

THE MAA-NULTH TREATY:  
HUU-AY-AHT YOUTH VISIONS FOR POST-TREATY LIFE, EMBEDDED IN THE PRESENT  
COLONIAL CONDITIONS OF INDIGENOUS-SETTLER RELATIONS IN BRITISH COLUMBIA

by

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Submitted in partial fulfillment of the requirements  
for the degree of Master of Environmental Studies

at

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## **ABSTRACT**

On April 1, 2011, the Maa-nulth Treaty went into effect. Negotiated between five First Nations, the province of British Columbia and Canada, the Treaty concerned territories never before ceded on the west coast of Vancouver Island. This study utilizes the Treaty as a point of departure to explore contemporary Indigenous-Settler relations. Using digital storytelling, youth from one of the five signatory First Nations identified their priorities for their Nation in a post-Treaty era. These stories are contrasted with a discourse analysis of mainstream media coverage surrounding the Treaty and a survey of local (mainly Settler) residents' perceptions to explore dominant perspectives pertaining to this comprehensive land claims agreement. While youths' ideas for the future were anchored to their Indigenous cultural identity, albeit integrating technology and novel art forms, Settlers' perspectives remained statically centered upon ill-informed strains of colonial thought premised upon socio-political and economic stereotypes. Colonialism continues to be (re)produced structurally and individually; these findings point to the need for Settlers to engage in their own processes of decolonization.

## **LIST OF ABBREVIATIONS USED**

AIP	Agreement in Principle
BC	British Columbia
BCTC	British Columbia Treaty Commission
CAC	Community Advisory Committee
CBPR	Community Based Participatory Research
CDA	Critical Discourse Analysis
FNS	British Columbia First Nations Summit
GM	Globe and Mail
IR	Indian Reserve
NTC	Nuu-chah-nulth Tribal Council
SOI	Statement of Intent
TC	Times Colonist

## GLOSSARY

Despite chapters providing in-text rationale to justify specific terminology, it is appropriate to explicitly clarify three key terms before this thesis begins: 1) Indigenous; 2) Settler; and 3) colonialism.

In 1982, the Government of Canada allocated the term ‘Aboriginal’ to encompass distinctive First Nations, Métis and Inuit peoples. This designation homogeneously reduces these diverse cultures and binds them within the Canadian state. State tendency to define identities operates as a way to assert sovereignty over both the geopolitical and social landscapes. Given historical and ongoing processes of colonialism in Canada, this thesis will use the term ‘Indigenous’ in lieu of ‘Aboriginal’. It does so to go beyond this colonial practice and as a way to question the state’s ability to assert sovereignty over distinctive peoples due to constructed geographical boundaries. Colonialism is not a process experienced solely by Indigenous peoples living in Canada. The term ‘Indigenous’ stands to also recognize processes of colonialism experienced on a global scale. This thesis is restricted to a Canadian context, and more specifically a First Nations context. Where appropriate, names of specific First Nations will be given. ‘Indigenous’ will be used in generalizing terms in the correct historical and/or colonial context.

The term ‘Settler’ is used to refer to peoples whose ancestors or they immigrated to, and settled upon, the land base that is now referred to as Canada. For Settlers to permanently reside in Canada Indigenous peoples had to be dispossessed from their territories – this term recognizes this displacement. The existence of Canadian Settler society is one of privilege. For this society to exist in its contemporary form, it necessitates the continued displacement of Indigenous peoples to allow sovereign assertion of the Settler colonial state. ‘Settler’ is, therefore, appropriate as it connects contemporary Canadian ‘Settler’ citizenship with historical and ongoing processes of colonialism.

Colonialism is a process largely responsible for the contemporary state-centric, geopolitical global entity. A result of imperial (mainly European) expansion, it is used here within its ‘Settler colonial’ form. Settler colonialism involves Settlers occupying a space so that capital, in the form of resources and the acquisition of territories, can be gained. More often than not, sovereignty is asserted over these newly settled territories; with this, Indigenous inhabitants are displaced and dispossessed. The assertion of Settler nationalism often follows. ‘Settler colonialism’ is an ongoing process, rather than a singular event: colonizers arrive and stay.

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## CHAPTER ONE

### INTRODUCTION

#### 1.1 PREFACE

As a sixth generation settler from unceded Coast Salish territories on Vancouver Island, the premise underscoring this thesis has been molding itself for the past 26 years. I have always had the (White) privilege of being challenged to think critically about my social and physical surroundings. This was fairly easy considering I grew up in a city named after the monarch of Canada's colonial authority, and finished my undergraduate training in the same city whose University campus (located on unceded Coast and Strait Salish territories) boasts an array of totem poles. I have long seen the west coast as a backdrop ripe with contradiction. However, it is also the place that I call home.

Following my completion of high school, and with no previous travel experience, I took a long awaited trip overseas. I returned for the fall semester to try my hand at university. By the winter semester, I decided it was wise to take some time off before I tried again. After months of floating, I decided to give university another shot. My desire to deconstruct capitalism and dissect the state system brought me to two disciplines that had been shaped by these very social/systemic constructions: geography and anthropology. It was here, and over many cups of coffee with professors and fellow students, that I found critical social theories and, more specifically, colonial studies. Delving further into the histories of Canada, it became impossible for me to look at my surroundings without a critical gaze. Even the language that I spoke became a site of contention. My attempts to speak and write without assuming possession over people or places made for very convoluted, and confusing, discussions. This ongoing existential crisis brought me to the realization that, however much I analyzed and struggled against colonialism and the oppressions that it has caused, I was undeniably part of a colonial process, the same process that had allowed the west coast of Vancouver Island to inextricably be a part of me.

In my early academic training, I often thought of ways that I could contribute to Indigenous initiatives to reject colonialism. These thoughts were quickly intersected by

my own Settler privilege (or location, positionality, situatedness, etc.). I have been lucky enough to meet amazing Indigenous scholars who embody decolonization initiatives in all aspects of their lives. Through conversations with them, it became clear that colonialism had not only affected Indigenous peoples, but it was central to Canadian identity and a Settler mindset. Canada is not only a colonial creation, Indigenous-Settler relations, and Settlers themselves, are subject to colonial processes and underlying philosophies.

The beginning of my graduate program coincided with the implementation of the Maa-nulth Treaty. When my thesis supervisor asked if I wanted to work with her in partnership with Huu-ay-aht First Nations to engage Huu-ay-aht youth about their visions for a post-Treaty era, I was more than eager to be involved. Not only was I able to work with an amazing group of youth, but the Treaty was to be implemented at the beginning of my degree. This provided an ideal platform to investigate Indigenous-Settler relations in British Columbia.

## **1.2 THE PROBLEM: CANADA AND THE CULTURE OF COLONIALISM**

Colonization: “The implanting of settlements on distant territory”  
(Said, 1994: 9)

Indigenous peoples’ territories make up the land base for Canada. Despite Canada’s sovereign claim, many Indigenous peoples have not ceded their lands or been compensated for this territorial acquisition. The maintenance of the nation-state of Canada is fundamental to Canadian “Settler” identity. After centuries of relations that involved Settlers colonizing Indigenous territories, an adjoining colonial mentality<sup>1</sup> has been internalized into Canadian-Settler identities and contemporary Settler society (Alfred, 2005; Barker, 2006; Regan, 2010). Ruminants of this mindset serve to excuse

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<sup>1</sup> ‘Colonial mentality’ includes aspects of Settler identity (Barker, 2006), imagined community (Anderson, 1991) and state sovereignty (Alfred, 2005). It is enacted through Settlers’ continued, and often unquestioned, assertion of inheritance over Indigenous territories and position in relation to Indigenous peoples (Anderson & Robertson, 2011). ‘Colonial mentality’ is used in this thesis to describe relational aspects involved in dynamic, socially constructed Indigenous-Settler relations in Canada, much in the same way Barker (2006) develops the concept. The use of this term is not intended to create a static or a homogenizing view of these relations, but intended to recognize the dynamic processes involved in these social constructions.



the historical and continued oppression of Indigenous peoples. The problem with this mentality is that it is not isolated to history, but remains operative between Indigenous and Settler populations today.

This thesis takes, as its point of departure, the implementation of a modern Treaty to critically analyze current Indigenous-Settler relations. The intent of this investigation is to explore the inherent role colonialism<sup>2</sup> plays in contemporary Canadian society. Below I outline the specific theoretical thread and means of reproducing colonial relations that weaves throughout the thesis, operating on a multiplicity of structural and relational levels.

### **1.2.1 Colonialism and the Canadian State: Policy and Practice**

Colonialism is a process that has resulted in the displacement and suppression of innumerable populations (Asad, 1973; Green, 1995; Memmi, 1965). Diverse social, legal, physical, and even genocidal measures, have served as means to reach the colonial agenda's ends: assertion of sovereignty over a territory and its people (Alfred, 2005). Colonialism loosely concerns "the displacement of people from their land and its repossession by others" (Harris, 2002: xxiv). Resulting when colonizers occupy a land base despite Indigenous presence, Settler colonialism involves establishing ownership over, and continued acquisition of, territories whereby occupation is necessary for subsistence, capital gain and assertion of Settler nationalism (Wolfe, 2010). Framed simply, Settler colonialism is a structure rather than an event since, "Settler colonizers come to stay" (Wolfe, 2010: 388). A distinctive mentality prevails within contemporary colonial Settler societies since continued occupation is largely attributed to the need for the exploitation of resources through the ongoing assertion of sovereignty (Alfred, 2005; Saul, 2008; Barker, 2006). Concepts of place<sup>3</sup>, embedded within dominant neoliberal and

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<sup>2</sup> Within Indigenous and Settler colonial relations in Canada, racism and colonialism are inextricably linked (Denis, 2012; Henry & Tator, 2006; Rice & Snyder, 2008; Czyzewski, 2011). It can therefore be assumed that racism is a part of colonialism (Lawrence & Dua, 2005; Smith, 2010). Racism is a thread that runs throughout this study and is inherent within discussions of Indigenous-settler relations. To adequately address the complexities of racism and colonialism would be beyond the scope of this thesis.

<sup>3</sup> 'Place' is defined here as the interface through which space (a complex social construction rooted in social values and meanings) (Lefebvre, 1991), interacts with power (a complex set of social relations serving to create a social hierarchy that either contests or complements social positioning) (Foucault, 1978). How this

capitalistic ideologies, intersect to solidify social constructions of Settler superiority when posited in relation to their Indigenous counterparts (Coulthard, 2007; Smith, 2010). Perpetuations of Settlers' patriarchal values are reinforced in structural and relational terms to assert sovereignty over Indigenous territories and authority over Indigenous peoples (Smith, 2010; Simpson, 2008; Simpson, 2004). The Settler population's assertion of power-over relations results in various forms of oppression that subordinate Indigenous societies and cultures, often widening gaps of social inequity on a multiplicity of realms, including for example, gendered (Anderson & Lawrence 2003; Smith, 2010), sexually oriented (Distill et al., 2011; Morgensen, 2011), racial (Lawrence & Dua, 2005) and classist (Satzewich & Wotherspoon, 1993).

