

SPEECH TO THE BRITISH COLUMBIA LEGISLATURE

December 2, 1998

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T_xaa nítkwshl simgigat, sigidim haanak'.

Luu'am'aamhl gagoothl hli luugadihl K'alií Aksim Lisims wil lamjaxam' ahl ts'im wilp ayuuk sa tgun. Dim dip gilaahl wilaa yeehl hahlals ahl wilaa wilhl lax ts'eets'ikskwhl ganiye'etgurh.

Nísim wil luusisgit simgigat an de'entkwhl wilaa yeehl ayuuk. Sigidim haanak', nísim dim wil luusisgit.

Gwínaiy' as nísimhl dim deex gagoosim', dim simgit wilsim' yukw midim sim liseexwhl dim wilaa yeehl hli gandidilshl Nisga'a.

M adame Speaker, Honourable Members, ladies and gentlemen.

Today marks a turning point in the history of British Columbia. Today, Aboriginal and non-Aboriginal people are coming together to decide the future of this province. I am talking about the Nisga'a treaty – a triumph for all British Columbians – and a beacon of hope for Aboriginal people around the world. A triumph, I believe, which proves to the world that reasonable people can sit down and settle historical wrongs. It proves that a modern society can correct the mistakes of the past. As British Columbians, as Canadians, we should all be very proud. A triumph because, under the treaty, the Nisga'a people will join Canada and British Columbia as free citizens – full and equal participants in the social, economic, and political life of this province, of this country. A triumph because, under the treaty, we will no longer be wards of the state, no longer beggars in our own lands. A triumph because, under the treaty, we will collectively own

about 2,000 square kilometres of land, far exceeding the postage-stamp reserves set aside for us by colonial governments. We will once again govern ourselves by our own institutions but within the context of Canadian law. It is a triumph because, under the treaty, we will be allowed to make our own mistakes, to savour our own victories, to stand on our own feet once again. A triumph because, clause by clause, the Nisga'a treaty emphasizes self-reliance, personal responsibility, and modern education. It also encourages, for the first time, investment in Nisga'a lands and resources, and allows us to pursue meaningful employment from the resources of our own territory, for our own people. To investors, it provides economic certainty and gives us a fighting chance to establish legitimate economic independence – to prosper in common with our non-Aboriginal neighbours in a new and proud Canada. A triumph, Madame Speaker and Honourable Members, because the treaty proves, beyond all doubt, that negotiations – not lawsuits, not blockades, not violence – are the most effective, most honourable way to resolve Aboriginal issues in this country. A triumph that signals the end of the Indian Act – the end of more than a century of humiliation, degradation, and despair.

In 1887, my ancestors made an epic journey from the Nass River here to Victoria's inner harbour. Determined to settle the Land Question, they were met by a premier who barred them from the Legislature. He was blunt. Premier Smithe rejected all our aspirations to settle the Land Question. Then he made this pronouncement, and I quote: "When the white man first came among you, you were little better than wild beasts of the field." Wild beasts of the field! Little wonder then, that this brutal racism was soon translated into narrow policies which plunged British Columbia into a century of darkness for the Nisga'a and other Aboriginal people. Like many colonists of the day, Premier Smithe did not know, or care to know, that the Nisga'a is an old nation, as old as any in Europe.

From time immemorial, our oral literature, passed down from generation to generation, records the story of the way the Nisga'a people were placed on Earth, entrusted with the care and protection of our land. Through the ages, we lived a settled life in villages along the Nass River. We lived in large, cedar-planked houses, fronted with totem poles depicting the great heraldry and the family crests of our nobility. We thrived from the bounty of the sea, the river, the forest, and the mountains. We governed ourselves according to Ayuukhl

Nisga'a, the code of our own strict and ancient laws of property ownership, succession, and civil order.

Our first encounters with Europeans were friendly. We welcomed these strange visitors – visitors who never left. The Europeans also valued their encounters with us. They thought we were fair and tough entrepreneurs and, no doubt today, negotiators. In 1832, traders from the Hudson's Bay Company found us living, in their words, in "two story wooden houses the equal of any in Europe." For a time, we continued to prosper. But there were dark days to come.

