Islands’ Spirit Rising
Reclaiming the Forests of Haida Gwaii

Book Launch & Panel Presentation
March 30, 2015 | First Peoples House, University of Victoria

EVENT PROCEEDINGS

Editors: Kelly Bannister and Megan Spencer
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March 30, 2015, First Peoples House, University of Victoria, Victoria, B.C.
Recorded, compiled and edited by Kelly Bannister and Megan Spencer

PANELISTS:

Dr. Louise Takeda, Author, Islands' Spirit Rising; Affiliate, POLIS Project on Ecological Governance

Guujaaw, President of the Haida Nation, 2000-2012

Kekinusuqs (Dr. Judith Sayers), Former Elected Chief, Hupacasath First Nation; Adjunct Professor, University of Victoria

Dr. Michael M’Gonigle, Professor and Eco-Research Chair of Environmental Law and Policy, University of Victoria; Founder, POLIS Project on Ecological Governance

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Introduction

Haida Gwaii is the homeland of the Haida Nation and contains among the richest natural, cultural, and political landscapes in the world. This isolated archipelago is host to some of the last remaining tracts of intact coastal temperate rainforest, as well as species of plants and animals found nowhere else on Earth. Aggressive logging over the past century, however, has threatened not only the unique biodiversity and habitat, but also the cultural values of the Haida people who have relied on these forests for millennia.

The book Islands’ Spirit Rising: Reclaiming the Forests of Haida Gwaii (Takeda, 2015) examines the long-term conflict over the islands’ ancient forests and recent events that unfolded in the context of collaborative land-use planning. In response to threats posed by a century of logging, a local Indigenous-environmental-community movement built enough momentum to challenge the multinational forest industry and political structures enabling it. The book traces the evolution of this dynamic force, from the early days of Haida resistance to the modern context of alliances, legal battles, and evolving forms of governance. In the process, it examines how historic relations of domination and oppression might be transformed and more sustainable forms of governance created.

The combined book launch and panel presentation that took place on March 30, 2015 at the University of Victoria was intended to celebrate the publication of Islands’ Spirit Rising, which was supported in part by the POLIS Project and Centre for Global Studies, and to discuss one of Canada’s most contentious land-use conflicts and most important models of cultural and ecological renewal.

Featuring two of BC’s most influential First Nation leaders, Guujaaw and Kekinusuqs, well as the author of Islands’ Spirit Rising, Dr. Louise Takeda, and ecological governance thought leader Dr. Michael M’Gonigle, the event traced the evolution of the Haida’s battle to regain control over their homeland, from the early days of Haida resistance to the modern context of alliances, legal battles, and evolving forms of governance. The speakers also reflected on the broader implications of the Haida’s strategies and successes for reconciliation and environmentalism. The take home message was that we are in this together – that the Haida’s fight is everybody’s fight.

The event was opened by Coast Salish Elder, May Sam, Tsartlip and Malahat First Nation, and chaired by Dr. Martin Bunton, Acting Director, Centre for Global Studies, University of Victoria.

Speaker presentations were video recorded and are available on the POLIS Project’s website: http://polisproject.org/projects/ecologicalgovernancenow/events/islandsspiritrising and the Ecological Governance YouTube Channel: https://www.youtube.com/user/POLISEcologicalGov
Acknowledgement of Territories and Traditional Welcome

The panel presentation began with a welcome and acknowledgement of the Coast and Straits Salish territories on which the event was held by Martin Bunton. This was followed by a traditional welcome by local Elder May Sam. May gave her blessing to the group, first in Hul’q’umi’num and then in English. She thanked the Creator, and asked for blessings for each person and their families. May thanked the Creator for the blessing of the land that we are on today, the land of our ancestors.

May also sang a song in Hul’q’umi’num of thanks to the Creator and of blessings to the group. Before she sang her song, she asked the group to think of someone in their heart that is most in need of the blessing, as the song will reach them and help them through their struggles.

Elder May Sam opens with a traditional welcome. Photo credit: Jennifer Swift
Restoring Balance, Key Steps Along the Journey

Louise Takeda, Author of Islands Spirit Rising; Affiliate, POLIS Project on Ecological Governance

Louise began with a special thank you to Elder May Sam for the prayer and healing song that May shared as part of the opening. She also thanked the other panelists, Guujaaw, Judith Sayers and Michael M’Gonigle, for the extraordinary work that they do, expressing her gratitude to them and the audience for attending the event.

“When I embarked on this research in 2004, I had no idea that Haida Gwaii was on the cusp of a major transformation. Within the next five years, they had chased out the multinational logging giants, protected over half of their land, and were taking back control. Tonight I’d like to shed a bit of light on their journey by highlighting some of the key events that have unfolded over the past few decades.”

As background, Louise showed a satellite image of Haida Gwaii with various areas marked in yellow showing the areas that were logged between 1900 and 2004 (see Figure 1). During this period, an estimated 105 million cubic metres of raw logs valued at over 12 billion dollars left the islands. To provide a sense of how much wood that is, if each of these logs were the size of a telephone pole and were lined up end to end, these logs would circle the earth 24 times.

By the early 1970s, a powerful and increasingly concentrated forest industry dominated the land base. The Haida found themselves with little influence, as the destructive impacts of forestry became increasingly evident on the mountain sides and the river bottoms. In 1974, the Haida people formed the Council of the Haida Nation. It was one of the first Indigenous governance bodies made outside of the Indian Act. The Council’s main goals were to have Haida title recognized in law, and to ensure the Haida’s involvement in all the main decisions that impacted them.