Within all of these social realms, a Settler mentality reinforces an ethnocentric epistemology that defines 'truth' and 'common sense' (Deloria Jr., 1997). Alternatives to this 'truth' and 'common sense' are relegated as inferior, with those holding different epistemologies seen as socially and culturally, and therefore materially, lacking in comparison (Simpson, 2008; Harding, 2006; Deloria Jr., 1997). Canada not only demonstrates a mentality rooted in colonial relations, but also depends upon this ideology to perpetuate state sovereignty (Saul, 2008; Anderson & Robertson, 2011; Lawrence & Dua, 2005; Smith, 2010). Adjoining this state structure is a Settler nationalist identity. Within this colonial context, Canadian citizenship is dependent upon the internalization of the complex and interrelated identities of the colonizer and the colonized (Barker 2006)<sup>4</sup>. Relationships between colonizer and colonized have historically and socially been constructed to justify oppressions (Fanon, 1963).

Following the establishment of the Dominion of Canada in 1867, a series of governmentally enforced policies were undertaken in an attempt to assimilate Indigenous

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interaction is interpreted is largely dependent upon the subjective, social and political positioning of the interpreter (Creswell, 2004). Within critical social theories, multiple analyses of place serve to highlight social and historical power imbalances (Creswell, 2004). Within a colonial context, place can be used to examine embodiments of power as communicated upon physical and socio-political landscapes (Soja, 1996).

<sup>4</sup> For more on the internalization of colonialism in defining the identities of the colonizer and colonized see: Memmi, 1965; Fanon, 1963. For a discussion of these identities within a Canadian specific context, and a more indepth discussion of the Canadian colonial mentality, see Barker, 2006.

peoples - the original inhabitants of the land - into the dominant Settler population (Miller, 2000). These endeavours are continuing in the 21<sup>st</sup> century. The Canadian Liberal government's 1969 *Statement of the Government of Canada on Indian Policy*, or the *White Paper* (Aboriginal Affairs and Northern Development Canada [AANDC], 2010a), is an example of one of these assimilatory policies. The *White Paper* caused a public outcry with many Indigenous peoples<sup>2</sup> and Settlers alike outraged by the assimilation proposed in the policy, demanding political recognition of distinctive Indigenous rights (Cardinal, 1999; Cairns, 2000). This argument contributed to Canada's acknowledgment and reaffirmation of the exclusive rights of Indigenous peoples in 1982 through the insertion of Section 35 into the Constitution. Stating "the existing [A]boriginal and [T]reaty rights of the [A]boriginal peoples of Canada are hereby recognized and affirmed" (35:1), 'Aboriginal' was legally defined as "Indian, Inuit and Métis peoples of Canada" (35:2)<sup>5</sup>. Elaborating upon section one, the third and fourth articles state: "for greater certainty, in subsection (1): (3) '[T]reaty rights' includes rights that now exist by way of land claims agreements or may be so acquired; and (4) notwithstanding any other provision of this Act, the [A]boriginal and [T]reaty rights referred to in subsection (1) are guaranteed equally to male and female persons" (Department of Justice Canada, 2012). Despite this formal and legally binding recognition, Canada continues to violate the inherent rights of Indigenous peoples (Mainville, 2001; Miller, 2000; Alfred, 2009; Asch, 1997; Simpson, 2004; Green, 1995). At the state level this translates into a failure to uphold fiduciary treaty and Indigenous rights (Roth, 2002; Henderson, 2002), state definition and allocation of Indigenous identity (Alfred, 2005) and procedures for land title determination, such as the land *claims* process, that force Indigenous people to operate within a Eurocentric legal framework (Coulthard, 2007; Lawrence & Dua, 2005). A socially constructed and

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<sup>5</sup> The term 'Indigenous' will be used throughout in lieu of the Canadian state's allocated term 'Aboriginal'. 'Aboriginal' is used to encompass heterogeneously distinctive First Nations, Métis and Inuit cultures. In 1982, the Canadian government designated this catch-all term. Its application homogeneously reduced these populations while binding them within the state. This confinement subsequently perpetuates a state mentality, ultimately erasing the recognition of alternative bodies of Indigenous governance (Alfred, 2005). The state's authoritative position of defining identity is a tool of colonialism enforced to reaffirm state sovereignty and superiority (Alfred, 2005) and asserts a definitive oppression against 'other' identities (Anderson & Robertson, 2011). Colonialism is not experienced solely by Indigenous peoples living in Canada. The term 'Indigenous' is further intended to recognize global processes of colonialism.

relationally maintained colonial mentality acts to reinforce legal structures that, in turn, support state authority (Taylor, 1989; Smith, 2010; Lawrence & Dua, 2005).

### **1.2.2 Colonial Identities and Relational Dynamics**

Identities are based upon shared concepts of difference and belonging (Saul, 2008; Wolfe, 2010; Taylor, 1994). With populations expanding and political boundaries being defined as fixed, the nation-state has become a confining canvas that binds identities into imagined communities (Anderson, 1991). As a Settler colonial state, Canadian identity is rooted within a nationalistic assertion of sovereignty (Saul, 2008; Paine, 1999). Concepts of Indigeneity simultaneously serve to challenge and solidify Settlers' identities (Wolfe, 2010). Indigenous nations existed prior to the establishment of the Canadian nation-state. When the state was established, Indigenous nations were subjected to the liberal structures that govern contemporary geopolitical realms (Paine, 1999; Paine, 2000). The *sui generis* rights and title of Indigenous people run contrary to these legal structures. Recognizing that Indigenous peoples were the original inhabitants of Canada prior to the imposition of colonial law, this legal designation indicates that Indigenous rights and title are distinct from Common Law notions of land ownership and state citizenship (Henderson, 2002; Borrows, 1996)<sup>6</sup>. It is intended to acknowledge Indigenous peoples as the original inhabitants of the sovereign Canadian state (Henderson, 2002). Recognition of *sui generis* rights, however, contradicts the very liberal philosophies of human rights and equality that premise the Canadian identity (Saul, 2008; Paine, 1999; Paine, 2000). Paradoxically, Wolfe states, to erase Indigeneity:

...conflicts with the assertion of Settler nationalism. On the one hand, Settler society required the practical elimination of [Indigenous peoples] in order to establish itself on their territory. On the symbolic level, however, Settler society subsequently sought to recuperate Indigeneity in order to express its difference—and, accordingly, its independence—from the mother country (2010: 389).

Despite complex assertions of Settler identity, Indigeneity and nationalism, First Nations, Métis and Inuit peoples remain subjected to Settler mentalities that subordinate Indigenous claims to territories (Alfred, 2005; Paine, 1999; Simpson, 2008; Lawrence &

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<sup>6</sup> See Henderson, 2002; Borrows, 1996; Borrows & Rotman, 1997; Coyle, 2009; Kennedy, 2009 for more on the *sui generis* nature of Indigenous rights and title.

Dua, 2005). Indigenous-Settler relations and subsequent socio-political structures are often contradictory (Dyck, 1991; Roth, 2002; Cairns, 2000).

Contributing to this complexity is the Settler population's often ill-informed and stereotypically reliant perception of Indigenous peoples (Warry, 2007; Godlewska et al., 2010). Statically centered upon socio-political and economic stereotypes, these constructions are antithetical to policies of equality proposed within liberal rights rhetoric (Paine, 1999; Saul, 2008). Prejudice and racist perceptions are created, leading to often negative Indigenous-Settler relations (Warry, 2007; Godlewska et al., 2010). The operation of Indigenous rights and title within specialized and highly complex political and legal arenas combine to multiply Settler ignorance (Warry, 2007). This can translate into Settlers and the state continuing to assert a colonial relationship over Indigenous peoples (Anderson & Robertson, 2011). These stereotypes are shaped largely by a Settler colonial amnesia that neglects historical oppressions and denies Settlers' roles in contributing to current Indigenous realities (Neizen, 2003; Turner, 2006; Godlewska et al., 2010; Warry, 2007). The colonial structure for which this denial exists remains intact and is unquestioned by much of the Settler population (Paine, 1999; Coulthard, 2007; Cairns, 2000; Warry, 2007). A kind of colonial amnesia is constructed by a genealogy<sup>7</sup> that defines a single history and perpetuates a contemporary socially constructed 'reality' (Foucault, 1978). Construed through Eurocentric interpretations of history, the resulting ignorance is neither neutral nor accidental, but culturally prescriptive and a means of maintaining societal privilege, power and domination (Sullivan & Tuana, 2007). Within the Canadian context, this translates into Settlers continuing to assert that they are the legitimate inheritors of Indigenous territories, with the social location of Settlers in relation to Indigenous peoples being paired with the same regard (Anderson & Robertson, 2011; Smith, 2010).

### **1.3 ADDRESSING THE PROBLEM: RESEARCH GOAL AND OBJECTIVES**

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<sup>7</sup> Genealogy' is a Foucauldian term used to encompass contemporary social constructions and locations of power. Foucault states that populations in power often neglect distinctive histories in the creation of contemporary social and state structures (Foucault, 1978).

The values of a society serve to shape the systems and structures that society creates (Taylor, 1989). Therefore, when social hierarchies are operative within a society, one must investigate the social relations that act as reinforcement in order to comprehend and address associated power inequities (Taylor, 1989; Smith, 2010). These relational reinforcements have been referred to here as a colonial mentality. The overarching goal of this thesis is to explore Indigenous and Canadian-Settler relations within a modern treaty context. This goal is premised upon the notion that a colonial mentality underpins the social fabric that houses, and is maintained by, these relations (Alfred, 2005; Alfred 2009; Simpson, 2008; Saul, 2008; Green, 1995)(see Section 1.4.3 for a discussion on this conceptual framework). An exploration of Indigenous-Settler relations, which is the case here as the overarching research goal, inherently implies an investigation of this mentality.

With this research goal in mind, three interrelated objectives guide this study:

**Objective One:** To explore a group of Indigenous youths' visions for the future of their community in a post-treaty environment (Chapter Two).

**Objective Two:** To seek to reveal how mainstream media frames Indigenous-Settler relations in coverage of a modern treaty (Chapter Three).

**Objective Three:** To shed light on local (predominantly white-Settler) perspectives of the Maa-nulth Treaty (Chapter Four).

