
IMPLEMENTING DELGAMUUK'W

Biography of Antonia Mills

University of Northern British Columbia and co-author of Eagle Down is our Law: Wet'suwet'en Law, Feast & Land Claims

Antonia Mills (Tonia) teaches First Nations Studies at the University of Northern British Columbia (UNBC). She has worked with the Beaver/Duneza of northeastern BC since 1964, and worked for the Gitksan-Wet'suwet'en Tribal Council for their Delgamuuk'w Land Claims Court Case. Her expert opinion report for that case is published as *Eagle Down is our Law: Wet'suwet'en Law, Feast & Land Claims* (UBC Press, 1994). She has also done years of research on reincarnation belief and cases, and is the co-editor of *Amerindian Rebirth: Reincarnation Belief Among North American Indians and Inuit* (Utoronto, 1994). She is working on a book continuing this research, and working on a project to bring out the voice of Wes'suwet'en Chiefs who gave evidence in the Delgamuuk'w case.

I want to thank the Coast Salish for allowing us to come here, and to thank the Union of B.C. Indian Chiefs for inviting me to talk at this conference.

I am very grateful that we are able to have a conference like this one on implementing Delgamuuk'w, that it has come now to a situation where there has been the decision that has come down. We wouldn't be here if we were still left with the original decision of [Chief Justice Allan] McEachern. But now we have achieved an important decision. But the challenge of implementing it and making it work in British Columbia, across Canada, and across the globe is still before us. So what I wanted to address today are some of the very practical issues and problems of going ahead with doing that.

One of the good things of this decision is that it recognizes, as did the Constitution before McEachern made his negative decision, that First Nations do have aboriginal title. Another important part of this decision that has already been addressed, to some extent, is that it says that oral traditions can be used to demonstrate that. I wanted to raise some of the practical problems involved in that. The oral traditions of course are very important -- you know their power -- but it's important to keep them ongoing. I don't know if you have had the chance to see this book, *Colonialism on Trial* -- I didn't see it outside with the other set of books on the book table -- this is a great book. It gives a wonderful history, a concise history, of colonialism in Canada and in B.C. It gives also some of the aspects of the Delgamuuk'w decision. There is a part that's now comic where Peter Grant, the lawyer representing the Gitksan-Wet'suwet'en, is talking to McEachern about an oral history which Mary Johnson, chief of the Inuvik, had told in the court case and it is a powerful story. It is a story of how this supernatural (nagleek?), this supernatural grizzly bear is enraged, tears up the trees, starts this avalanche and landslide down the mountainside, and all this stuff comes tumbling down into the lake down below. And a man down below is concerned what has happened to his sisters, who are berry-picking there, because the level of the water has risen so much he is afraid they'd drowned. This is a kind of a story that represents, in fact, a great story for representing that people were there on a particular territory at a particular time.

One of the things that the new Delgamuuk'w decision says is that, in B.C., we are going to use 1846 as the date for saying when people were where. When was the last time that you heard a traditional story and it was talking about the creation of the world, or whatever, and then all of a sudden it says 1846? We are talking about two different kinds of time systems. This particular story of nagleek was very useful, though, because -- and this is an example of how research can be used -- it was possible to document through using a paleo-botanist and a geologist that this landslide that came down into the lake happened 3,380 years ago. That's how long people have been on that territory. Well they have been there longer than that, too, but when you can get that kind of evidence and use that kind of research to back up the oral traditions, that's powerful and it's important. One of the things that is comic in the interchange that I refer to between Peter Grant and McEachern was about this story, because McEachern was having a really hard time. He couldn't accept this story; you know, what is this nagleek, what is this kind of supernatural grizzly bear? That doesn't mean anything to him. Now we know that those stories are to be taken seriously. But one thing I'll challenge before all of us, before all of you, is to make sure that your grandchildren, your great-grandchildren, know these stories well. They have to know them. There are children, of course, who are in the same position. They are not coming from the same places as McEachern, but, when they are told their stories, they feel foreign to them because they are being raised now without having heard the stories in their own language. They don't know their language. They have to be re-educated to know the meaning and power of their stories. So that is one of the challenges before you.