With no resources or influence at the time, the Haida people recognized the importance of developing allies. At about the same time, the battle for Gwaii Hanaas heated up, the most southern portion of Haida Gwaii (see Figure 1). This area contains very important cultural and archaeological sites for the Haida, and is also a huge source of ecological diversity. Both the Haida and environmentalists wanted to stop logging in the area, so they formed the first official organization of Haida and non-Haida residents. Soon the fight for a protected wilderness area became exclusively linked with the Haida’s fight for Aboriginal rights and title.
Figure 1: Map showing extent of logging on Haida Gwaii. (areas marked in yellow)

Image credit: Gowgaia Institute (John Broadhead)
One of the innovative strategies the Haida put into action was the Watchmen Program. This involved Haida people watching over the ancient village sites in Gwaii Hanaas. The watchmen protected the sacred sites and educated the visitors about them. It was a clever cultural and political strategy that connected protection of the land with use and occupation of it. During this time, the Haida also pursued their first of many legal battles against the Ministry of Forests. They also made their first formal declarations of tribal parks—areas where they prohibited all industrial activity.

But when these strategies failed to stop logging in Gwaii Haanas, the Haida launched one of Canada’s first logging blockades. In 1985, they took their stand on Lyell Island. When Haida elders dressed in regalia were the first to be arrested, the news made headlines across the country. In the following weeks, 72 people were arrested. It would take nearly two decades of collective action, court cases, public campaigning and astute negotiating to reach a resolution.

In 1993, the Haida and the federal government signed a co-management agreement for Gwaii Haanas National Park Reserve and Haida Heritage Site. It was the first protected area of its kind to be co-managed by a First Nation and the federal government. Unlike other parks that excluded Indigenous peoples from using a park area, Gwaii Haanas prioritizes the Haida’s rights to hunt, fish, gather, and carry on traditional activities. This was a defining moment for the Haida—they were taking back control.

While the Haida and environmentalists celebrated their victory, there was some deep bitterness among forestry workers. They started their own campaign, determined to stop environmentalists from taking over the rest of the islands. Then came an interesting twist. In 1994, the Ministry of Forests released a report stating that logging in the timber supply area of Haida Gwaii was occurring at a rate 2.2 times higher than the long-term sustainable harvest rate. When resident loggers and community leaders learned this, they realized they would soon log themselves out a livelihood. For the first time ever, leaders of Haida and the non-Haida communities began to cooperate. They demanded that the Province reduce logging to a long-term sustainable level, and help them develop local manufacturing and greater local control. But their demands fell largely on deaf ears.

Meanwhile, the Haida were taking a legal approach. The issue before the courts was whether the Province had the duty to consult and accommodate First Nations on decisions that could impact their Aboriginal rights and title. Up to this point, the court’s position was that a government had a moral duty to do so, but it wasn’t required until after a First Nation had proven Aboriginal title.

In 2000, the Haida argued that the Crown’s fiduciary duty to consult with and accommodate them was engaged as soon as the government had knowledge of their asserted title and rights. The BC Court of Appeal agreed. Days later, the Haida launched one of the first Aboriginal title cases. Government and industry were in disbelief, arguing that if they had to consult and accommodate on every development that might impact an Aboriginal right, economies were
going to fail and livelihoods would be ruined. They appealed the case to the Supreme Court of Canada, with backing from all nine provinces, the BC Chamber of Commerce, BC Chamber of Mines, the Cattlemen’s Association, and many others.

Louise explained: “Two days before the hearing, something game changing happened. In a move unprecedented in the history of Canada, the mayors of two non-Haida villages on Haida Gwaii, Port Clements and Masset, signed an agreement with the Haida Nation. In the agreement, Port Clements and Masset recognized Haida title to Haida Gwaii. In return, the Haida Nation guaranteed individual property rights and shared island governance. It was a complete paradigm shift that suggested that Aboriginal title could be a benefit, not just to a First Nation, but to other communities.”

The mayor of Port Clements then went to the Supreme Court of Canada as an intervener for the Haida. The essence of Port Clements’ argument was that they believed the Haida were more capable than the Province of sustainability managing the forests. And if the Haida’s interests were accommodated through consultation, it would better serve their community as well. Because the courts have to balance the interests of a First Nation with the interests of the broader society, Port Clements’ support was critical.

In 2004, the Supreme Court handed down its landmark decision, stating that the Crown is obligated to consult and accommodate First Nations prior to making decisions that could adversely impact their asserted Aboriginal rights and title. This ruling was a huge triumph for First Nations, and it has since become one of the most cited cases in Aboriginal law.

By this point, the Haida were gaining some leverage, and in 2004 they co-hosted a strategic land use planning process with the Province. The foundation of the process was the Haida’s own Land Use Vision, and framework for ecosystem-based management. At the heart of the Haida Land Use Vision is the concept of **yah’guudang**, which means “respect for all living things.” The vision explains: “**Yah’guudang** is about respect and responsibility, about knowing our place in the web of life, and how the fate of our culture runs parallel with the fate of the ocean, sky, and forest people.”

To bring land and resource use into balance, the Haida Land Use Vision laid out seven maps. One outlined 14 Haida protected areas where no industrial activity was to take place. The other six maps outlined additional protected areas for cedar, bears, salmon, plants, birds, and beaches. Together, they covered about a quarter of the land. From there, a community planning forum was brought together, with representatives from all the different and contradictory interests on Haida Gwaii. They were given 18 months to work out a set of recommendations for land use.

Louise emphasized: “This process was not equipped to address the root causes of ecological degradation. But, what it did provide was a wealth of ecological information, and a forum for the local community to create a collective vision for the future they wanted—to gain a common understanding of the state of the land, and to develop a consensus on the best way forward.”
At the end of the process, there were two sets of recommendations: one, resembling the status quo for industry; and the other, firmly rooted in the Haida Land Use Vision for everyone else. But then, only days after the planning forum concluded its last meeting, the Ministry of Forests authorized logging in areas the community had designated for protection and the community was not impressed.

