging has been knocked back from 2.2 million cubic metres (a high of 10 years ago) to about 800,000 cubic metres a year today.

Every couple of years, we are faced with the prospect of oil drilling in Hecate Strait. The proponents describe the straits in terms of having trillions

of barrels of oil, comparable to any of the great deposits around the world. When this issue rears its head we even have some of our own people walking around saying this is inevitable and that “there is nothing we can do to stop it”. It has been stopped, over and over again, and yet as long as we burn oil this issue will not go away. And while this might seem bad enough, we are also seeing new attempts to bring pipelines into Kitimaat and Rupert. IF this were to happen, it would mean two or three tankers a week coming and going around the islands. Dealing with these issues takes a considerable investment of time. In this instance, we worked with other First Nations living along the pipeline route to oppose the pipeline and scare off investment.

To a large degree we have wrestled back control of our lands and our ac-

tions have given us a significant boost in helping to influence and determine the shaping of Haida Gwaii. On the horizon there are opportunities that will bring economic benefit to our nation and instead of watching from the sidelines we will be fully involved in the economics and social design of the islands.

As we protect our lands and waters, there is really not any noticeable change to our people, the lands that we protect are as our ancestors and this generation have known them. When we stop oil drilling or tankers, the waters are as we see them.

Similarly, our efforts through the courts are absolutely necessary as a part of moving to regain our rightful position, there is little that will be realized from those investments of time and effort at the village level. Some of these cases put us in a better political position; some are a necessary response.

We when we build our case and prepare our arguments we have to do it with credible information, our mapping and knowledge of forestry issues is now some of the best on island.

And while through our efforts we realize “no net gain”, the alternative is not acceptable and we have prevented more loss. This time and effort is unavoidable and necessary.

Regardless of the outcome from the current negotiations we can still go forward with our Title Case. This case will not only prove Title, but will also show that the Crown has no lawful basis to claim Title to these lands and waters. •



Thank you!

My name is Justine Townsend and I am a Masters student in Geography at York University in Toronto. I was very grateful to have been able to spend two wonderful months of the summer on Haida territory here on the amazing islands of Haida Gwaii.

Through my ongoing research I am looking at issues of collaborative resource management and land use planning in BC. My focus is on First Nations' leadership and participation in resource management and environmental planning.

During my time on Haida Gwaii I was able to speak with many of the Council of the Haida Nation representatives involved in land use planning in addition to several representatives from the Ministry of Agriculture and Lands and the Ministry of Forests and other community leaders. In this way I was able to understand more about the exciting land use plan unfolding on Haida Gwaii.

I want to extend my thanks and appreciation to the staff at the CHN who answered my questions and directed me when necessary. I especially wish to warmly thank the Haida leaders, CHN representatives and staff who took the time to speak with me, and/or participate in

interviews, as well as the staff from the Ministry of Forests and Ministry of Agriculture and Lands. It was a wonderful getting to know you all a little bit—leaving at the end of August was very difficult!

I am now back in Toronto to write my thesis (which is tentatively called, “Government-to-Government: The Haida Nation’s Experiences in Land Use Planning on Haida Gwaii, BC.” I would be happy to share the completed thesis or subsequent publications with anyone interested once it is completed in the spring/summer of 2008.

If you have any questions about this research project, or your participation in the project, feel free to contact me at jtown@yorku.ca or 416-578-1150. I am looking forward to following the implementation of the land use plan over the coming years. Congratulations to all of the people and communities of Haida Gwaii who worked so hard to make this plan a reality.

With gratitude and respect,
Justine Townsend
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