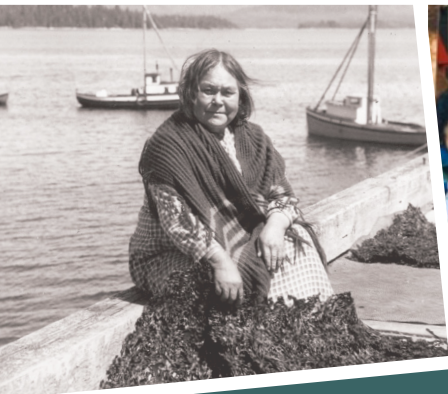




GWA'SALA-'NAKWAXDA'XW
NATIONS
TREATY OFFICE

Gwa'sala-'Nakwaxda'xw Nations: FAQs



Frequently Asked Treaty Questions

Cover Photos: (L-R)

Late Hereditary Chief Willie Seaweed at Ba'as

Hereditary Chief Henry Seaweed and Chief Negotiator Colleen Hemphill

Late 'Nakwaxda'xw Hereditary Chief, Namugwis

Hereditary Chief Willie Walkus and his late wife Charlotte on a Homelands trip to Gwa'sala Territory

Elder Gwa'sala Matriarch preparing seaweed for drying racks in Smith Inlet

Elders in attendance at GNN Treaty Meeting: L-R, late Lucy Smith, late Sarah Lysne, late James Henderson and Marion Wamiss

Nusens Sax
"Our Ways"

What will Treaty mean for me as a Gwa'sala – 'Nakwaxda'xw Nations Member?

Following a 'yes' vote for Treaty, our community will have ownership of our Reserve lands which are currently the property of the federal Government that they hold for our use. We will also get back ownership of many other lands in our territories including key areas in our Homelands identified by Elders and Members. We will not only get land back but will reclaim greater powers for managing and protecting our lands and resources.



Photo: Morning shot at Storm Islands



Photo: Elders Blanche Walkus
and late Hazel Parkin at celebration
of completed Takush dock

We will have access to a lot more money and resources that will be used to build a prosperous future for our Nations. With a Treaty, we will be able to reclaim our Homelands, rebuild our cultural connection with our lands and revitalize our teachings and laws.

As a Treaty First Nation, we will receive more funding for health, social, education and other programs. We will not be required to use our own lands and resources to pay for our own self-government. We will have the same funding, programs and services we have now, as well as extra funding and resources to develop more.



The Treaty legally confirms our Nations' right to self-government and gets us out from under federal control of the Indian Act. Our Chief and Council will make decisions based on what is best for the Nations without involving the Federal government. We will decide how our government system works, what it does and how it can best serve our community following our ways, **'Nusəns Sax'.**

Our Chief and Council will have more independence and will not simply be an agent of the federal Government. Council will have greater powers to make laws that reflect the needs of our community and our ways and will work with our hereditary chiefs and community. Treaty provides the ability for our community to make decisions about our own economic, social and cultural development as a Nation.



Photo: Gwa'sala - 'Nakwaxda'xw school (Yayuma)

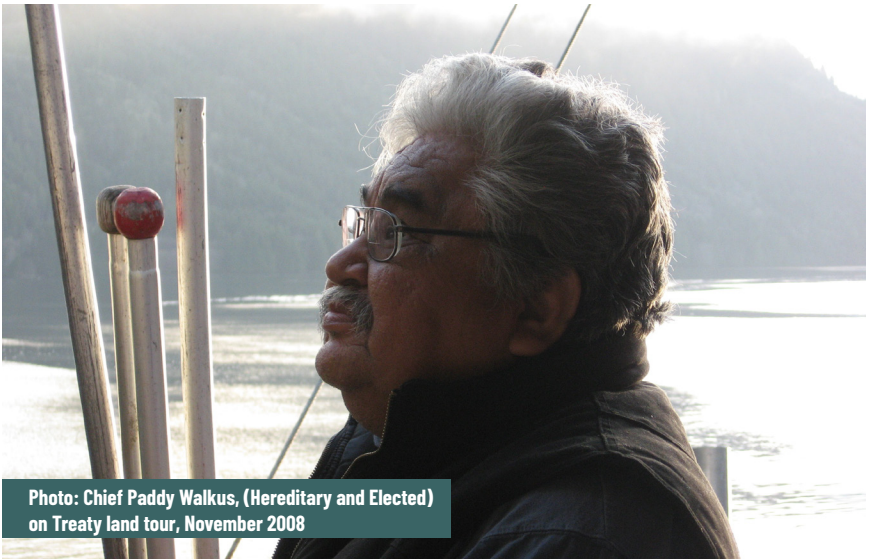
What if we vote 'no' to Treaty?