A week before this, the largest forest tenure on Haida Gwaii was sold—once again, the Province failed to consult the Haida, despite three court rulings in the Haida’s favour. Well, enough was enough. In March 2005, the Haida barricades went up and the Islands’ Spirit Rising movement was launched. The timing for the action was impeccable, with the Province ignoring the court’s decision, the largest forest tenure in transition, and the government about to enter a provincial election. It didn’t take long for the Province to initiate negotiations with the Haida. With the forestry companies entirely excluded, a new set of possibilities became attainable. Haida negotiators—backed by the community blockade and strong arm of the courts, and armed with an assemblage of maps, ecological inventories, and a collective community vision—were able to reclaim a huge measure of control.

In 2007, the Haida Nation and the Province signed a strategic land use agreement that was fully consistent with the Haida Land Use Vision. The agreement protected half the land on Haida Gwaii, as shown on the map (see Figure 2). The agreement also reduced the annual logging rates to half their level before the blockades, and brought the rest of the land under ecoforestry.

Louise explained: “Then came the unparalleled Haida Reconciliation Protocol in 2009. This agreement gave the Haida shared statutory decision-making power over a number of critical strategic areas, 10 million dollars to buy out the largest forest tenure on the islands, and control over millions in carbon credits. But all of this was eclipsed by the ultimate symbol of victory: the official name change of the islands from its colonial name of Queen Charlotte Islands back to Haida Gwaii.”

Louise concluded: “At the end of the day, the people of Haida Gwaii have done something quite extraordinary—they have re-embedded their economy back into society so that the social, cultural and ecological priorities of the local people dictate the boundaries of the economy, rather than the other way around. They are demonstrating that it is possible to respect the limits of the earth and still build a local economy. And they’re showing that Aboriginal rights and title can offer a more sustainable economic order—not just for First Nations, but for everyone.”
Dr. Louise Takeda is the author of Islands’ Spirit Rising, which brings together the experiences and insights of numerous people from Haida Gwaii. Research for the book took off in 2004 when she arrived at the POLIS Project, and for many years worked closely with Michael M’Gonigle. Louise has been involved with global justice and anti-racist education, the environmental movement and Indigenous issues for the past 20 years. She holds a PhD from Aalborg University, Denmark and is a research affiliate with the POLIS Project on Ecological Governance.

Figure 2: Map showing Haida Gwaii Land Use Plan protected areas. (marked in blue, brown, and green)
Image credit: Council of Haida Nation
“One of the things we learned early in the game is that you need to enjoy the fight when you’re in it. That’s one thing about our people—we may squabble amongst ourselves, but when there’s a common enemy, everybody pulls together and does what they have to do, like brothers.”

Illustrating the spatial impacts of colonialism on Haida Gwaii, Guujaaw presented a series of maps. The first showed the Indian Reserves (see Figure 3) which appeared as a few tiny blips. He noted how the Haida were reduced from their precolonial population of about 10,000 people to 600 survivors through a series of events that occurred with colonization, such as smallpox and tuberculosis outbreaks.

A second map showed fee simple lands on Haida Gwaii held by private individuals (see Figure 4). A large area in the center indicated lands belonging to a coal company. Guujaaw explained that when tree farm licenses were first given out, it was necessary for an applicant to hold private land. This was used to the benefit of certain individuals in positions of power, such as the chief forester at the time, who acquired the coal company’s land. Another map showed the forest tenures on Haida Gwaii (see Figure 5), which were “essentially divvied up to friends of the government of the day.”

Gujjaaw pointed out Naikoon Provincial Park which was established by the provincial government in 1973 without Haida involvement. “Our people really didn’t like parks, because basically we were locked out of parks—the parks were for the tourists. You couldn’t hunt or fish or put up anything.”

He recalled when the Haida built a clam shack on the beach in Naikoon Park. It was only 20 by 20 feet, but it was a big deal for the provincial government—six ministries got involved. It was during a time when the Coastal First Nations were negotiating with the Province on planning processes. The Province said it was willing to put forward significant money, but the Haida had to take down the clam shack or everything was off the table. Guujaaw told the provincial rep, “You do what you’re going to do, but the clam shack is staying.” The other Coastal First Nations backed the Haida, noting that their seaweed and halibut shacks would be next. After various attempts by the Province to take control of the clam shack and make it public, they finally backed down. The deal with the Coastal First Nations was signed and the clam shack stayed.
Figure 3: Map showing Indian Reserves on Haida Gwaii. (areas marked in yellow)
*Image credit: Gowgaia Institute*

Figure 4: Map showing fee simple lands on Haida Gwaii. (areas marked in red)
*Image credit: Gowgaia Institute*

Figure 5: Map showing 1980 forest tenures on Haida Gwaii. (areas marked in red)
*Image credit: Gowgaia Institute*
Guujaaw recalled how the Haida celebrated after *Delgamuukw*, which recognized the continuing existence of Aboriginal title and need for consultation with First Nations. But the way consultation subsequently played out was by sending stacks of referrals to the Haida, which they had no capacity to deal with. In response, the Haida organized and with philanthropic support they developed a mapping system that was better than the Province’s. Eventually they got in front of the logging. As Guujaaw explained: “Every place they went we were able to find some reason why they should not log it—culturally modified trees, medicinal plants, a bear den.”

Guujaaw showed a map with all the areas protected by the 2007 Haida Gwaii Land Use Agreement (see Figure 6) noting, “Today, we have more protection for the creeks, birds, bees, cedar—all the things we basically set out to do.”