Three distinct qualitative methods were employed to address these objectives. To address Objective One, eight Huu-ay-aht youth made digital stories to communicate their visions for their territory post-treaty. Part of a larger community-based Indigenous-academic research partnership, these stories are discussed in relation to broader legal and cultural constructs and allowed for an introduction of the often-conflicting ontology that operates between Indigenous and Settler populations. To address Objective Two, a critical discourse analysis was employed on 65 articles released from two mainstream media sources during the negotiation of a modern treaty. These results demonstrate how Indigenous-Settler relations were framed and communicated to the dominant population. To address Objective Three, 85 face-to-face, structured surveys were conducted during

the week that a modern treaty was implemented in the urban centre neighbouring the treaty territories. Designed as an exploratory study, the findings from this objective provide direction for further studies to comprehend, specifically, localized Indigenous-Settler relations and, generally, the creation of a colonial mentality. Each chapter focuses on a specific, albeit interrelated, objective and operates on a specific scale (see sections 1.5.4 and 1.5.5 for more on the structure and scope of this thesis). Chapter Five ties these objectives together, while providing concluding comments to address the overarching research goal.

## **1.4 CONTEXT**

The following section explores how imperial powers created relations with Indigenous inhabitants through legislative and colonial philosophies (Miller, 2000). Since Indigenous-Settler relationships have been formed heterogeneously, this section will focus upon the land base now identified as British Columbia (BC). A discussion of ‘the Indian Land Question’ pertinent to BC will be provided. The discussion will then centre upon Nuu-chah-nulth First Nations, more specifically Maa-nulth Nations, and Indigenous-Settler relations within the Maa-nulth Treaty region. As this study is part of a larger community-based participatory research project with Huu-ay-aht First Nations (discussed in Section 1.4.1), an overview of Huu-ay-aht governance and culture will conclude section 1.4.

### **1.4.1 Canada’s Colonial Legacy**

The imperial expansion of European nation-states throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries defined the state-centric political systems of today (Anderson, 1991). Imperial governments laid claim to territories through measures of physical and legal force. Displacement of Indigenous peoples through processes of colonization became an imperial byproduct (Said, 1994). Within the Canadian context, exploitation of resources such as furs and timber fuelled an influx of colonial exploration. Indigenous oral histories and scholars have suggested that prior to the 19<sup>th</sup> century relations between First Nations and colonial (predominantly French and British) explorers were amicable and reciprocal (Wicken, 2002; Miller, 2000; Miller, 2009). Some historians have suggested that French

and Scottish explorers were encouraged to establish harmonious, even conjugal, relations with Indigenous peoples (Saul, 2008; Miller, 2000), resulting in distinctive Métis cultures that continue to thrive today (Saul, 2008). Political agreements between First Nations and imperial governments, such as the Peace and Friendship Treaties signed in the mid 18<sup>th</sup> century involving the British Crown and Mi'kmaq Nations of the Atlantic region, symbolized a mutual respect and were intended to ensure peaceful co-existence<sup>8</sup> (Wicken, 2002; Miller, 2002). This intent of peaceful co-existence remains contested as colonial governments continuously violate treaties (Wicken, 2002; Miller, 2002). Compacts, however, were not established in all regions under colonial control and were not historically established with Inuit or Métis communities (Miller, 2009; Harris, 2002). Recognizing processes leading to the colonization of Indigenous peoples and the subsequent creation of Canada is imperative to address the colonial mentality that underpins contemporary Indigenous-Settler relations.

#### **1.4.1.1 'Kanata'**<sup>9</sup>

The act of place naming attaches cultural meaning and grounds peoples to a distinctive locale (Basso, 1988; Basso, 1996). This attachment is integral for Indigenous peoples whose relationship with the land is inherent within their epistemologies and identities (Simpson, 2004; Simpson, 2008; Basso, 1988). Colonial authorities have renamed Indigenous places as a means of asserting power over space, and subsequently peoples, by assigning their own culturally ascribed names and invisibilizing distinctive Indigenous attachments. Renaming affirms colonizer power and sovereignty by maintaining (re)defined power over place (Coté, 2010; Bracken, 1997). Avowing power over place can be subtler than outright erasure and redefinition. Extracting words from language, and thus their cultural context (Foucault, 1984; Heidegger, 1971), is another tool for asserting power (Saul, 2008). The name 'Canada' is an example of this assertion. During a meeting between French explorers and Haudenosaunee parties in the 16<sup>th</sup> century, the Iroquoian term for village – Kanata – was exchanged when referring to a Haudenosaunee

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<sup>8</sup> Despite the 'intent' of the Peace and Friendship treaties, colonial governments and their officials often contradicted such contracts. The Mi'kmaq scalp bounty ordered by General Cornwallis of the British army in 1749 serves as an example of this contradiction.

<sup>9</sup> The term 'Kanata' is used here in place of 'Canada' to acknowledge colonialism's role in establishing the nation-state.



village. This term was interpreted by French explorers as ‘Nation’ and later used to define the colony that would become the nation state of Canada (Rayburn, 2001). Extracting ‘Kanata’ from its cultural context and using it to reflect a colonial-state entity misappropriated the language and intent of the Haudenosaunee term. The use and global recognition of the term in this manner would not have been possible without colonial bodies asserting authority over Indigenous territories (Bracken, 1997).

Within Canada, processes of colonization went beyond the re-naming of places. By establishing political agreements, imperial governments and First Nations lay various terms to ensure peaceful and autonomous co-existence (Miller, 2000). During the 19<sup>th</sup> and 20<sup>th</sup> century, however, a more authoritarian approach was taken by the colony of Britain, its subsidiary representatives and, post 1867, the Dominion of Canada. The English Common Law concept of *terra nullius*, or empty land, was used to legitimize this shift in relations. By labeling a territory ‘empty’, or free of inhabitants upon ‘discovery’, Common Law declared that these territories could be taken as sovereign possession for the British Crown (Asch, 2002). Unilinear evolution philosophies delineated that Indigenous peoples occupied a level of social organization too low to classify them as human (Pinkoski, 2008; Asch, 2002). Lockean theory, prominent in the Victorian era, asserted European ‘civilization’ as the pinnacle on the monolithic scale of social hierarchy, one based upon centralized political structuring, sedentary lifestyles of proprietorship and agrarian development (Locke, 1994). Indigenous peoples were viewed as inferior to European colonizers due to their nomadic lifestyles, by not practicing intensive agricultural cultivation or establishing individual land ownership (Bracken, 1997; Harris, 2002; Murphy, 2009). The possession of Indigenous territories was thus considered a natural social succession because of the era’s dominant philosophy that defined a singular path of evolution. Due to this naturalization of unilinear social ‘evolution’, colonizers viewed their incentives for enfranchisement<sup>10</sup>, imposition of a hierarchical state-based governance system<sup>11</sup> and establishment of reserves, as a way of

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<sup>10</sup> In the late 19th and early 20th century, First Nations and Métis people were offered plots of land for private ownership if they agreed to surrender their ‘Indian status’ (Miller, 2000).

<sup>11</sup> First Nations have their own distinctive - Nation specific - governance systems that are usually based on hereditary lineage. The Indian Act, however, imposed an elected style of singular representation. Colonial

helping Indigenous inhabitants by fast tracking their social systems to mirror that of colonial, civilized, state-centered and capital-based society (Bracken, 1997; Asch, 2002; Pinkoski, 2008; Murphy, 2009).

#### **1.4.1.2 Indigenous-Settler Relations**

In the 17<sup>th</sup> and 18<sup>th</sup> centuries, the Colony of Canada was established to secure access to natural resources valuable for trade in European markets (Miller, 2000). Settlers relied upon Indigenous peoples to guide them through unfamiliar environments. With imperial governments establishing trading posts and later colonies on Indigenous territories, colonizers no longer required Indigenous guides (Miller, 2000). Despite initial interactions being cordial (Miller, 2000), these dynamics shifted in the 19<sup>th</sup> century to mirror a non-relational interaction: interactions that were no longer based on reciprocity, but involved Indigenous peoples seeking to trade with colonizers having to travel to trading posts and colonizers no longer relying upon Indigenous guides.

Increasing Settler migrants continued to arrive and establish colonies within Canada. Immigrants brought diseases detrimental to Indigenous populations (Duff, 1969; Waldram et al., 2006). Changing demographics, caused by newly arriving Settlers and decreasing Indigenous populations due to fatal diseases, contributed to shifting relations. Balance of power began to change as Settlers became better conditioned to local environments. During the 19<sup>th</sup> century, a series of coercive measures were employed by the Canadian government in an attempt to civilize and assimilate Indigenous peoples<sup>12</sup>. Compelling measures to become more like Settlers included enfranchisement and allocation of land (Miller, 2000)<sup>13</sup>. Offers of privately owned land were generally refused since they ran contrary to Indigenous cultures, lifestyles and values. First Nations resisted colonial coercion and many refused to relinquish title over their territories. The colonial government saw this stubborn resistance to conform to colonial lifestyles (sedentarily and monetarily based) as a major impediment to asserting sovereignty. Following

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governments did not recognize hereditary systems that often involved multiple leaders (or chiefs) (Miller, 2000).

<sup>12</sup> The term 'civilize' is used here to reflect the mentality prevalent during this era.

<sup>13</sup> Accepting these conditions would result in a loss of 'Indian status'.

Confederation in 1867, the Canadian government sought to ensure Settlers could populate the newly established nation-state. Thus, to manage the ‘primitive’ and ‘progress impeding’ original inhabitants, the government’s answer to Indigenous peoples was to colonize, Christianize, civilize and control (Cardinal, 2007).

### 1.4.1.3 Historic Treaties

The British Royal Proclamation of 1763 affirmed any lands “not...ceded to or purchased by Us as aforesaid, are reserved to the said Indians” (Miller, 2000: 88). Successive waves of migrant Settlers, however, necessitated the acquisition of additional territories. The Crown, and later the post-Confederated Government of Canada, would negotiate treaties with Indigenous nations to legally acquire land for settlement. Referred to as the historic treaties (see Figure 1.1) (Wicken, 2002; Miller, 2000), each treaty was negotiated distinctly and grants conditions specific to the nature of party relations (Miller, 2000; Miller, 2009).