If there is a 'no' vote for Treaty, we will lose options for lands, money and governance. Reserves remain the property of the federal Government. We may also lose access to the opportunities that Treaty funds have provided to us so far. To date, Treaty funds have supported such projects as:

- Clean-up of Warner Bay
- Building of docks in our Homelands
- Business and tourism studies
- Governance research studies, including ways to set up our modern government with traditional government and a review of projected staffing and related needs
- Preservation of our history and teachings of our Elders through a number of projects including the creation of a library
- Fishery economic feasibility study
- Forestry opportunity study
- Cultural educational tools, such as film projects like "How a People Live" and similar film activities with GNN students at the Eke Me-Xi Learning Centre
- Cultural tour guides for Giga'ak and Ba'as
- Employment and building capacity within the Nations in the areas of communications, community engagement and land-use planning.

It is possible to move towards self-governance with a 'no' vote. We will still continue to assert our Rights and Title, negotiate specific issues or agreements or go to court to try and assert our rights.

Voting 'no' will mean the status quo will continue with the Nation remaining under the barriers of the *Indian Act*.



**Photo: Chief Paddy Walkus, (Hereditary and Elected)
on Treaty land tour, November 2008**

What has changed in the Treaty process?

There is a lot of misinformation about the Treaty process that criticizes aspects that may not ever have been true and are certainly not true now. One of the most common **claims is that Treaty extinguishes our aboriginal rights and title.** These statements are not true and the negative impacts of spreading misinformation is damaging to the process.



Photo: Gwa'sala - 'Nakwaxda'xw water taxi ready to travel to Homelands

In fact, there have been many **positive** changes and improvements in the government's approaches to the treaty process in the past few years. Some of the notable changes are that treaty is now guided by the U.N Declaration on the Rights of Indigenous Peoples (UNDRIP), and the governments have agreed there will be:

- Recognition of Aboriginal Rights and Title and no extinguishment of Rights and Title.
- Federal government forgiveness of all Treaty negotiation loans so that the loans never need to be paid back.
- Increased consultation requirements.
- Options to negotiate shared decision-making.
- Options for a flexible approach to meet the needs of each individual First Nations.
- A 'living tree' approach so Treaties can be reviewed and improved in the future and so that Treaty First Nations can continue to benefit from future negotiations and court rulings.



Photo: Ba'as, May 1955

Will Gwa'sala – 'Nakwaxda'xw Nations' Aboriginal Title to lands be extinguished under the Treaty process?

No. It is important to understand that **Aboriginal Rights and Title will be recognized, protected and continue with the Treaty.** In fact, our Rights and Title will be clearer and more secure.

What taxes will we be paying?

The current government mandate is to require members of Treaty First Nations to start paying taxes within 8 to 12 years. GNN and other First Nations are opposing this and are trying to keep the tax exemption for members, or at least extend the transition time.

Depending on the negotiations, GNN members may end up paying income tax, sales taxes (GST and PST) and property tax at some point in the future. Most of these tax revenues plus taxes paid by non-Members on our lands will come back to our First Nations for the benefit of our Members.

Members who do not own their homes will not pay property tax.

The Canadian tax system is “progressive” meaning that people who earn more money pay more taxes. People who have lower income pay lower or no income tax. Currently, Canadians who earn less than \$18,000 per year, or receive Social Assistance, do not pay any income tax. They also get credits on other taxes.

How will we pay for health and education?