He pointed out some of the businesses now being operated by “HaiCo” the business arm of the Haida Nation (see Figure 7). “We ended up owning more than half of the timber. Our company is Forest Stewardship Certified—everybody has to abide by the rules of ecosystem-based management.” HaiCo also bought out some fishing lodges and the Haida are trying to change the culture of sport fishing. “We’re trying to tell them that fishing can be about taking home food for your family,” he explained. “We did stop the bear hunting, which was even worse because they didn’t eat the bears, they just killed them.”

Guujaaw recalled the earlier fight for Gwaii Haanas. He explained how the Haida, with Miles Richardson as president, began managing the lands around Gwaii Haanas even before the Province agreed to protect it. They issued permits to tourists for a fee, monitored key areas and enforced the rules. It was also during this time that the Haida launched one of the first logging blockades in Canada. Police escorted loggers to work, elders got arrested, and there was huge public support for the Haida.

Finally the federal government had enough and said they would make a national park. Guujaaw recalled, “They came up to Skidegate and made this big announcement that it would be a national park, saying the Minister would be the ultimate authority. They had $28 million to be spent over an eight year period, with two federal and two provincial delegates and an advisory board. At that time, we told them ‘we have kids in our villages with more authority than the Minister and if we don’t have an agreement, we won’t let them put up even one outhouse. Furthermore, until we have an agreement, they can’t spend one nickel of the money.’”

It took another six or eight years, but eventually the Haida signed a co-management agreement. Under the agreement, Gwaii Haanas has two separate authorities: the Haida and the federal government. They disagree on who holds title to the land, but agree that those particular lands will be protected. They also agree on a management process for it, with an equal number of federal government and Haida people on the management board. The agreements for subsequent protected areas with the provincial government are similar.
Figure 6: Map showing areas protected by land use agreement. (areas marked in green)

Image credit: Gowgaia Institute

Figure 7: Map showing businesses operated by HaiCo.

Image credit: Gowgaia Institute
Referring to the 2010 Reconciliation Protocol, Guujaaw noted that where logging is allowed, there are now agreements on how it will be done. There is also a “Solutions Table” in place that reviews all the cut blocks, so the Haida don’t have to deal with referrals all the time. A management council determines other things such as how much logging can occur in a year. Both governing bodies have an equal number of Haida and Provincial members. “Our chiefs were asked to name [the Reconciliation Protocol]” Guujaaw recalled. “They named it Kunst’aa guu - Kunst’aa yah which means ‘the beginning,’ as it was the beginning, not the end of it.”

Still, the protected areas represented no net gain to the Haida people. Guujaaw noted, “This is the way the land was a hundred years ago or five hundred years ago. We prevented some loss, but still we will see the barges go by and someone else being enriched by it.” The Haida convinced the Province that timber had to be considered in the agreement. There was essentially no timber industry occurring in 2008; everything was shut down. So the Province came up with the idea to just give the Haida money to buy a forest tenure. The amount settled on was $10 million. “It was kind of an embarrassment,” Guujaaw remarked. “When it was announced we knew the media would focus on that 10 million bucks.” So the Haida approached the Province about changing the name of the islands from Queen Charlotte Islands to Haida Gwaii at the same time. The Province agreed, and the name change took the headlines.

“It’s tricky managing with people you’ve been fighting all these years—to sit down to talk about how much timber and where logging is going to be” Guujaaw reflected. “It’s a hard transition to make. It was way more fun fighting them!”

While they have had some major successes, the Haida still face challenges like oil and gas pipelines and Bill C-51. Guujaaw also referred to the FIPPA (Foreign Investment Promotion and Protection Agreement) with China, explaining how such free trade agreements require the state to protect the investor. “If there is any dispute, it doesn’t go to a Canadian court, it goes to a tribunal... set up by the corporations to win.”

He concluded: “This fight is not an Indigenous people’s fight anymore. It’s everybody’s fight. Everybody’s got to become involved or we’re going to lose. It’s way too big just for us.”

Guujaaw was president of the Haida Nation from 2000 to 2012. He has been at the forefront of many battles to protect the land and waters of Haida Gwaii. He had a leading role in the creation of a new political and economic structure for Haida Gwaii, bringing control of the land back to the Haida people. In addition to his political accomplishments, Guujaaw is a traditional singer and performer dedicated to passing on the ancient songs and dances, and a gifted carver with totem poles on display in Indonesia and Japan. He is reviving the ancient arts of building canoes, longhouses and coppers, and continues to dedicate much of his life to preserving the land and culture of Haida Gwaii.
Reconciliation, A Broader Perspective

Kekinusuqs (Judith Sayers), Former Elected Chief, Hupacasath First Nation and Adjunct Professor, University of Victoria

Kekinusuqs began her presentation by expressing how honored she was to be brought into the book launch event for Islands’ Spirit Rising, saying, “I always wanted to know how the Haida got what they got, and have admired the Haida people for what they’ve been able to accomplish, in protecting so much of their island. It is an incredible story.”

“What is reconciliation?” Kekinusuqs asked. “After hearing Guujaaw’s story of all those inactions and actions behind the scenes between government and the Haida, is the result actually reconciliation? If I asked each of you in this room what reconciliation is, you would tell me something different. Reconciliation is an agreement between two parties on how to resolve an issue. What is that issue? The Haida have fought a long time for reconciliation of their forests; that was really important to them.”

The day they won their court case Kekinusuqs was in Vancouver, as part of a large walk of First Nations through the streets, one by one with the Haida leading. There was a huge sign at the Vancouver Art Gallery where everyone congregated, which said ‘Massive Change.’ “It was so appropriate for celebrating what the Haida had accomplished,” she said.

Kekinusuqs attended another event held when the Haida launched their title case. “There was a big celebration. It was so empowering and powerful. We shouldn’t have to go to court for reconciliation. That’s the bottom line. But we are always going to court. For me, that’s not a form of reconciliation.”