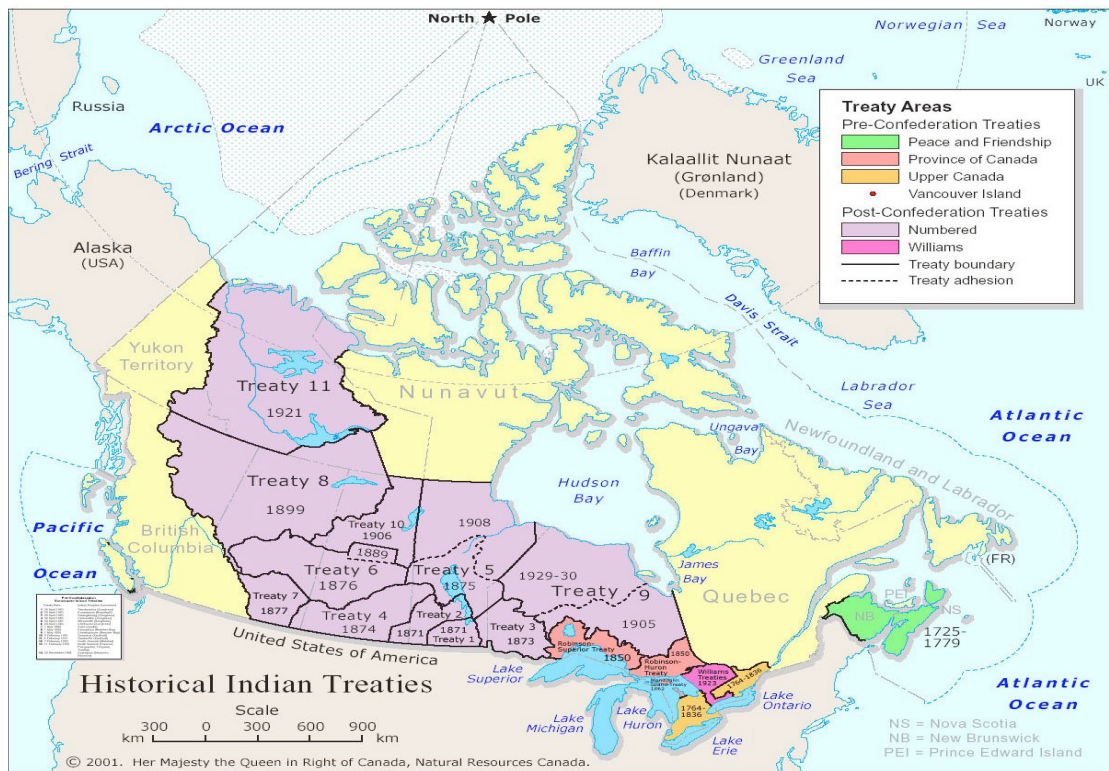


FIGURE 1.1: Map of Historic Treaties in Canada (Natural Resources Canada, 2007a)

Over time, negotiations between Indigenous and colonial bodies mirrored a non-relational dynamic with colonial representatives occupying a paternalistic, authoritative role as they sought to gain sovereign proprietorship over Indigenous territories (Miller, 2000). Despite the Royal Proclamation stating that all lands must be ceded for Indigenous territories to be acquired (Asch, 2002; Murphy, 2009), an ideological drive that naturalized Settler acquisition of First Nations territories resulted in many Indigenous inhabitants finding themselves neither compensated nor consulted prior to dispossession (Asch, 2002; Murphy, 2009; Anderson & Robertson, 2011). Colonial displacement of Indigenous inhabitants without extinguishing title led to the ‘Indian Land Question’, a question that persists today, especially within the Province of BC (Harris, 1997).

#### **1.4.1.4 The Indian Land Question: Modern Treaties and British Columbia**

BC is a distinct socio-political entity insofar as, with the exception of Treaty Eight compensating some northeastern Dene territories and the 14 Douglas Purchase Treaties covering a portion of Coast Salish territories on Vancouver Island (McKee, 2009; Miller, 2009), historical treaties were absent. Despite this, for over a century First Nations in BC have been subjected to political philosophies and policies seeking to answer ‘the Indian Land Question’. From the allocation of reserves in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, proposed abolishment of reserve lands in the 1960s and, more recently, defining Indigenous title and beginning negotiations of comprehensive land claims (Harris, 1997), policies have been largely concerned with how governments can effectively manage Indigenous peoples on and off of their territories (Alfred, 2005). The establishment of reserves remains the prominent answer to this ‘question’. With the majority of BC never being ceded or surrendered, however, the land question remains legally unanswered (Miller, 2009; Harris, 2002).

A series of instrumental court rulings<sup>14</sup> have laid the grounds for negotiation, and with this, many First Nations have decided to enter into treaty negotiations with provincial and

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<sup>14</sup> The *Delgamuukw vs. BC* ruling of 1997 is worth specific mention here. This case resulted in the Supreme Court of Canada providing a three-tiered criteria for First Nations to ‘prove’ Indigenous title

federal governments (Figure 1.2 provides an overview of comprehensive land claims beginning in 1986 in various stages of negotiation until 2004. Historic treated lands are also shown).

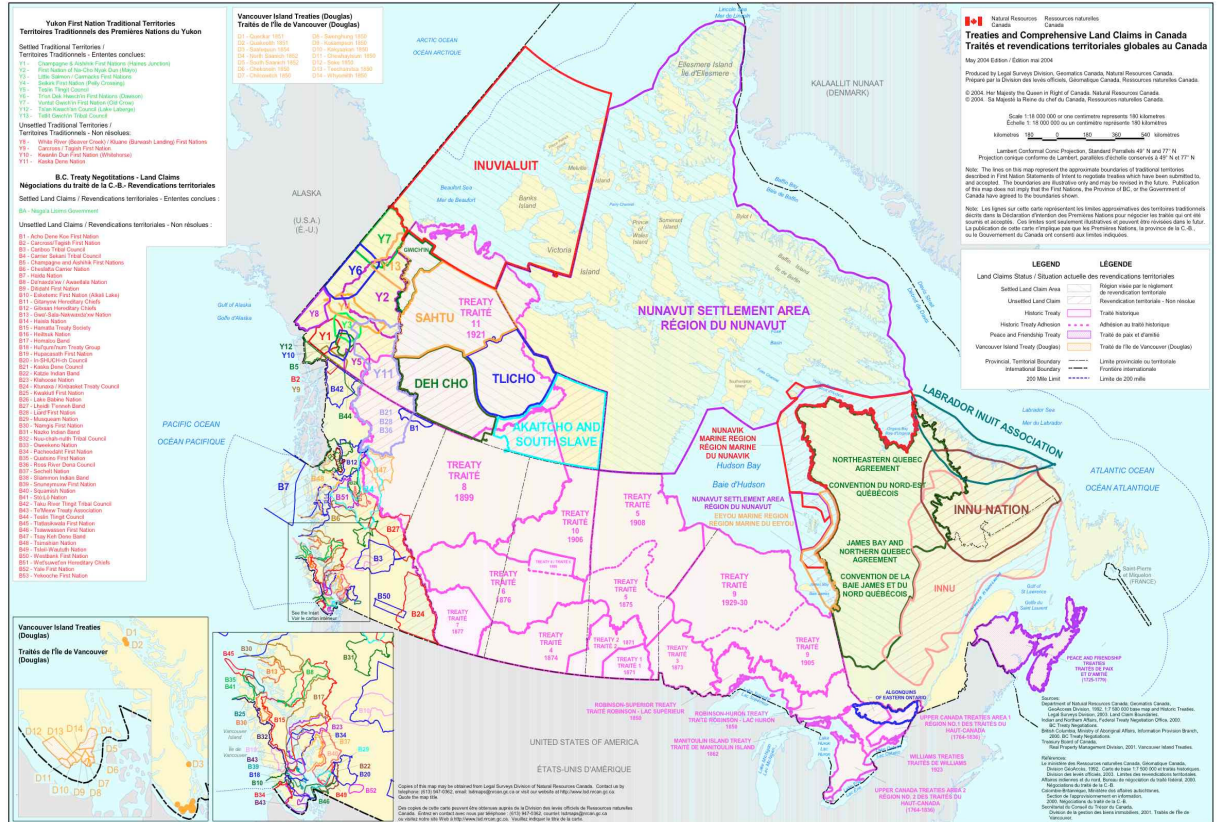


FIGURE 1.2: Map of comprehensive land claims and treated lands in Canada (Natural Resources Canada, 2007b)

Modern treaties are intended to provided certainty of Indigenous rights and title, while encouraging reconciliation between First Nations, federal and provincial governments (Miller, 2009; Maa-nulth, 2008; Woolford, 2005). First Nations’ motivations to enter into treaty negotiations differ. Whether it be for the establishment of a representative legal and land system (Nunavut) or for addressing colonial injustices and recognizing

(legally referred to as ‘Aboriginal title’): 1) the land must have been occupied prior to sovereignty [of the Canadian state]; 2) if present occupation is relied on as proof of occupation pre-sovereignty, there must be a continuity between present and pre-sovereignty occupation; and 3) at sovereignty, that occupation must have been exclusive (Delgamuukw v. BC, 1997). Following this ruling, the imperative for addressing the ‘Indian Land Question’ became more visible within media and dominant society, thus spreading beyond the legal realm to public spheres (Culhane, 1998).

Indigenous territorial possession (Nisga'a) (Miller, 2009), modern treaties are incredibly complex and need to be tailored to the peoples involved and associated territories (McKee, 2009; Woolford, 2005). When viewed in addition to the *sui generis* rights of Indigenous peoples, and the multiple levels of Settler state governance involved, negotiations are neither straightforward nor fast moving. Three modern treaties have been implemented within British Columbia to date: the Nisga'a Treaty; the Tsawwassen Treaty; and the Maa-nulth Treaty (BCTC, 2012; McKee, 2009; Miller, 2009). Each is briefly discussed below.

The Nisga'a modern treaty has a long history. In 1887, a Nisga'a delegation party traveled from the Nass Valley in Northern BC to Victoria intent on asking for a treaty (McKee, 2009; Miller, 2009). Their request was not only denied, but an amendment to The Indian Act (1876) in 1927 that prevented Indigenous peoples from hiring legal aid in pursuing territorial issues (Miller, 2009) resulted in claims to Indigenous title being nearly impossible to legally address. The Indian Land Question was not solved; it was shelved. The Nisga'a would not receive their treaty until 1997. A vague definition of how to determine Indigenous title was largely at fault for this delay<sup>15</sup>. Between 1887-1997, measures for defining Indigenous title in BC continuously evolved: from outright denial, to legal recognition and now affirmation. With this evolution, solidifying Indigenous territorial possession became a legal reality in the realm of English Common Law. The Nisga'a Treaty was the first modern treaty to be implemented in BC. In 1992, following a meeting of BC First Nations, the Prime Minister, and later, the Minister and Cabinet of BC, the BC First Nations Summit (FNS) was established. Comprised of the majority of First Nations Tribal Councils in BC, the FNS is a political organization whose primary role is to aid First Nations with treaty negotiations (First Nations Summit, nd). Shortly after, the FNS, the federal government and the provincial government established a six-

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<sup>15</sup> In 1982, Section 35 of the Constitution was included to recognize and affirm Indigenous rights and title. *Sparrow* (Musqueam - 1990) and *van der Peet* (1990) were rulings important in influencing legal definitions of Indigenous rights adding to the legal premises for treaty negotiations (McNeil, 1997; McNeil, 2001). *Calder vs. BC* (Nisga'a - 1997) contributed to the Constitutional entrenchment of Indigenous title. Dismissed by the Supreme Court due to a technicality, the case did result in acknowledging that Indigenous title was more than a usufructory or personal right. It was determined as a legal right enforceable by law (Asch, 1997). This ruling would stand to define title until its definition was expanded in *Delgamuukw vs. BC* (Culhane, 1998; Asch, 2007).

stage framework to aid in future treaty negotiations. In 1993, the British Columbia Treaty Commission (BCTC) was appointed as an independent, tri-partite body to mediate negotiations, provide funding, and inform and educate the public (McKee, 2009; BCTC, 2012)<sup>16</sup>. The six-stage process of negotiation is designed to guide treaty talks while allowing room for each table to tailor negotiations, including public and community engagement (see Table 1.1: BCTC six-stage negotiation process).