Between the late 1700s and the mid-1800s, the Nisga'a people, like so many other coastal nations of the time, were devastated by European diseases, such as smallpox, measles, and fevers. Our population, once 30,000, dwindled to about 800 people. Today, I am pleased to report, our population is growing again. Today, we number 5,500 people.

We took to heart the promises of King George the Third, set out in the Royal Proclamation of 1763, that our lands would not be taken without our permission and that treaty-making was the way the Nisga'a would become part of this new nation. We continued to follow our *ayuu'kh*, our code of laws. We vowed to obey the White man's laws, too, and we expected him to obey his own law – and to respect ours. But the Europeans would not obey their own laws and continued to trespass on our lands. The King's governments continued to take our lands from us, until we were told that all of our lands had come to belong to the Crown, and even the tiny bits of land that enclosed our villages were not ours but belonged to the government. Still, we kept faith that the rule of law would prevail one day, that justice would be done. That one day, the Land Question would be settled fairly and honourably.

In 1913, the Nisga'a Land Committee drafted a petition to London. The petition contained a declaration of our traditional land ownership and governance and it contained the critical affirmation that, in the new British colony, our land ownership would be respected. In part the Petition said, quote:

We are not opposed to the coming of the white people into our territory, provided this be carried out justly and in accordance with the British principles embodied in the Royal Proclamation. If therefore as we expect the aboriginal rights which we claim should be established by the decision of His Majesty's Privy Council, we would be prepared to take a moderate and reasonable position. In

that event, while claiming the right to decide for ourselves, the terms upon which we would deal with our territory, we would be willing that all matters outstanding between the province and ourselves should be finally adjusted by some equitable method to be agreed upon which should include representation of the Indian Tribes upon any Commission which might then be appointed.

The above statement was unanimously adopted at a meeting of the Nisga'a Nation or Tribe of Indians held at the village of Kincolith on the 22nd day of January, 1913. Sadly, this was not to be the case.

Also in 1913, Duncan Campbell Scott became deputy superintendent of Indian Affairs. His narrow vision of assimilation dominated federal Aboriginal policy for years and years to come and was later codified as the Indian Act. Mr. Scott said, "I want to get rid of the Indian problem. Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question." One of this man's earliest efforts was to undermine the influence of the Nisga'a petition to London and to deflect attention away from political action. But these men, Smithe and Scott, failed, and are now deservedly only dusty footnotes in history.

Still, the situation of the Nisga'a worsened. In 1927, Canada passed a law to prevent us from pursuing our land claims, from hiring lawyers to plead our case. At the same time, our central institution of tribal government, the potlatch system (*yuukw*), was outlawed by an Act of Parliament. It was against the law for us to give presents to one another during our ceremonies, which our laws instructed us to do. It was even made illegal for us to sing, to dance.

But still, we never gave up. And then finally, under the leadership of President Emeritus Frank Calder, the Nisga'a Land Committee was reborn as the Nisga'a Tribal Council in 1955. In 1968, we took our Land Question to the British Columbia Supreme Court. We lost but appealed to the Supreme Court of Canada, where in 1973 – in what is now known as the *Calder* case – the judges ruled that Aboriginal title existed prior to Confederation. This initiated the modern-day process of land claims negotiations. The government of Canada agreed it was best to negotiate modern-day treaties. Canada agreed it was time to build a new relationship based on trust, respect, and the rule of law. In time, as you well know, Madame Speaker, the Province of British Columbia came to the negotiating table as well. For the past twenty-five years, in good faith, the Nisga'a struggled to

negotiate this treaty, and finally it was initialled in August in our village of New Aiyansh.