“And for me, offering First Nations revenue-sharing through mining or forestry money aren’t forms of reconciliation. Offering First Nations 37% take it or leave it—does that feel like reconciliation? What about shared decision-making? Gordon Campbell brought in the New Relationship vision, where we were going to have shared decision-making. But the Province thinks that the minister still has the final say in shared decision-making. So that can’t be reconciliation if there’s always a power asserting their jurisdiction over us.”

She continued, “What else isn’t reconciliation? The government thinking every oil, gas, pipeline, and tanker going through our territories is good for us. It’s good for you Indians—it gives you jobs, and you’ll become like us. First Nations have to choose what is good for them, and not have big brother telling us.”

For Kekinusuqs, reconciliation is not something you’re forced into; you need the right attitude. When you’re working with the provincial and federal governments, they need to be working on it because they want to, not because they’re forced into it by a court case, or because you’re
sitting in a DFO office, like her friends and relatives in Heiltsuk. “Right now they’re fighting for the right to manage their herring fishery for the future generations—that’s why they’re occupying DFO offices. Tomorrow there will be a rally at Save-on-Foods to support them.”

Kekinusuqs posed the question: “Why do we need reconciliation in BC? Number one, for the lands and the resources. We have never resolved those issues. The Delgamuukw and Tsilhqot’in cases assumed that the Crown has title. Where did the Crown get title? They didn’t beat us in a war, they haven’t signed a treaty. They didn’t discover us, we were here first. We have been imposed and colonized by laws that have held us back, like the Indian Act, one of the worst offenders of any law.”

She explained that residential schools were a huge problem for First Nations people. “We’re still living with the effects of residential schools. Government has tried to resolve that through the Residential Schools Apology and the program to give money to past students. But it hasn’t reconciled our people with the government—there’s still a long ways to go. Our rights are still being adversely affected by projects the government says are good for the benefit of all. As our rights to hunt, fish, trap, and gather are being changed, it moves us further away from reconciliation. And of course First Nations live in the worst conditions possible, the worst health statistics. Suicide, all of those things. There are so many reasons why reconciliation needs to take place.”

Kekinusuqs described reconciliation as taking place step by step. There have been four treaties in BC. The Haida Gwaii Reconciliation Act (2010) allows the management of forests. “The day the agreement was announced, I asked the former Minister of the Ministry of Aboriginal Relations, if I could have one of those. But he said no, this was a one-off. We have some self-government agreements at Westbank and Sechelt, and a few incremental treaty agreements which try to get up-front benefits for First Nations. These are small solutions, small reconciliations First Nations have negotiated with governments over pieces of land to try to resolve one or many issues. But there are so many more.”

Kekinusuqs described the Royal Commission on Aboriginal Peoples as one of the best attempts at reconciliation. “The Commission studied First Nations people again, reporting its results in volumes of recommendations now gathering dust on the shelves, as most royal commissions do. Which is unfortunate because there were a lot of good ideas in there, and if the federal government were to implement those ideas, some of the reconciliation we desire across Canada could have happened by now.”

“Have these examples I’ve described to you worked? They all need to be studied and broadened. One of the games this Province likes to play is to enter revenue-sharing agreements or other agreements with First Nations where they want something. But if government really wants to reconcile, they have to do it for every First Nation, and not leave remote communities or other communities out.”
Kekinusuqs also discussed things that have not been reconciled yet: burial sites, like Grace Islet, and Musqueam Nation’s čəsnaʔəm. These are front page issues, and they still haven’t been resolved by the government. “All the way to the Supreme Court, the Tsilhqot’in established that Aboriginal title exists for them, but not for other First Nations. Nine months later we have no change in government’s position regarding Aboriginal title.”

She also pointed out that governance or management of the territories has not yet been resolved. Nor has the right of consent. “Governments don’t like to admit we have the right of consent. Environmental protection of our lands, so our grandchildren can hunt, gather, and enjoy the beauty of our territories, has also not been reconciled. Neither has the case for missing and murdered Indigenous women—it is the issue at the heart of everything, yet there’s this callous attitude we don’t need a national inquiry.”

What motivates government to attempt reconciliation? “Sometimes it’s strategy, political pressure, or embarrassment at the local to international level. Funding is also a motivation. But government really doesn’t want to change how they do things.”

In response to why the governments should reconcile, Kekinusuqs suggests, “Because it’s the right thing to do—morally, ethically, legally. Because it stops conflict, and encourages healing and building of trust. The courts have told the government to reconcile, and the future of this country is in jeopardy if we don’t get reconciliation. We shouldn’t have to escalate to conflict. But to get something like Gwaii Hanaas, reconciliation took road blocks, standing on the land for their rights, and getting arrested. It's all part of First Nation's history. Reconciliation shouldn’t have to be that hard.”

Kekinusuqs pointed out that some models of reconciliation have worked well. “When you have two governments sitting down, with all your people behind you, those work best. It’s up to each First Nation to determine what that reconciliation is going to look like, and what should be in it. Governments need to want to reconcile—not just have the courts mandate it.”

She explained that one of the biggest things you need for reconciliation is trying to understand one another. “Standing before the Joint Review Panel for the Enbridge pipeline, and before the National Energy Board for the Kinder Morgan pipeline, First Nations poured out how much the land, water, and air means to them. Governments don’t understand that. They understand jobs and money. But as long as they’re being told it won’t be so bad environmentally, they go ahead with it.”

Kekinusuqs believes that First Nations vision for the future needs to be taken seriously, and that Canada will be under national and international scrutiny as we go forward. “Governments haven’t gotten it right since they first landed here and took First Nations land to become one of the richest nations in the world. For these reconciliation reasons we need governments to sit down and talk to First Nations, to reconcile these many issues that impact our lives every single day.”
She reflected that so much of lives like hers are spent trying to coming up with reconciliation. “My hope when I started the treaty process was that my children would be implementing good things. But they’re still fighting the same fight as me.”