TABLE 1.1: BCTC Six Stage Treaty Negotiation Process (adapted from BCTC, 2012; McKee, 2009)

Stage Number	Stage	Action Item	Signaled Completion
One	Statement of Intent (SOI)	First Nations signal intent to negotiate	BCTC, provincial and federal governments acknowledge SOI
Two	Readiness to Negotiate	All parties agree to negotiate	Once all parties indicate readiness to enter negotiations
Three	Negotiation of a Framework Agreement	Parties determine an outlined agreement	Parties reach a consensus on outline
Four	Agreement in Principle (AIP)	Public consultations and First Nations vote on AIP	AIP is voted in favour and all parties agree
Five	Negotiation to Finalize Treaty	Final negotiations	All parties agree on Treaty conditions and sign off
Six	Implementation	Treaty is implemented	Implementation

Although nearly 60 First Nations have entered treaty negotiations (BCTC, 2012), as of this date (October 2012) only two treaties have reached Stage Six of negotiations: the Tsawwassen Treaty and the Maa-nulth Treaty. The first comprehensive land claim to be established under the BCTC process was the Tsawwassen Treaty. Their Statement of Intent (SOI) was submitted in December 1993, and implemented in April 2009 (BCTC, 2012). In April of 2011, the Maa-nulth Treaty was implemented marking the second treaty to be enacted under the BCTC process and the first to include more than one First Nation. It is the focus of this study. In the next section, I provide a brief history of Nuu-chah-nulth territories, governance and culture in order to describe the historical context behind the journey to the Maa-nulth Treaty.

<sup>16</sup> The Nisga'a Treaty was not negotiated through the six-stage BCTC process.

## **1.4.2 The Unceded Territories of Nuuchahnulth First Nations: The Port Alberni Region**

Nuuchahnulth territories have never been ceded or surrendered. Settlers have populated their unceded territories, located on the west coast of Vancouver Island, since the end of the 19<sup>th</sup> century. Rich in forestry and marine resources, concepts of *terra nullius* were employed to enable resource extraction by the Settler population resulting in the displacement of local Nuuchahnulth Nations (Asch, 2002). This history has created the contemporary socio-political climate that informed negotiations of the Maa-nulth Treaty.

### **1.4.2.1 Nuuchahnulth Territories, Governance, Culture and *Hishuk Tsawalk***

Nuuchahnulth oral history recalls that since time immemorial Nuuchahnulth peoples have resided on the west coast of what is now known as Vancouver Island (Atleo, 2004; Maa-nulth Nations, 2008)<sup>17</sup>. Spanning approximately 300 kms - from Brooks Peninsula in the north, to Point-no-Point in the south and running along the Beaufort Mountain Range - their traditional territories lie next to the Pacific Ocean (Nuuchahnulth, 2011b; Arima, 1983; Drucker, 1963). Heavily influenced by this coastal environment, Nuuchahnulth people congregated in villages located in sheltered bays, inlets or behind islands. They migrated seasonally to large winter camps located moderately inland and to smaller summer camps located on more open coastline (Mitchell, 1983; Arima, 1983; Drucker, 1963; McMillan, 1999).

Existence was influenced by subsistence, with groups often forming naturally within close proximity to salmon streams since salmon was, and remains, a staple cultural, spiritual and physical resource (Arima, 1983). Relying upon hunting and gathering as a means of existence, the majority of foodstuffs came from fishing for salmon, herring, cod and halibut and harvesting clams, cockles, mussels, oysters, barnacles and sea urchins (Arima, 1983; Sapir & Swadesh, 1955). Larger game, such as sea lions, harbour seals, porpoises and whales, were also hunted (Duff, 1969; Arima, 1983). Nuuchahnulth peoples are skilled fishers whose techniques have been tailored to the local habitat.

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<sup>17</sup> Scholarly debates continue regarding the dates for which archaeological and ethnographic records demonstrate Nuuchahnulth occupation of these territories. Date range varies from a few thousand years (Duff, 1969) to upwards of 70,000 years (McMillan, 1999).



Coupled with the ample resources available in the ocean, terrestrial animals, such as black bear, deer and elk, and smaller animals, such as mink, raccoon and marten, were hunted sparingly (Arima, 1983). Berries, such as salalberries and salmonberries, roots from skunk cabbages and rhizomes, camas bulbs, fiddleheads, inner hemlock bark and tubers, were but a few of the foods gathered for consumption during, predominantly, the spring and the summer seasons (Happynook, 2007; Arima, 1983; Drucker, 1963). Red and yellow cedars were used for various cultural necessities: clothing, baskets, shelter, canoe building, and tools for hunting and fishing. Whaling provided subsistence, maintained social cohesion and individual relations and was intrinsically spiritual and cultural (Drucker, 1963). In fact all of the practices of hunting, gathering and existing, here referred to as ‘subsistence’ involving ‘resources’, constituted a relationship between Nuu-chah-nulth peoples and their surroundings (Atleo, 2004; Castleden, 2007; Simms, 2004). This reciprocal existence forms the basis of the Nuu-chah-nulth worldview *heshook-ish tsawalk*, ‘everything is one’ (Atleo, 2004; Castleden et al., 2009).

Based upon a respect for all things, *heshook-ish tsawalk* is foundationally devoid of a human-nature divide (Atleo, 2004). As stated by Nuu-chah-nulth scholar Umeek (Richard Atleo), it is “inclusive of all reality, both physical and metaphysical” (Atleo, 2004: xi). Nuu-chah-nulth lands were not owned, but *Ha'wiih*, or Hereditary Chiefs, acted as stewards. A *Ta'yii Ha'wilh*, or head Hereditary Chief, acted as a figure of influence for numerous families. These families comprised larger groups now referred to as Nations. Each *Ha'wilh* had responsibility over a *hahoothlee*, or chiefly territory (Nuu-chah-nulth, 2011b). Through the provision of the *Ha'wilh*, social cohesion was formed and maintained (Bracken, 1997; Nuu-chah-nulth, 2011b). Historically, Potlatch ceremonies were a common means of publically demonstrating the wealth and generosity of a *Ha'wilh* with goods, such as oolichan oil, canoes and slaves, distributed between and within tribes (Sapir & Swadesh, 1955; Arima, 1983; Bracken, 1997). These ceremonies acted as a means of establishing and upholding intertribal alliances. Although outlawed for decades through the Indian Act (1885-1951), the Potlatch is still practiced today (although goods exchanged, such as slaves, have changed over time to suit the current culturally and socially appropriate needs of those in attendance). Upholding acts of

reciprocity, the Potlatch remains a ceremony and social gathering based on complex social and cultural understandings that upholds the values necessary for lasting relations (Happynook, 2007; Atleo, 2004). This cycle of reciprocity is a guiding principle of *heshook-ish tsawalk*. Nuu-chah-nulth society adheres to complex concepts of social cohesion with internal and external organizations based upon respect and reciprocity<sup>18</sup> (Arima, 1983).

#### **1.4.2.2 European Contact and the Post-Contact Political Climate**

Initial contact between west coast First Nations and European peoples took place in 1592. Juan de Fuca sailed north from Mexico. His ship records indicate that they entered Cape Flattery - yet little was retold about any interaction with Indigenous inhabitants (Arima, 1983). In 1774, the Spanish explorer Juan Jose Perez Hernandez anchored in Nootka Sound<sup>19</sup>. Interactions between Nuu-chah-nulth and Hernandez were brief, however, this initial contact is the first well-documented interaction. Soon after Captain James Cook arrived in 1778 representing the British, which marked the beginning of a lengthy and tumultuous history between colonists and the Nuu-chah-nulth (McMillan, 1999; Bracken, 1997). Initial trade between explorers and Nuu-chah-nulth peoples was based upon European demand for furs, namely sea otter pelts, with metal items, such as pots, guns and blankets, traded in return (Duff, 1969; Arima, 1983). With this contact and exchange of goods, diseases, such as malaria, sexually transmitted infections and small pox, resulted in epidemics that decimated Nuu-chah-nulth populations. Pre-contact estimates suggest that upwards of 30,000 Nuu-chah-nulth lived on the west coast of Vancouver Island (Arima, 1983). Archeological estimates, however, reach 80,000 people (McMillan, 1999). Fourteen distinct nations are now recognized under Indian Act

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<sup>18</sup> Not all relations between Nuu-chah-nulth Nations were amicable. Historically, conflicts over resources and feelings of disrespect often resulted in intertribal warfare between tribes and neighbouring Nations (Hoover, 2000; Donald, 1983).

<sup>19</sup> 'Nootka' was the name assigned to Nuu-chah-nulth peoples by Captain Cook upon his arrival to the west coast in the late 18<sup>th</sup> century. Arriving in Nootka Sound shortly after Perez Hernandez, his vessel was instructed to 'come' or 'circle around' – *nuutkaa*. Interpreted as an introduction rather than an instruction, Cook later referred to the people, and subsequently the Sound, 'Nootka' (Arima, 1983). The term 'Nuu-chah-nulth' is now used for the 14 politically distinct Nations living on the west coast of Vancouver Island following similar cultural traits and the Nuu-chah-nulth language. Meaning 'people all along the mountains and the sea' this term was not adopted widely within academic literature until the mid 1980s. It is the preferred designation based upon a connection to place shared by all Nuu-chah-nulth peoples (Hoover, 2000).

policies and self-defined family conglomerates with their entire population currently hovering at 8,000 people (Nuu-chah-nulth, 2011a).

Following European contact, the introduction of new diseases had an undeniably detrimental impact on the Nuu-chah-nulth population. Legislation and destabilizing policies enacted in the 19<sup>th</sup> and 20<sup>th</sup> century further harmed communities (Duff, 1969). The imposition of a reserve system resulted in Nuu-chah-nulth peoples being dispossessed from their vast traditional territories. In addition, mandatory attendance at day schools, and later residential schools, attempted to abolish Nuu-chah-nulth culture by assimilating Nuu-chah-nulth children into Settler society. The legacy of these policies continues to have negative impacts on various aspects of life for Nuu-chah-nulth people (Castleden, 2007; Bracken, 1997). At no time during contact with Settlers did Nuu-chah-nulth peoples relinquish title or surrender authority of their territories. Regardless, European immigrants settled homesteads on, and exploited the rich resources of, the west coast of Vancouver Island. Resources - mainly marine and forestry - remain the economic drivers in Nuu-chah-nulth territories. Colonial policies and dispossession, however, have limited Nuu-chah-nulth Nations' ability to fulfill their role as stewards of their lands and waters.

