

DOCUMENT: NISGAA.TXT

[Ed. Note: This article is reproduced with permission from the "Multinational Monitor", Vol XIII, No. 9, September 1992]

N E G O T I A T I N G N I S G A ' A R I G H T S

An Interview with Joseph Gosnell

Joseph Gosnell is the executive chair of the Nisga'a tribal council, the political arm of the Nisga'a Nation. Approximately 2,500 of the 6,000 Nisga'a people live in the Nass River valley of northwestern British Columbia. The Nisga'a claim title to 9,600 square miles of the region as their homeland.

MULTINATIONAL MONITOR: What is the function of the Nisga'a tribal council?

JOSEPH GOSNELL: One of the principle reasons for the formation of the tribal council was to address the question of whether we own the land. Ownership was designated to us through what is called aboriginal tide.

The court case to determine whether the Indians of British Columbia have aboriginal title to the land was called Calder et al. versus the Attorney General of British Columbia. We brought the case before the Supreme Court of British Columbia and we lost. We brought it to the appellate court of British Columbia and we lost again. We then brought it before the highest court, the Supreme Court of Canada. Three judges said that aboriginal title no longer exists. The other three judges said that aboriginal tide is still in existence. The Supreme Court ruling was a major victory as far as our people are concerned. That ruling alone opened up approximately 60 percent of the land mass of Canada for negotiations with the aboriginal nations.

Today, there have been settlements in Quebec and the James Bay region, as well as a major settlement in an area called Nunavut in North Central Canada. Some of the nations in the Yukon region have also signed agreements. Our tribal council has been in negotiations for 16 years. Two years ago we signed an agreement in principle between our tribe, the government of British Columbia and the government of Canada. As far as I know there have been 27 cases accepted for negotiations in the province of British Columbia alone. There's a timeframe on negotiations; all agreements in principle must be arrived at by the end of March 1993.

MM: What is the framework of the negotiations?

GOSNELL: The purpose of our current negotiations is to

determine the division of land. We've indicated very clearly to both levels of government in Canada and to the general public that we are prepared to share the land and its resources. The extent of this is a negotiable item on the table, as are items regarding fisheries and both surface and sub-surface minerals.

MM: How do you envision managing the resources in the land you gain control of?

GOSNELL: That depends on what kind of treaty we can arrive at with Canada. If we are going to be self-sufficient, we will need land that will sustain our people in perpetuity. We will change the way in which minerals are extracted from our territory. Our people should be able to rely on the land for the next 200 years and further into the future.

We are embarking on a fisheries program to revitalize our river, which is the third largest salmon producing river on the British Columbia coast. All species of salmon migrate to this river. But since the commercialization of fisheries, the number of salmon returning have been on a steady decline. Our program will benefit not only our people, but the citizens of British Columbia and those outside of Canada who come to our area and use the fishery.

There will be a program of a similar nature in the forest. The removal of the forest resources has taking place in our territory for 38 years. We are opposed to the clear cutting of the land. Reforestation began only two years ago, and we are not entirely satisfied at the rate the deforested areas are currently being replanted. A lot more work needs to be done. Only worthless brush now grows in the lower bases of our valley where the spruce trees and hemlock were removed. A year ago, in the northern part of our territory, a 5,000 hectare piece of territory was clearcut. The [extent of the damage] is visible from space satellite shots that we use to see what is happening on our land.

We are not opposed to development in mining, forestry or fishing, but we believe that development must take place at an orderly rate. Companies cannot just come in, rape the land and leave. We recognize that people must survive, including our own people. We have indicated very clearly to the government that we are not opposed to development if we can arrive at agreements between ourselves and industry as to how the resources are removed.

MM: What has been the impact of mining on your land?

GOSNELL: There was a mine in our valley on the coastal part of our territory in the late 1940s. At that time, there were no environmental requirements for the dumping of waste, and no regulations for smokestacks. This mine laid waste to a huge portion of our territory. Absolutely nothing grows there now. Forty years after the closing of the mine, the vegetation is beginning to come back, but even today the

trees are stunted.