There are lots of challenges. Another one is issues of overlap. You have seen the incredible amount of opposition that has come down to the Nisga'a treaty. I mean, I was astonished -- they didn't have the gall to put it in my mailbox

-- but my neighbor got this thing, *The Nisga'a Template: Facts the Government Isn't Sharing - An Alternate Guide to the Proposed Nisga'a Treaty* by the office of the official opposition Liberal Caucus of British Columbia. I mean, who would have guessed that the Liberal Party would be mounting such an opposition to the Nisga'a treaty, which is a pre-Delgamuuk'w decision? This was one which was hammered out before the Delgamuuk'w decision came down. So you could see what kind of amount of opposition that comes down to a pre-Delgamuuk'w decision, the importance of getting issues of overlap settled internally. That means when the boundaries overlap between the different groups that, before it gets to negotiating with the provincial government, with the federal government, that the Union of B.C. Indian Chiefs takes the initiative to get the people to figure out what is the basis of that overlap. Sometimes it's that those stories are known and held by both peoples. Then it is a question of figuring out why and how. Sometimes the genealogies help. The genealogies show how those people are related in such ways that you've got people who are now part of these divisions that have come as a part of the colonial administration. So you've got different tribal councils here and there, and you've got families who feel that they have a legitimate right to be telling these stories that are a part of different administrations. The genealogies can sometimes help to unravel why that is happening. Sometimes it's these kinds of situations also, you know, of the "in-law" kinds of rights. The Wet'suwet'en call it (negatelgeth?), when you have the right to be using your wife's territory or your father's territory, which is not your territory in the matrilineal system, because you have been given those rights by your wife's people, by your father's people, who are sometimes the same. Those issues of feeling empowered to be on a particular territory have to be worked out. Those issues of overlap are major and they are serious, and they are a serious impediment to working out, to First Nations' satisfaction, issues of whose land is where. And if there is going to be reconciliation between all the other interests of the multi-nationals, etc., first of all there has to be a good understanding within B.C. of whose land is what, and the issues of overlap need to be addressed. Those are major points.

I wanted to point out also that, obviously, as has been well explained, the opposition often has tremendous resources for bringing the counter-cases in front of you -- and they will be. But I wanted to bring to your attention that there are some funds -- I just became aware of these pretty recently myself, but to bring this to the attention of the Union of B.C. Indian Chiefs -- there is S.S.H.R.C. -- it's a funny acronym, which stands for Social Science and Humanities Research Council of Canada -- has just initiated a new kind of competition, which you know they are called competitions: two are scheduled for 1999-2000 and one in the year 2001 for something called Community University Research Alliances. The acronym is C.U.R.A., and you could pull these twelve pages up by going to the web page and just doing "SSHRC." What's impressive about this new initiative is that it's offering a substantial amount of funds: it's \$200,000 for one year, and these are three year grants. And that's even the minimum: they, say, can go up to \$400,000 for a year. There are not a lot of these that are being passed out, as you could imagine. You need to see this whole strategizing about this as an example of colonialism to begin with. For one thing, it is slightly contradicted by this, that the buzz I had heard before I printed off these pages was that each university could only apply for one C.U.R.A. grant. That's not quite true, but it's similar to that. But what it involves is a community -- and something like the Union of B.C. Indian Chiefs would constitute and would qualify as being a community -- and universities -- it could be one or more universities -- working together on research projects that they specify. So these are opportunities to consolidate the information that has been gathered by a lot of different groups and to get them into a coherent system to work out problems that exist of all kinds of natures, from the genealogical ones to getting good databases. It is using, obviously, the knowledge and expertise of universities. The colonial aspects of bureaucracy in terms of divide and conquer operate here, too. The Social Science and Humanities Research Council of Canada doesn't include what is called the "hard sciences." So I am not even sure actually -- one could probably get around it -- but whether the paleo-botanist would be funded under this to do that kind of research that was done in Sealek Lake in the nagleek story, I'm not entirely certain. But these are things to be aware of. And be aware, also, that an initial letter of five pages is to be done for such a kind of application by April 1, a month from today, and that's just a five-page application letter. The results are announced in May 1999 and then you do a detailed proposal with a full budget, etc., by October 1, 1999.

So there are, it's amazing, to see that there are some results, it seems to me, that there are some results coming out of Delgamuuk'w. It's going to be a long, hard battle to get to implement it and get to a position where the general public, as well as First Nations, recognize that it is about a way of being guardians of the lands in a way that is sustainable for on into the future. But the fact that there are starting to be more funds available -- because this exceeds by a great deal the usual amount of funds that are available through S.S.H.R.C. grants -- for starting to put together these kinds of things is very useful. So look this up. I haven't looked at it earlier because I have been really busy with the grant I have received for bringing out the material from the Delgamuuk'w case, bringing out the voice of Johnny David, Chief Mahlalay, etc. But I would be glad to be of service as some kind of a clearing house, whereby people can e-mail me with different kinds of proposals or thoughts or bits and pieces to put together in this, if you don't have a mechanism for getting all of that done within the Union of B.C. Indian Chiefs.

So there's a huge challenge in front of us. The decision is a good one. To ensure that it is played out well is a challenge and responsibility that we will have to carry into the future. And we'll have to see that we could use funds like this also in ways that don't become divisive, so that some groups are using them to augment or harm aspects of overlap, so that these issues can be worked out in an equitable way is a major and important challenge. Thanks.