#### **1.4.2.3 Nuu-chah-nulth Tribal Council**

Our authority and ownership have never been extinguished, given up, signed away by Treaty or any other means or superseded by any law. We continue to seek a just and honorable settlement of the land and sea question within all of our respective territories (Nuu-chah-nulth Tribal Council, 2011a).

Established as the West Coast Allied Tribes in 1958, and incorporated into a non-profit organization named the West Coast District Society of Indian Chiefs in 1973, the 14 Nuu-chah-nulth Nations have continued to manage themselves in accordance to Nuu-chah-nulth worldviews of self-determining ancestry and self-sufficiency despite the confines of the Indian Act (Nuu-chah-nulth, 2011b)<sup>20</sup>. Within each of the 14 First

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<sup>20</sup> Pacheedaht First Nations, located on the southwestern coast of Vancouver Island on Pacheedaht Bay, share Nuu-chah-nulth culture and language. They are, however unaffiliated with the Nuu-chah-nulth Tribal Council (BCTC, 2012). Ditidaht First Nation, located by Nitinat lake, and Makah Nation, located on Neah

Nations are several chiefly families that were, at one time, autonomous local groups (Nuu-chah-nulth, 2011b). On April 2, 1979, the West Coast District Society of Indian Chiefs became formally recognized as the Nuu-chah-nulth Tribal Council (NTC), the managerial body that remains elected today.

In January 1994, the NTC submitted step one of the treaty negotiation framework – the Statement of Intent - to the BCTC indicating their intent to enter the treaty process. At this time, all 14 nations had unanimously decided to negotiate under the direction of the Nuu-chah-nulth Tribal Council. Declared ready to negotiate in November 1994 (stage two), the Framework Agreement was established March 1996 (stage three)(Nuu-chah-nulth Tribal Council, 2004; BCTC, 2012). Disagreement surrounding the fourth stage of negotiation - the Agreement in Principle - led the NTC to halt negotiations in 2001 (Maa-nulth, 2003). At this point, five of the negotiating Nations: Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation, Ucuelet First Nation, Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations, which became collectively known as the Maa-nulth Nations, decided to move forward with the existing AIP. In May 2001, the NTC passed a resolution allowing Nations to disband from the current treaty table and begin their own negotiations (Maa-nulth, 2003). The NTC submitted a revised SOI in February 2004 (Nuu-chah-nulth Tribal Council, 2004). Currently, the NTC treaty table represents Ahousat, Ehattesah, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht, Tseshah and Tla-o-qui-aht Nations. Their table remains stalled at stage four - the AIP (BCTC, 2012). The focus of this thesis is the Maa-nulth Treaty table.

#### **1.4.2.4 The Maa-nulth Treaty and First Nations**

The five Maa-nulth Nations (Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation, Ucuelet First Nation, Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations) implemented<sup>21</sup> their treaty on April 1, 2011. With it, rights to relative self-determination were reinstated for the five signatory nations in place of the authoritative stronghold

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Bay in the state of Washington, are also culturally related to the Nuu-chah-nulth but recognized as separate political and national bodies (Coté, 2010)

<sup>21</sup> The language used in this study to discuss treaties has been adopted from the British Columbia Treaty Commission’s six-stage process of negotiation. It is also the language used by Huu-ay-aht First Nations, a signatory of the Maa-nulth Treaty and this study’s research partner.

placed over the Maa-nulth Nations by the Indian Act (Maa-nulth, 2008) (see Table 1.2 for the basic conditions of Maa-nulth negotiated rights to govern treated lands under the Indian Act versus governing under treaty status).

TABLE 1.2: Maa-nulth Treaty negotiated governance of land and rights to resources under the Indian Act versus post-Treaty (Maa-nulth, 2008)

	<b>Under the Indian Act</b>	<b>Under Treaty</b>
<b>Land Ownership</b>	Queen owns land	Maa-nulth own land – ‘ fee simple plus’
<b>Land Registration</b>	INAC	Ability to raise title in BC system
<b>Expropriation</b>	Yes	Limited expropriation
<b>Sub Surface Ownership</b>	None	Yes
<b>Land Management</b>	None	Yes
<b>Law Making</b>	None	Yes
<b>Economic Development</b>	Limited	Yes
<b>Protection of Land Base</b>	None	Certainty in Constitution
<b>Submerged Lands</b>	None	Say in protection
<b>Watershed Lands</b>	None	Say in protection

Maa-nulth Nations’ autonomous decision-making processes are now formally recognized by federal and provincial governments. Nuu-chah-nulth cultural principles and protocols are incorporated at all levels of governance (Maa-nulth Nations, 2008). Signatory nations have reclaimed managerial and decision-making power over a fraction of their *hahoothlee*. Treaty provisions for land constitute over twelve times the land allocated under the reserve system, but comprise less than 10% of their *hahoothlee*. These lands have been transferred to the respective First Nations in fee simple form<sup>22</sup> (Maa-nulth, 2008) (see Table 1.3 for a detailed description of treaty lands allocated to each signatory Nations).

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<sup>22</sup> ‘Fee simple’ land ownership is the highest designation of property in Common Law. Classified as real estate or personal property, it can be interpreted here to mean that Maa-nulth Nations own their land outright, versus usufructuary ownership or Indigenous title granted under the Indian Act (McKee, 2009).

TABLE 1.3: Maa-nulth reserve lands, fee simple lands and lands reserved for purchase following implementation (Maa-nulth, 2008)

First Nation	Indian Reserves (IR) (hectares)	Additional Lands (hectares)	Treaty Lands (hectares) X larger than IR	“Pre-Approved Additions” (hectares)	Total Potential Treaty Lands (hectares) X larger than IR
Huu-ay-aht First Nations	1,077	7,181	<b>8,258</b> 7.7 times	2,296	<b>10,544</b> 9.8 times
Ka:’yu:k’t’h’/Che:k’tles7et’h’	379	5,920	<b>6,299</b> 16.6 times	252	<b>6,551</b> 17.3 times
Toquaht Nation	196	1,293	<b>1,489</b> 7.6 times	721	<b>2,210</b> 11.3 times
Uckucklesaht Tribe	233	2,834	<b>3,067</b> 13.2 times	448	<b>3,515</b> 15.1 times
Ucluelet First Nation	199	5,147	<b>5,346</b> 26.9 times	216	<b>5,562</b> 27.9 times
<b>Total</b>	2,084	22,375	<b>24,459</b> 11.7 times	3,933	<b>28,382</b> 13.6 times

Maa-nulth Nations “will have additional rights to, and powers over, treaty settlement lands that include ownership of subsurface resources, jurisdiction and control over lands and resources (law-making authorities), and constitutional protection against expropriation of these lands” (Maa-nulth, 2011: 6) (see Figures 1.3 and 1.4: Maa-nulth Territories within Kyuquot and Barkley Sound).



FIGURE 1.3: Map of traditional territories and fee simple transfer lands of Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations in Kyuquot Sound (Maa-nulth, 2008)



FIGURE 1.4: Map of traditional territories and fee simple transfer lands of Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation and Ucluelet First Nation (Maa-nulth, 2008)

Fisheries and resource packages, in addition to financial transfers for economic and social development initiatives, were negotiated as part of the Maa-nulth Treaty package.

The five distinct governments of the Maa-nulth First Nations are recognized as negotiating bodies within regional governments. Nations are now able to determine their own membership, replacing the federal conditions and criteria for ‘status’. Indigenous title was replaced by fee simple ownership with some conditions of Indigenous rights outlined under the Indian Act, such as exemption from taxation<sup>23</sup>, being negotiated in exchange for rights enacted by the Treaty. Maa-nulth Treaty rights are protected and reaffirmed under Section 35 of the Canadian Constitution<sup>24</sup>.

#### **1.4.2.5 Huu-ay-aht First Nations<sup>25</sup>**

Huu-ay-aht First Nations are one of the 14 members of the NTC. The largest Nation of the five Maa-nulth signatories, they have a registered population of just over 600 members (Maa-nulth, 2008), 100 of whom reside in the main village of Ana’cla located on Pachena Bay (see Figure 1.5) (Maa-nulth, 2011). Most members live in nearby urban areas (e.g. Port Alberni, Nanaimo, Victoria and Vancouver). The Huu-ay-aht *hahoothlee* is located on Barkley Sound and once spanned over 78,000 hectares along the west coast of Vancouver Island. With the installation of the reserve system, however, these territories were reduced to 13 individual reserves spanning 816 hectares of land (Aboriginal Affairs and Northern Development Canada [AANDC], 2011). Huu-ay-aht First Nations is approximately south of Bamfield and 75 kms southwest of Port Alberni (see Figure 1.5 for the location of Huu-ay-aht traditional and reserve territories).

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<sup>23</sup> Over an eight-year period, taxation will be implemented.

<sup>24</sup> The Maa-nulth treaty package can be seen in full at: [http://www.maanulth.ca/whats\\_new.asp](http://www.maanulth.ca/whats_new.asp)

<sup>25</sup> Huu-ay-aht First Nations, formerly Huu-ay-aht First Nation, is pluralized to represent the distinct family bodies, once separate bands, that now comprise the politically recognized Huu-ay-aht Nation.



FIGURE 1.5: Map of Huu-ay-aht Traditional and Reserve Territories (Castleden, 2007)

Huu-ay-aht First Nations has followed a hereditary system of governance with a *Ta'yii Ha'wilh* and several *Ha'wiih* governing their *hahoothlee* in accordance to the guiding principles of *heshook-ish tsawalk* (see Section 1.3.2.1). Following the instating of the Indian Act, they were required to appoint an elected form of governance (Bracken, 1997; Castleden, 2007). As a result, Huu-ay-aht First Nations now follow a hereditary system of governance and an Indian Act system, but only the Indian Act system was recognized by settler governments. The implementation of the Maa-nulth Treaty saw the recognition of both hereditary and elected forms of governance. Huu-ay-aht Chief and Council now composed of one chief elected councilor and four elected council members, with a permanent seat reserved for the *Ta'yii Ha'wilh* (AANDC, 2011; AANDC, 2010b). *Ha'wiih* and a *Ta'yii Ha'wilh* remain prominent figures in directing community decision-making and are integral to cultural, social and political activities such as Potlatching. For decades, Huu-ay-aht First Nations have worked within the natural resource sector for employment and as stewards of their *hahoothlee*. Despite exploitative resource extraction by Settlers, Huu-ay-ahts have continued to harvest forest resources and fish in a manner that upholds their cultural protocols and seeks to ensure the health and longevity of their territories (Simms, 2004; Castleden, 2007; Castleden et al., 2009). In April of 2007, Huu-



ay-aht First Nations ratified their constitution. The implementation of the Maa-nulth Treaty on April 1, 2011 saw the fifteen constituted laws, designed by and for the Huu-ay-aht people under the direction of guiding cultural principles, enacted in place of the provisions of the Indian Act<sup>26</sup>.