Amex, an American company, operated another mine in the same general location for the extraction of molybdenum, used for the hardening of steel. The tailings that came out of this mine were dumped into the inlet. Although regulations were created regarding the dumping of tailings five years ago, Amex gained special dispensation from the government of Canada enabling them to continue to dump mine tailings directly into the inlet. We were opposed to that dumping. The mine shut down about two years ago, claiming that mining there was not economically competitive.

MM: Have the Nisga'a received any royalties or return from the mining, fishing and logging operations?

GOSNELL: There have been absolutely no royalties of any kind with regards to the removal of the non-renewable resources, the minerals. Seventy of our people do currently hold fishing licenses and that enables them to take part in the commercial fishing sector along the coast of British Columbia.

When active logging began in our territory, we were provided with assurances from the company that came into the valley that our people would be the first hired and the last to be [laid off]. Unfortunately, it did not work out that way. Our people were the last to be hired and the first to be let go. Despite this fact, in the beginning, there was some benefit to us because approximately 80 people from our community were directly involved in the forest sector. That is no longer the case. The company has moved and the names have changed several times over the 38 years since logging began in the valley. Today, very few of our people are directly involved in the logging operation.

MM: What programs has the tribal council initiated to promote the self-determination of your people?

GOSNELL: We have a school district, District 92 Nisga'a. All members of the school board and the board of trustees are our people, with the exception of one individual who represents the 250 non-natives in the valley.

The language that we speak, Nisga'a, is currently taught in our school as part of the compulsory curriculum. Both spoken and written Nisga'a is required to be taught from kindergarten to grade 12.

We also have a health care organization. Again, all the members of the board that control the operation are our own people, with the exception of one to allow representation for the non-native residents in the valley.

MM: Could you describe the system of laws used by the Nisga'a people?

GOSNELL: We have a law called Ayuukhl which determines the [allocation] of resources, the way we live, how people get married and what happens when people pass on. Ayuukhl governs the lives of our people in all respects. We have a clan system. There are four major clans in the valley: the eagle, the wolf, the raven and the killer whale. Anyone Nisga'a born in our valley falls under one of these clans.

When somebody gets married, the members of the tribe offer that person assistance, financially and otherwise. When a person dies, the tribe also comes to assist. A person does not need to be wealthy to gain assistance; to help [others] is a requirement of our law. More recently we have begun to lend assistance to those who do not belong to our tribe. We recognize that when people run into financial difficulty, sickness or death, they too need assistance even if they are people of other than our own race.

 ::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::
 :: -- THE FOURTH WORLD DOCUMENTATION PROJECT -- ::
 :: A service provided by ::
 :: The Center For World Indigenous Studies ::
 :: www.cwis.org ::
 ::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::

Originating at the Center for World Indigenous Studies, Olympia,
 Washington USA www.cwis.org <<http://www.cwis.org>>

© 1999 Center for World Indigenous Studies

(All Rights Reserved. References up to 500 words must be referenced to the Center for World Indigenous Studies and/or the Author)

Copyright Policy

Material appearing in the Fourth World Documentation Project Archive is accepted on the basis that the material is the original, unoccupied work of the author or authors. Authors agree to indemnify the Center for World Indigenous Studies, and DayKeeper Press for all damages, fines and costs associated with a finding of copyright infringement by the author or by the Center for World Indigenous Studies Fourth World Documentation Project Archive in disseminating the author(s) material. In almost all cases material appearing in the Fourth World Documentation Project Archive will attract copyright protection under the laws of the United States of America and the laws of countries which are member states of the Berne Convention, Universal Copyright Convention or have bi-lateral copyright agreements with the United States of America. Ownership of such copyright will vest by operation of law in the authors and/or The Center for World Indigenous Studies, Fourth World Journal or DayKeeper Press. The Fourth World Documentation Project Archive and its authors grant a license to those accessing the Fourth World Documentation Project Archive to render copyright materials on their computer screens and to print out a single copy for their personal non-commercial use subject to proper attribution of the Center for World Indigenous Studies Fourth World Documentation

Project Archive and/or the authors.

Questions may be referred to: Director of Research
Center for World Indigenous Studies
PMB 214
1001 Cooper Point RD SW Suite 140
Olympia, Washington 98502-1107 USA
360-754-1990
www.cwis.org <<http://www.cwis.org>>
usaoffice@cwis.org <<mailto:usaoffice@cwis.org>>

OCR Software provided by Caere Corporation