

# Muschim Raise Treaty Concerns

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(Editor's note: The following letter was sent to Premier Gordon Campbell and Michael de Jong, minister of aboriginal relations and reconciliation, from Ruth Ogilvie, a member of the Tla-o-qui-aht First Nation. Nov. 16. The letter addresses several concerns Tla-o-qui-aht community members have over the recent signing of the incremental treaty.)

Dear Honourable Sirs:

I am writing on behalf of the many voices within the Tla-o-qui-aht nation who continue to be ignored concerning the recent signing of the Incremental Treaty Agreement (ITA) between the Tla-o-qui-aht band council, the Tla-o-qui-aht Hawiih (hereditary chiefs), and the Province of British Columbia.

By Canadian law, I am a member of the Tla-o-qui-aht First Nation.

From a Nuu-chah-nulth perspective I have roots in both Tla-o-qui-aht and Che:k'tles7et'h'.

I am a mother of two and a doctoral student at the University of Victoria.

The reality is that many Tla-o-qui-aht and Nuu-chah-nulth people share fundamental concerns about the ITA.

Many are silent for fear of the consequences of speaking up. Others who have spoken up have been silenced through threats to their jobs, their children's educational funding, or simple blacklisting.

There are large numbers of members who have been kept in the dark due to a lack of meaningful consultation since the inception of the BC Treaty Process.

At "community consultation" meetings, we are fed glossy print synopses of the 'benefits' of these treaties, and the truth is hidden from us. For example, the lands to be 'given' back to the Nuu-chah-nulth are held in fee simple. In the event of treaty debt, these lands can be seized by the province. We were told at these same "community consultation" meetings that they couldn't be seized in event of treaty debt. We realize this statement is not true, but meant to hide the possible consequences of these agreements.

I have three primary concerns with the ITA and with the BC Treaty Process.

1) The Hawiih, the band council and their respective treaty teams have legally made it possible to move toward the final stage of the treaty process 'on behalf' of the Tla-o-qui-aht people.

This is the first time in Tla-o-qui-aht history that our Hawiih have made decisions on our behalf, without consultation, discussion, debate, or a vote.

This is a violation of both Canadian democratic ideals and Tla-o-qui-aht traditional law.

Each are hinged on the 'duty to consult' with community members, or its citizens.

We are alarmed to learn that under the manipulation of Canadian legalese, these chiefs can legally move forward without the membership's actual consent or knowledge.

Additionally, community members were told we'd receive copies of the ITA document, only to be told later that it is a 'confidential' document and therefore not meant for distribution.

2) TFN council and chiefs have agreed on the memberships' behalf to withdraw from any other form of litigation, including the pursuit of any Aboriginal title and rights claims. The impetus being that the elected council and Hawiih have decided what is best for the whole community today, and for our future generations, without having asked us whether we agree to this or not.

3) The ITA is being 'sold' to community members as being innocuous, while the ITA is in reality legally binding and 'enforceable on the Tla-o-qui-aht and its members.'

The ITA signing actually signifies the willingness of the TFN chiefs to work towards a final agreement by 2011.

This goal does not reflect the goals and aspirations of the Tla-o-qui-aht muschim; it reflects the goals and direction of the TFN band council, the Hawiih and the Province of British Columbia. We, as Tla-o-qui-aht muschim, do not support this recent development of the ITA, nor do we support the BC Treaty Process as a whole.

We are taking measures to voice our concerns. We are organizing, meeting with members to discuss our next course of action.

Sincerely,

Chiinuiks (Ruth Ogilvie), on behalf of the Tla-o-qui-aht muschim (community members) that reject the treaty process.