## **1.5 THE RESEARCH PROJECT**

The research that forms this thesis was part of a larger community-based participatory research (CBPR) project undertaken in partnership with Huu-ay-aht First Nations. In 2009, the elected Chief contacted Heather Castleden, calling upon their longstanding research relationship, to engage their youth in an envisioning project for a post-treaty era. Section 1.5 will elaborate upon this larger CBPR initiative to outline the foundation that has enabled my graduate research. Since colonialism has impacted research practices with Indigenous peoples in Canada, the importance for research to be conducted in a respectful and reciprocal manner will be discussed (Battiste & Henderson, 2000; Newhouse, 2008). Following a brief discussion on the development of CBPR, this section outlines the conceptual framework and concludes with a description of the research design and structure of the thesis.

### **1.5.1 The Larger Community-Based Participatory Project**

The intended outcome of the larger CBPR project was to ensure future decisions could be made in congruence with Nuu-chah-nulth cultural protocols and the voices and values of the entire Huu-ay-aht Nation. Building upon the theoretical and methodological contributions that resulted from Huu-ay-aht First Nations and Castleden's initial CBPR research project (Castleden et al., 2008; Castleden et al., 2009), a novel way to engage Huu-ay-aht youth was needed<sup>27</sup>. The goal of this project was thus to develop a creative means of communication with the capacity for Huu-ay-aht youth to discuss their aspirations for their territories post-Maa-nulth Treaty implementation.

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<sup>26</sup> The Huu-ay-aht First Nations Constitution can be found at: [http://www.maanulth.ca/about\\_fn\\_huu-ay-aht.asp](http://www.maanulth.ca/about_fn_huu-ay-aht.asp).

<sup>27</sup> Dr. Heather Castleden was the Principal Investigator of a Social Science and Humanities Research Council of Canada (SSHRC) Research Development Initiative (RDI) that funded this study.

Prior to commencing the project, HUU-ay-aht Council appointed two Council members, who were also cultural advisors, to comprise a Community Advisory Committee (CAC). The CAC was established to ensure that the research team not only followed and respected cultural protocols, but to make certain that if participants had any concerns they could voice them or seek direction from someone outside of the research team. This measure was instituted not only due to the cross-cultural nature of the study, but to directly address the tendency for research to silence and misrepresent Indigenous voices or inappropriately extract knowledge from its cultural context (Louis, 2007).

### **1.5.2 CBPR *with* Indigenous Peoples in Canada<sup>28</sup>**

Research has been used as a tool of colonialism to legitimize structurally oppressive epistemologies that subordinate and discredit First Nations in Canada and Indigenous peoples worldwide (Battiste & Henderson, 2000; Kovach, 2009; Smith, 1999). Scholars, operating especially within Western institutions and concerned with critical social theory, have proposed CBPR as a philosophy with the capacity to approach unilateral and often unethical conduct in conventional research practices (Castleden et al., 2008). As an approach, CBPR is a bilateral process intended to address power imbalances (Castleden et al., 2008). To respect the values and autonomy of a community<sup>29</sup>, CBPR proposes collaborative decision-making (Canadian Institute for Health Research [CIHR], 2007), the promotion of a two-way exchange of knowledge (Gaventa, 1988; Israel et al., 2003), critically addressing and allowing for varying epistemologies (Brant Castellano, 2004), sharing ownership of the final product (National Aboriginal Health Organization [NAHO], 2007) and producing research that is tangible and beneficial for all partners involved (Kauper-Brown & Seifer, 2006). Within an Indigenous research context ensuring that these conditions are met often requires a direct approach that addresses the legacy of colonialism that has contributed to the unethical research conducted *on*, versus *with* Indigenous communities (Castleden et al., 2012). The four Rs of research *with*

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<sup>28</sup> Although Chapters Three and Four of this thesis were not conducted within a CBPR framework, I delivered a presentation of all the research findings to HUU-ay-aht Chief and Council on July 11, 2012. HUU-ay-aht First Nations will also be given a copy of my final thesis.

<sup>29</sup> ‘Community’ can be difficult to define (Silver et al., 2006; Freeman, 1993; Association of Canadian Universities for Northern Studies [ACUNS], 1982). For the purpose of this study, the HUU-ay-aht ‘community’ is anyone who holds membership or is recognized as HUU-ay-aht by HUU-ay-aht members.

Indigenous communities; respect, responsibility, relevance and reciprocity (Kirkness & Barnhardt, 1991), are intended to guide the attributes necessary for addressing the deeply embedded and negative experiences that Indigenous communities often associate with conventional research initiatives (Brant Castellano, 2004; Smith, 1999; Battiste & Henderson, 2000). CBPR is a relatively novel practice within the academy and certainly so for Western (white) researchers engaging with Indigenous communities (Hall, 2005).

Ethical protocols, such as the Association of Canadian Universities for Northern Studies (ACUNS) *Ethical principles for the conduct of research in the North* (1982; 1998), the Canadian Institute for Health Research, Social Science and Humanities Research Council and Natural Sciences and Engineering Research Council's (title: Interagency Advisory Panel on Research Ethics) *Tri-Council Policy Statement* (1998; 2010), the National Aboriginal Health Organizations *Ownership, control, access and possession or self-determination applied to research* (2005) and the Canadian Institute for Health Research's *Guidelines for health research involving Aboriginal people* (2007), are guiding ethical documents that have contributed to the identified need for shifts in conventional research practices when working with Indigenous communities. Indigenous ethics committees, such as the Mi'kmaq Ethics Watch, territorial bodies, such as the Nunavut Research Institute, Indigenous organizations, such as Kahnawake Schools Diabetes Prevention Project, and Bands and Tribal Councils have identified the need for community collaboration. These organizations have long since established protocols to ensure that research is conducted in a respectful, collaborative manner<sup>30</sup>. Informed by the call for greater power sharing and a means of bridging gaps between the university and community levels, CBPR has been identified as a means of conducting research "in a good way" (Ball & Janyst, 2008: 33), in a manner able to address the colonial legacy and

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<sup>30</sup> The Nuu-chah-nulth Tribal Council has established a Nuu-chah-nulth Tribal Council Research Ethics Committee. A document entitled *Protocols and principles for conducting research in a Nuu-chah-nulth context* was released in 2008. This study being conducted with Huu-ay-aht First Nations, a member of the Nuu-chah-nulth Tribal Council, section 1.3 of the document states: "the Nuu-chah-nulth Research Ethics Committee shall approve any proposed research conducted with *more than one* Nuu-chah-nulth community in accordance with established protocols and procedures" (2008: 4). Approval from the Nuu-chah-nulth Tribal Council was thus not necessary. See also Atleo, 2004; Castleden et al., 2008; Hoover, 2000; and Happynook, 2007, for discussions on research and ethics within a Nuu-chah-nulth context.

tendency for unethical research being practices on Indigenous communities<sup>31</sup> (Newhouse, 2008). Scholars in various fields are beginning to employ associated philosophies and engage in research partnerships to produce research that creates positive community change and, ideally, provides skills and training for community members (Boser, 2007). It is from this philosophy that the research emerged.

### **1.5.3 Conceptual Framework**

The conceptual framework guiding this thesis is largely informed by relational understandings of power<sup>32</sup>. Operating within processes of colonialism and a colonial mentality, Indigenous-Settler relations and an associated ontology are posited as the primary perpetuating force for the continued assertion of authority by Settler populations, and their representative governments, over First Nations living in Canada. Actors, both structural and individual, involved within this process inform and enforce, thereby naturalizing oppressive structures (Anderson & Robertson, 2011; Coulthard, 2007; Anderson, 1991; Heidegger, 2002; Taylor, 1989). From this view, relational interaction, operating on the micro scale, serves to produce and reproduce macro level dynamics and systemic inequities by asserting the values and beliefs of the Settler population. A population whom has sought to create the state, and associated social constructs, in the likeness of their dominant population, members of which often hold positions of power (Eriksen, 2002; Saul, 2008)<sup>33</sup>. This colonial mentality has manifested itself within philosophies and practices of conventional research between Indigenous communities and Settler researchers<sup>34</sup>. The epistemological foundations of the dominant Settler

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<sup>31</sup> See Castleden et al., 2012 for a detailed discussion on the development of ethical protocols and issues of praxis mentioned herein.

<sup>32</sup> ‘Power’ is conceived within Foucauldian terms as being relational and constructed (Foucault, 1978). Operating in multiple realms, power is often enforced through complex relations serving to further one’s ends by constraining or contesting another’s (Foucault, 1978). Foucault’s interlinking of power and knowledge, whereby knowledge can also be used to enforce, come together to be reproduced and enacted within discourse (Foucault, 1980; Foucault, 1984). Discourse, as a union of knowledge and power, is a direct medium for which socially constructed relations can be examined (Foucault, 1980; Foucault, 1984; see Chapter Three for further discussion).

<sup>33</sup> This description of Settler society’s social (re)constructions is not meant to homogenize the Settler population. It is recognized that members of Settler society actively engage in activism and dissent against these constructs. This framing is, however, intended to capture dominant and mainstream social processes.

<sup>34</sup> ‘Indigenous communities and Settler researchers are specifically identified to reference the positionality and conceptual framework guiding this research. However, relational power dynamics within processes of research are not isolated to these two cohorts. For the purpose of this brief explanation, and to maintain

population have been used to universalize a Eurocentric way of knowing and means of creating knowledge (Battiste & Henderson, 2000).

‘Knowledge creation’ is used in congruence with power, and vice versa, to perpetuate societal constructs (Foucault, 1980; Foucault, 1984). Indigenous ways of knowing are often decontextualized from their cultural foundation. This can be found in multiple spaces, including within university institutions. Through this process, Indigenous knowledges are approached as forms of ‘data’ and analyzed in accordance with Western philosophies that operate on different epistemological and ontological levels (Simpson, 2004; Battiste & Henderson, 2000). This, often unintentional, misappropriation and misuse of Indigenous understandings hollows their cultural contexts and has informed the methodology used herein. Using a variety of Western qualitative methods, Indigenous-Settler relations will be explored premised upon the notion that colonialism is structural and relational. From this perspective, ‘relations’ directly inform structural operations. Thus, placing focus on Settler perspectives will allow the Settler population to be the focus of analysis versus asserting a non-Indigenous examination<sup>35</sup> into Indigenous peoples.