How the world has changed. Two days ago and 111 years after Smithe's rejection, I walked up the steps of this Legislature as the sound of Nisga'a drumming and singing filled the rotunda. To the Nisga'a people, it was a joyous sound, the sound of freedom. What does "freedom" mean? I looked it up in the dictionary. It means "the state or condition of being free, the condition of not being under another's control; the power to do, say, or think as one pleases." Our people have enjoyed the hospitality and warmth of this Legislature, this capital city, its sights and its people – in churches, schools, malls, streets, and public places. Our people have been embraced, welcomed, and congratulated by the people of British Columbia, Madame Speaker.

People sometimes wonder why we have struggled so long to sign a treaty. Why, we are asked, did our elders and elected officials dedicate their lives to a resolution of the Land Question? What is it about a treaty? To us, a treaty is a sacred instrument. It represents an understanding between distinct cultures and shows respect for each other's way of life. We know we are here for a long time together. A treaty stands as a symbol of high idealism in a divided world. That is why we have fought so long and so hard. I have been asked, has it been worth it? Yes, a resounding yes. But, believe me, it has been a long and hard-fought battle. Some may have heard us say that a generation of Nisga'a men and women has grown old at the negotiating table. Sadly, it is very, very true.

Let me share some personal history. When I began this process I was a young man. When I first became involved in our tribal council I was twenty-five years old. Now I am sixty-three. Today, my hair is grey. The terms of six prime ministers chart the years I have grown old at the negotiating table: The Right Honourable Pierre Trudeau, Joe Clark, John Turner, Brian Mulroney, Kim Campbell, and Jean Chretien. And five British Columbia premiers: Bill Bennett, William Vander Zalm, Rita Johnson, Mike Harcourt, and Glen Clark. I will spare you the list of deputy ministers, senior bureaucrats, and other officials we have met across the table during the past quarter century. Their names would paper the walls of this Chamber. At least twice, I'd bet.

We are not naïve. We know that some people do not want this treaty. We know there are naysayers, some sitting here today. We

know there are some who say Canada and British Columbia are “giving” us too much. And a few who want to re-open negotiations in order to “give” us less. Others – still upholding the values of Smithe and Scott – are practising a wilful ignorance. This colonial attitude is fanning the flames of fear and ignorance in this province and reigniting a poisonous attitude so familiar to Aboriginal people. But these are desperate tactics – doomed to fail. By playing politics with the aspirations of Aboriginal people these naysayers are blighting the promise of the Nisga’a treaty – not only for us, but for non-Aboriginal people as well. Because, Madame Speaker, this is about people. We are not numbers. In this legislative debate, you will be dealing with the lives of our people; with the futures of our individual people. This is about the legitimate aspirations of people no longer willing to step aside or be marginalized. We intend to be free and equal citizens, Madame Speaker. Witness the flags that have been waved in this Chamber over the past two days – by the Nisga’a people of British Columbia, the Nisga’a people of Canada.

Now, on the eve of the fiftieth anniversary of the Declaration of Human Rights, this Legislature embarks on a great debate about Aboriginal rights. The Nisga’a people welcome that debate – one of the most important in the modern history of British Columbia. And we have every confidence that elected members of this Legislature will look beyond narrow politics to correct a shameful and historic wrong. I ask every honourable member to search their hearts deeply and to allow the light of our message to guide their decision.

We have worked for justice for more than a century. Now, it is time to ratify the Nisga’a treaty, for Aboriginal and non-Aboriginal people to come together and write a new chapter in the history of our nation, our province, our country, and, indeed, the world.

The world is our witness.

Nígan wilhl luu’aamhl goodiy̓, simgigat, sigidim haanak̓, wil lamjaxam̓ ahl ts’im wilp ayuuk̓ sa tgun. Dim dip mahlit loosim̓ wilaa hihl gagoodim̓, aguhl luusisgit ahl gagoodim̓.

Nisim̓ dim wil luusisgit, mahli k’yoolt loosim̓, dim luugigil̓simhl hihl ts’im gagootsim̓ yukw midim sim liseexw dim wilaa yeem̓.¹

Be strong. Be steadfast. Be true.

¹ Translations of Nisga’a texts on page 110.