Kekinusuqs concluded, “Reconciliation is key. And it is great to have this book – *Islands’ Spirit Rising*— that talks about how the Haida fought so hard to protect their lands and values. And I say, more power to them! Kleco kleco! [Thank you!).”

**Kekinusuqs, Dr. Judith Sayers** is a member of the Hupacasath First Nation, adjunct professor with the Peter Gustavson School of Business at the University of Victoria and strategic adviser to First Nations and corporations. She was the elected Chief of the Hupacasath First Nation for 14 years and Chief Negotiator for 15 years. In her role as Chief, she focused on capacity building, sustainable development and restoring and rehabilitating Hupacasath territory. Judith’s extensive background includes practicing law, working in international forums, and lobbying governments and other agencies for the promotion and protection of First Nations rights and title.
Generalizing the Experience – What Will it Take?

Michael M’Gonigle, Professor and Eco-Research Chair of Environmental Law and Policy, University of Victoria; Founder, POLIS Project on Ecological Governance

Michael expressed his great pleasure to be part of the event and thanked Elder May Sam for her wonderful introduction and song. “It’s an honour to be on a panel with such amazing First Nations leaders, and to have been a part of the story of Haida Gwaii over all these years. It’s also a great pleasure to be on this panel with Louise, who worked for years with POLIS. I saw her working away on this book—it’s not something you turn around very quickly. It’s an honour to have this book come out through UVic.”

Michael began by picking up on one thing that Guujaaw said in his conclusion—that it’s everybody’s fight. “I want to talk about the movement for Haida Gwaii from this perspective. If you look at the history in Louise’s wonderful book, we know that the history is ongoing. And the history is not really resolved very much at all. In the larger world, the country, the province—there is so much left to do. For example, today’s Globe and Mail BC section was two pages with two articles—one on the dysfunction of the treaty commission, and how the Premier is going to rethink that, and another article on the government stalling on ratifying the details of the Great Bear Rainforest Agreement. History is going on very slowly.”

He asked what can we best learn from the First Nations of this province? How long and how never ending their struggle has been. “You can look at their anti-colonial struggles over two hundred years, but when you look at it month by month, year by year, their fortitude and strength is amazing. Guujaaw, Miles, and Judith are part of a very strong tradition and we should be very proud of them.”

But Michael emphasized that it is us—non-Aboriginal people and mainstream society—too. “This is where I start thinking about the histories I’ve been involved in. The environmentalist history in this province is interesting. I used to say that being an environmentalist in BC is like being in the New York Philharmonic—you don’t get any better. There’s a rich tradition of high-quality activism. Amazing work is being done by leaders like Vicky Husband and MP Elizabeth May [Saanich-Gulf Islands]. Whereas the First Nations battle has gone on for over 200 years since colonization, the environmental movement in BC is really quite young. It really didn’t start until the late 1960s and 1970s.”

Michael pointed out that what is interesting about environmental activism in our area is that it began with a lot of Americans coming up, mostly draft dodgers. They were seeking open space to get away from the oppressiveness they experienced. They settled in areas like the Gulf Islands, the Kootenay’s, and the North. A lot of important draft dodgers moved to Haida Gwaii.
In 1974, Guujaaw co-founded the Islands Protection Society (IPS) with Thom Henley, an environmentalist who moved to the (then) Queen Charlotte Islands, and who later founded the Rediscovery Program to get Native and non-Native youth out of their homes and into the wild world. He and Guujaaw set up the IPS in the same year the Council of the Haida Nation was formed. Since that time, a cooperative arrangement has developed between First Nations and environmentalists. There have been some tensions but largely these groups have worked well together. “Environmentalists were criticized for riding on the coattails of First Nations claims, like in the controversy over Meares Island. But it’s a cooperative struggle, with environmentalists working alongside First Nations on the ground. It’s a very important collaborative history and joint responsibility.”

Michael underscored that the model that Haida Gwaii represents cannot be overstated, that it is not just what was achieved in terms of innovative institutions and protections for the land. “It also puts forward the human strategies of working together—showing that you must be very strategic. It is both about engaging the local community and communicating the importance of your situation to the rest of the world. But a lot of work still needs to be done.”

He gave the example of Aboriginal title, noting it will be the 50th anniversary of the 1967 Calder Case in two years—two and a half generations have passed since that case arose. He asked “Why do we take 50 years to work through reconciliation when we could have done so much, and more quickly?”

Michael pointed to the many losses that have gone on during this time period—250 barge loads per year of raw logs leaving Haida Gwaii, overfishing of herring, and the whole treaty process. We have had only four treaties since the 1990s. “We’ve been fighting over title for decades and only four treaties have resulted. Think of how the dice have been loaded in the treaty negotiation process. The provincial government is funded by the ‘public purse’; meanwhile, First Nations have to borrow money for their litigation. I believe First Nations’ total debt through these loans is now close to 500 million dollars, which they must pay back.”

Michael reiterated that the situation for First Nations communities on reserves has not improved. In many cases it is dire, with massive unemployment, no local economy, health issues, loss of land, and so on. There is so much that still needs to be resolved, and so much work that needs to be done.

“On the environmentalist side, the history is not a good one either. At a global level, our forests, fisheries, biodiversity, and our climate system are in terrible shape. We’ve had environmental laws happening since the 1960s, but in reality they haven’t made much difference. New issues keep coming up—Enbridge, new mining projects, BC Hydro’s Site C Dam, the list goes on.”