Health, education and social assistance will continue to be funded after a Treaty vote. In fact, **Treaty Nations generally receive more program funding.** Health and education are universal social programs that we will continue to have a right to, even in a post-treaty environment. We will also continue to receive existing programs offered by Indian Affairs. If Indian Affairs begins to cut back on these programs, all First Nations will be affected whether or not they have a Treaty.



Do we lose our Status and healthcare if we sign a Treaty?

If the Treaty is signed, we will still have status cards, although we may not be able to use our status cards to get tax exemptions. We will continue to be eligible for programs and services available through Indian Affairs. With a treaty, GNN will also gain the opportunity to develop and add to programs and services.



Photo: Sally Bruce, David Bruce, Councillor Terry Walkus, Victor Walkus and Councillor Eddie Charlie

Are there other ways to achieve self-government besides Treaty?

Without a treaty, gaining self-government is limited in British Columbia. There are some small measures we can take under various pieces of legislation, such as the Land Management Act and the First Nations Financial Management Act. We can also develop our own Membership Code and Election Code under the Indian Act.

However, these efforts are only half measures, and the only way to be truly self-governing is through a treaty process and economic development initiatives.



Photo: 'Nakwaxda'xw Hereditary Chiefs: Albert Charlie, Thomas Henderson Sr., Michael George and Mary Johnson

What are our Aboriginal Rights and Title and what it will mean with a Treaty?

ABORIGINAL RIGHTS

Aboriginal Rights protect our right to traditional practices such as hunting, fishing, trapping and gathering for food. Our rights include food, social and ceremonial uses which includes harvesting resources for feasts and potlatches. We also claim we have a commercial component to our rights. Our rights not only include marine resources and wildlife but also a right to harvest and use timber for social, ceremonial, and likely some commercial purposes.

ABORIGINAL TITLE

Aboriginal Title is ownership of lands we can prove we have occupied “exclusively”, prior to Crown ‘sovereignty’, for a long time.

EXCLUSIVE OWNERSHIP

Exclusive ownership is difficult to prove, particularly because of territorial overlaps. To date, no court has made a comprehensive declaration of self-government ownership for a First Nation over its full territory. The only declaration of aboriginal title was in the *Tsil’qotin* case which was for part of their territory, took nearly 20 years and cost millions of dollars.

Under a Treaty, our rights will be confirmed. We will have full ownership of our Treaty Settlement Lands and regain the ability and right to self-governance.

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What are the 'cons' of having a Treaty?

One of the largest former 'cons' was having to take out multi-million-dollar loans to negotiate a Treaty. **This is no longer true as all Treaty negotiation loans have now been forgiven and Treaty negotiations are now based on grant funding which does not need to be repaid.**

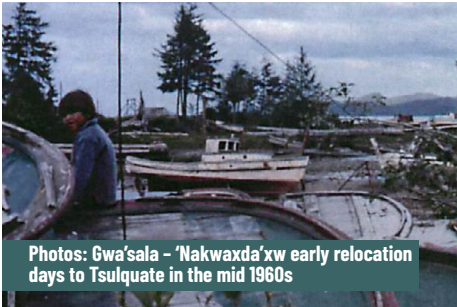
Another issue has been some First Nations not being ready for Treaty. This is much less of a concern now because there is more funding and focus on capacity development and preparing for Treaty.



Photo: Gwa'sala-Nakwaxda'xw Council members, Hereditary Chiefs of the Treaty Team, Treaty staff and consultants participating in a strategic planning session

Some members are concerned that by negotiating a Treaty, we are giving up our rights and title to lands and resources outside of our Treaty lands. However, any Treaty will include non-extinguishment wording and will also confirm our ability to have shared decision-making and protections outside of our Treaty lands.

The largest negative impact of a treaty is that Members will pay taxes based on income. With Canada's "progressive" tax system low income earners pay less tax than high income earners and some Members with low incomes will pay little or no tax. We are also still trying to keep the tax exemption or extend the phase-in period, but it is still an issue.



This booklet was created in collaboration with Gwa'sala-'Nakwaxda'xw Nations' Treaty staff and consultants along with 50th Parallel Public Relations. Acknowledgement and appreciation to Sharlene Frank and Murray Browne for their writing contributions.



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