He pointed out that the problems that the draft dodgers sought to escape have never been resolved. In their environmentalism of the late 1960s and 1970s, one of the key terms used was ‘bioregionalism,’ meaning linking culture and the physical environment together.
Bioregionalism envisions people collectively looking after a specific geographic region, like a watershed, or an island, like Haida Gwaii. The Americans that moved up to BC wanted to get back to the land and create bioregional economies.

“Haida Gwaii is not just a model in terms of what was achieved. It’s a model for a different way of governing cultural relationships to the land—a bioregional relationship. Together, Aboriginals and non-Aboriginals face the need to shift towards a bioregional vision.”

Michael posed the question “why aren’t our environmental laws working?” He explained that the answer is obvious—and it applies to treaties as well as issues around environmental protection. “If you want environmental protection, you need new laws. And where do the laws come from? They come from the state, but the state is the biggest developer around. How much can we get from a government that is dependent on development and growth?” He sees Naomi Klein’s book *This Changes Everything: Capitalism vs. the Climate* as useful here. He described a conversation of a few years ago with his long-time friend, Misty MacDuffee of the Raincoast Conservation Society, while on a march against fish farming. Misty explained that years ago when she said “there’s a problem with growth” at public meetings, there was dead silence. Now she says “it’s getting better—we can talk about capitalism and problems with the state.”

Michael explained that capitalism is growth—that is its nature. Then he asked: “Why are we hooked on this model?” He referred to Naomi Klein’s term “extractivism” and that the only way to combat extractivism is with “blockadia.”

“So the conversation is out there, but it’s difficult. We’re so trapped in this model of moving capital and growth. It seems that what makes us happy as people also destroys us. That which we ‘need’ is what we must stop. But that’s a very difficult thing to do.”

Michael gave the example of the divestment campaigning at UVic that seeks to take UVic’s endowment funding out of investment in carbon companies. But there are numerous complications that make that difficult. He encouraged us to look very deeply at how we are able to extract our dependence from an economic system, which has its fingers in everything. “This is something the Haida have done very well. They have started making a new form of economy, a bioregional economy. Pushing away the big corporations, and taking over responsibility from the state. It’s something that needs to start happening in every region of this country, and more broadly. But it’s not easy.”

Michael referred to the recent Tsilhqot’in case as the biggest victory in recent years in the fight for title. But he questioned what the Tsilhqot’in case actually means, pointing out there are some problems with it. For example, the case doesn’t say that the Tsilhqot’in have title and the Crown doesn’t. “After 50 years of cases, we now recognize that the Tsilhqot’in have title over a wide area of land. But how can the Crown say they still have title—how did they get underlying title? The state doesn’t want to look like Swiss cheese with holes all over.” He explained that
while the Tsilhqot’in have title, the state can infringe it. “There’s a complicated test, but if you want to do forestry, the state can compromise that title—all because the state must grow and maintain its development momentum.”

Michael concluded: “There’s a limit to how far the courts can go. I think the change we need is perhaps ‘the Haida Gwaii solution,’ which includes moving towards a bioregional economy and a decentralized state, pulling away from growth. It is a very big challenge—not for First Nations alone, but for all of us. People have been talking about that for centuries. For as long as First Nations across Canada have been fighting colonialism, movements in Europe have been challenging the state and the inequities of a capitalist economy. But until we actually get an alternative, and get people united for new forms of governance, there will be more and more blockades.”

An activist academic, **Dr. Michael M’Gonigle** is a co-founder of Greenpeace International, the Dogwood Initiative, and Ecojustice. In the early 1980s, before becoming a university teacher, he moved to Lytton and began a grassroots campaign to protect the largest wilderness watershed in southwestern BC, the Stein River Valley, from logging, working full time on the campaign for the next five years. With the work of the Lytton First Nation, the Stein became a Class A Provincial (and tribal) Park in 1995. Dr. M’Gonigle is the Eco-Research Professor in the Faculty of Law and School of Environmental Studies and the founder of the POLIS Project on Ecological Governance based at the Centre for Global Studies at the University of Victoria.
To begin the discussion period, a young Heiltsuk woman made an impassioned statement about the Heiltsuk Nation’s herring fishery struggle with Department of Fisheries and Oceans, encouraging people to attend a rally the next day.

Guujaaw, Panel Member
We’ve been negotiating with two levels of government throughout the process Louise describes. The federal government comes in, sends in a negotiator with no mandate to do anything. The provincial government is unwilling to address the land question. A lot of problems with the treaty process boil down to two levels of government. They offer you a little package deal, say that no one needs to negotiate, and the federal government just sits like a lump on a log.

Dr. Rod Dobell, Fellow, Centre for Global Studies, UVic
Let me pick up on the notion that ‘we’re listening to one story but it’s really one part of a much larger struggle that we are all a part of.’ It is intriguing that this event celebrating some triumphs in Haida Gwaii is taking place as the same time as we have a visiting researcher from Gaza at the Centre for Global Studies (UVic), talking about the Israeli blockade and imprisonment of those lands. So the more general question is, how do we get beyond occupation such as those in Palestine? Or in the rainforests? In Canada, how do we find an appropriate reconciliation based on appropriate withdrawal from our colonial past? What are the lessons from Haida Gwaii for us more generally? (On this last topic, let me offer a plug for a wonderful recent book by our colleague Michael Asch, On Being Here to Stay.)

Dispute resolution is another form of reconciliation, but the recent controversy around investor-state dispute resolution provisions in what are portrayed as trade agreements illustrates the more fundamental challenge underlying the story Louise tells, which is the struggle now between the massive corporate person and the grounded human person. Global capitalism does not embody the agency of a human person—but it now exercises far greater rights. It rests on the enclosure and private ownership of all the earth, without moral responsibility. It seems to me the struggle in Haida Gwaii reflects this general challenge.

Guujaaw, Panel Member
That’s really what it comes down to. It’s becoming less and less a matter of negotiating with a democratic government. They’ve fixed it so that whatever the public view, the Harper government will have the agreement with China, or the Trans-Pacific Partnership, for example. We’re up against the corporate world order—this thing with no conscience, with no attachment
to the earth itself. It is only headed in one direction, leading to the destruction of the earth. I’d really like to hear more about the Israel situation.

People shouldn’t confuse Israel with the Jews, it’s a corporate thing. Canada has become a corporate thing, a corporatist state; so have the universities, they don’t care about us anymore. For the people to rise up against this thing it becomes more difficult, but it’s not unbeatable. It’s not particularly smart, it’s just big and ruthless. It’s a corporate world order we’re coming into. It doesn’t care about people anymore.

**Dr. Michael M’Gonigle, Panel Member**

The battle of Haida Gwaii is a constitutional battle. The occupation Rod Dobell is talking about, ‘the new constitutionalism,’ is exactly as Guujaaw describes it. A constitution that’s like a web across the earth, a web of technocrats, bureaucrats—who don’t report back either to governments or the people. We don’t have a democracy. Our constitution is to keep power at the ultimate level, and further away from people. The Haida experiences, however, have been intensely democratic—everyone in the community coming and working together.

We need to pull power back down, not just to the people generally, but to the people in communities that want to make something in their place, the place where they live, that doesn’t require massive infusions of capital. How are we constitutionalizing people on this planet? I think I’ll take the Haida vision and the Haida example.

**Vicky Husband, Environmental advocate, Victoria**

I know the Haida struggle. Michael M’Gonigle is right, we have to take back the initiative; we have to take action. Vancouver Island is totally plundered. There really is no management, no inventory, no protection of the values of the land or the community. There used to be a glossy pamphlet that said ‘all things are considered’ but I say all things are not considered in the decisions we are contesting! Now it’s just plunder if we don’t stand up and have the knowledge to take action. I’ve seen it all happen, I grew up here. What about Vancouver Island? What about the forests of BC, rather than just the Great Bear Rainforest? Now we have to kill the wolves; they’re getting less caribou. We have 80% of the mining companies of the world in BC! We have to all stand together and make sure our rights and the rights of nature are protected. The Tsilhqot’in people in their court case put it differently—they stressed their duty to protect the land for future generations. Wouldn’t it be nice if our governments thought that way? There are still ways to make a difference, and the story Louise tells has much to teach us.

**Joanne Roberts, CBC Radio host, Green Party candidate**

We need less politics and more Canada. Louise, in your book you’ve taken an observer’s view on what happened on Haida Gwaii. From your observation, what was the key to what kept them going? The key to their success?

**Dr. Louise Takeda, Panel Member**

I’m not sure you can just pull out one key. What I try to do with the book is weave together the many things that made the Haida strong in their alliances. There’s a lot that goes beyond that:
the culture, leadership, and a certain confidence, knowing and believing that we cannot fail and
that we have time. It’s a really long fight—not something you do for a few years and move on.
This is something that has been going on for decades. It was not a quick and easy thing. A long
struggle, a lot of perseverance and a lot of unshaken belief.

What always struck me is how leaders like Guujaaw could work with people with whom they
had huge differences—they could put aside those differences aside in order to work with the
larger issues and shared concerns. For example, one of the book’s stories is about just after
Gwaii Haanas was created, and the loggers were really mad. Guujaaw told me he joined the
[logging] Share Movement, heard what they were saying, criticized the speakers and quit. But
then he started talking with them about what is actually going on, peeled away the rhetoric,
and was able to connect with them.

**Gujuaaw, Panel Member**
You have to enjoy the fight!

**Miles Richardson, Former President of the Haida Nation and Former BC Chief Treaty
Commissioner**
Regarding Louise’s earlier reference to the Haida as protesters—the Haida aren’t protesters, we
are enforcing the law as we understand it. The separation between us as humans and the rest
of creation isn’t just thin, it’s nonexistent. Haida really just means human being. We have to
speak as humans to the rest of creation. But our place on earth is Haida Gwaii—that’s our
responsibility, that’s what we need to stand up for. I was a political leader on those lines along
with Guujaaw, doing it as a nation. Those weren’t protests! We were exercising our
responsibility for the stewardship of the land. We were enforcing our commitment to that duty.
We put our names up there as a testament to our people.

That’s why Guujaaw signed that agreement to protect that land—we drew that map 30 years
ago and people laughed at us. But our constitution was the big story. When logging stopped
and people moved away, we had one feast on the land, and the loggers, who were there with
us on the ground, walked away willingly. But Western Forest Products wasn’t so compliant,
years later.

Building alliances and accepting responsibility for your place is what makes this story work. It’s
not just rhetoric. It’s putting your life on the line. Live for that.
Concluding Statement

Shelagh Rogers, Chancellor, University of Victoria
Shelagh thanked the event hosts and the panelists for their presentations. “We are all about appetite—taking—but we need to start thinking about giving something back. Did we ever have ‘conciliation’? Getting together and meeting as equals, before we had reconciliation?”

“The University of Victoria has a deep commitment to making things right, and in particular to supporting Indigenous students and communities in pursuing the aspirations we have heard about tonight. Reconciliation is a really important thing, it is our struggle together. I think that this event is a form of reconciliation—listening is the heavy lifting in a conversation, and we have a lot to listen to and a lot to learn.”

Traditional Closing

Guujaaw, Haida Nation
Elder May Sam, Tsartlip and Malahat First Nation

To conclude the event, Guujaaw sang a song in the Haida language. May followed this by singing a song in the Hul’qumi’num language and offering a closing prayer to the Creator.