#### **1.5.4 Structure of Thesis**

This thesis is structured as a “papers” format thesis. Chapters Two, Three and Four have been written as stand alone papers inclusive of their own bibliographies. Versions of Chapters Two, Three and Four are being submitted to journals for peer review and possible publication. Chapter Four differs slightly from Chapters Two and Three since it is framed as an exploratory study and points towards future avenues to engage in a more in depth exploration of the colonial mentality versus drawing concrete conclusions. Including an introduction to the specific problem being addressed, a background section of literature pertaining directly to the intent of each chapter is presented in addition to the findings and a discussion. Each chapter has its own emphasis, but remains linked to the

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focus upon the current project, this section will limit its discussion to these two, albeit arguably abstract and fluidly defined, populations.

<sup>35</sup> ‘Non-Indigenous examination’ is a direct reference to the author’s identity as a non-Indigenous person, one educated by the institution that reproduces and informs the colonial mentality, and raised in a society that inherently reflects these values.

overall thesis through the problem (Section 1.2) and conceptual framework (Section 1.5.3). Since all chapters are subject to the historical and the colonial implications discussed throughout this chapter and designed as stand alone papers, there will be slight repetition in each chapter's background sections.

### **1.5.5 Scope of Thesis**

BC is a distinct socio-political space in relation to Canada, with the majority of First Nations territories never being ceded or surrendered. It is thus worth outlining the scope of this thesis. The broad geographic scope is on the province of British Columbia and, more specifically, Vancouver Island. Each Chapter has been designed to operate on a specific scale. Chapter Two focuses upon Maa-nulth, particularly Huu-ay-aht, territories and cultural landscapes. Chapter Three is more generally concerned with the British Columbia, Settler population. Chapter Four takes a localized approach and is centered upon the Settler population in the urban centre of Port Alberni. The theoretical scope of this thesis has been informed by the histories that have shaped the BC and Vancouver Island regions. The research has been designed to incorporate location specific Indigenous-Settler relations and not extend generally to all Canadian-Settlers or all areas of Canada. With this said, although the scope of this study is limited, due to its rootedness in theoretically informed bodies of literature dealing with similar subject matter and in depth analysis of the objectives, findings can be transferred outside of this scope if done with caution (Flyvbjerg, 2006) (see Section 5.5 for more on transferability of the research findings).

## **1.6 RESEARCH DESIGN**

All chapters are analysed through the lens of Indigenous-Settler relations and colonialism in Canada. With Chapters Two, Three and Four written as stand-alone papers, there is limited scope to include a discussion of research design, specifically, methods and knowledge mobilization strategies. As a result, sections 1.6.1- 1.6.3 elaborate on the research design for the overall thesis. The final section of this chapter outlines the various knowledge mobilization strategies that are being used to maximize the communication of this study's results.

### 1.6.1 Chapter Two: Research Design

Including Indigenous voices in determining their own socio-political, spiritual and cultural landscapes is a critical step in processes of decolonization (Battiste, & Henderson, 2000; Turner, 2006). In an attempt to level the imbalances of power between researchers and research participants, often submerged in a cross-cultural context, arts-based methodologies within CBPR have often been used (Shallwani & Mohammed, 2007). Allowing participants to communicate their subjective experiences in their own voices (Louis, 2007; Cole & Knowles, 2008), arts-based methods create a space for researchers and research participants to explore images, embody emotions and discuss perceptions that may otherwise have been lost, or overlooked, in conventional knowledge exchange. Arts-based methodologies are becoming popular, used for their decolonizing and empowering capabilities (Shallwani & Mohammed, 2007; Castleden et al., 2008). With the Maa-nulth Treaty reinstating a level of self-determination, Huu-ay-aht Council wanted to ensure all voices were heard in future land use and community planning. Arts-based methods were thus identified as an appropriate tool for engagement. The research team, composed of Dr. Castleden, a community researcher and myself, recruited eight Huu-ay-aht youth to participate in a digital storytelling project aimed at visions for the future (see Appendix A: Recruitment Script). In November 2010, Dalhousie's Social Sciences and Humanities Research Ethics Board gave ethical permission to conduct this study. A community researcher was hired for the duration of the research project. Their primary goal was to aid in youth recruitment and logistical arrangements, such as transportation and ensuring that the required consent forms were signed by the youth and, in situations where participants were under the age of 18, signed by their guardians<sup>36</sup> (see Appendix B: Digital Storytelling Information Form, Appendix C: Digital Storytelling Consent Form for Youth Over 18, and Appendix D: Digital Storytelling Consent Form for Youth Under 18). In February 2011, the research team conducted two weeklong digital storytelling workshops: one in Vancouver, BC and another in Port Alberni, BC (see Appendix E: Digital Storytelling Workshop Agenda). The youth who participated in

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<sup>36</sup> 'Youth' is a culturally constructed age group. Within this research project, youths ranged in ages from 13-38 as per Huu-ay-aht customs.

these workshops completed nine stories and one story was created collectively by four youth all under the age of 20.

Digital storytelling is “the modern expression of the ancient art of storytelling” (Rule, 2011: np) where script, audio and still or motion imagery is combined digitally to tell a story. Similar to a short film, digital stories are a means of conducting and communicating a narrative enquiry that goes beyond colloquial communication to encompass multiple dimensions of thoughts, experiences and perspectives (Marshall & Rossman, 2006). Digital storytelling was the primary means of data collection. An interactive and innovative research tool (Gubrium, 2009; Burgess, 2006), digital story making was the primary means of analysis. The youth worked closely with the research team to develop their stories and ensure that their main themes were communicated in the final product. Through this iterative and creative process, the youth discussed their visions and were able to provide the research team with their explanation for using a specific picture or audio clip. With the youth providing the material and the ideas for their stories, the research team guided them through the story making process. Combining audio, video and still frame components, the creation of digital stories is an iterative process that engages the story maker through varied artistic communicative approaches (Lambert, 2008; Burgess, 2006). Story makers were able to combine their vision and voices to envision the Huu-ay-aht *hahoothlee* in a post-Treaty context in a manner reflective of Indigenous oral traditions (King, 2003; Smith, 1999). Participants were encouraged to storyboard (Lambert, 2008; Lambert, 2010), an approach to digital story making that involves pre planning images, script and music that are later merged within a computer program to be shown simultaneously (iMovie). Each youth had multiple opportunities for one-on-one support to suit their needs in the creative process. During the workshops, fieldnotes were recorded daily as the research team engaged in participant observations. The larger CBPR project was concerned with story content and the process of creation. Thus, fieldnotes recorded both of these aspects.

Digital stories provide opportunities for multiple levels of analysis (Lambert, 2008; Burgess, 2006). With story makers being able to include visual and audio content, and



with processes of editing requiring specific and detailed attention, deliberation within the stories, such as image transitions and complementing audio, provide the potential for rich and multi-layered analysis. Not only can story content be analyzed, but communication specific details are also relevant for exploration (Barrett, 2005). Due to the iterative nature of the story making process, the story makers, through both group and one-on-one dialogues, conducted the primary analysis. Through the process of story creation, youth often discussed what they wished their final project or message would be and asked for suggestions of how to achieve this, thus, the research team was able to gain an in depth understanding of the youths' intent while aiding in various workshop stages. Through these discussions, the youth essentially analyzed their own data. While engaging in this process, the research team would often ask the youth to reiterate or clarify their intended message to ensure it was being included in an accurate manner. This analysis provided a basis for further analysis. Following the workshops, I analyzed the stories to highlight recurring themes. A content analysis of semiotics (Rose, 2007) and audio discourses analysis (Bauer & Gaskell, 2000) were employed both individually and comparatively to further explore the stories. Three key themes were present within all of the stories: HUU-ay-aht culture, pride in their identity, and Maa-nulth as a platform for community change. These broad themes were further analyzed to highlight the specific message provided by each story maker. These data were then compared to fieldnotes. From the overlapping analysis, preliminary results were drafted. A literature review pertaining to HUU-ay-aht culture and history of inflicted colonialism allowed the themes to be discussed in relation to scholarship in this area. The intent behind this approach was to ensure that the information provided and levels of analysis maintained the youth's distinctive messages and did not become subject to my interpretation alone.

Varieties of communication strategies were used to both share the youth's stories and communicate the research findings. Following the weeklong workshops, youths' families were invited to attend a screening. A question period was provided at this time that allowed families to ask questions of the story makers or the research team. On April 8, 2011, the stories were shown during the HUU-ay-aht Treaty celebrations. The youth were able to share their visions for their Nation with the entire HUU-ay-aht community and

population in attendance (500+ people). Finally, with permission (see Appendix F: Release of Digital Story Consent Form), their stories were screened at the ImagineNATIVE film festival in Toronto, Ontario (October 2011).

### **1.6.2 Chapter Three: Research Design**

Chapter Three uses two mainstream print media sources as the primary data set to analyze Indigenous-Settler relations within a modern treaty context. Mainstream news media is created largely by and for the dominant, in this case Settler, population. By controlling discourse surrounding current events, media (itself located within societal constructs) directly informs public perception (Voyageur, 2000; Nesbitt-Larkin, 2007). Analyzing the language used to communicate news stories not only highlights perceptions and priorities of those communicating and consuming media information, but directly reflects on the ontological premises from which these values are created (Foucault, 1984; Heidegger, 1971). Media, therefore, represents consumer values (Herman & Chomsky, 2002) and serves to inform, rather than educate (Warry, 2007). Via the confines of language, media is capable of molding and reproducing dominant ideologies through legitimating societal power structures (Foucault, 1984; Strong, 1984; Heidegger, 1971). Discourse itself can be seen as the interface through which power and knowledge, both social creations, intersect (Foucault, 1978). Analyzing this discourse can make sense of the ways in which social constructions of power are legitimated through knowledge (Foucault, 1978; Foucault 1980). Critical discourse analysis (CDA) is an approach to understanding meanings rooted in language (Porter, 2006). It is an interdisciplinary, qualitative methodology that draws heavily upon the application of linguistic (van Dijk, 1983) and critical social theories (Jiwani, 2006), and has the ability to deconstruct discourses, which contribute to the creation and maintenance of social inequalities (Fairclough & Wodak, 1997).

Due to the inherently critical nature of CDA, its application has come under scrutiny by some scholars (see, for example, Tyrwhitt-Drake, 1999; Porter 2006; Jones, 2007; Southwell, 2000). Southwell (2000) claims that CDA remains an academically elitist exercise that seeks to unmask, or interpret, inaccessible documents through idle academic

pursuits. Tyrwhitt-Drake points to CDA's "partial description and political commitment rather than on rigorous analysis and open-ended enquiry" (Tyrwhitt-Drake, 1999: 1082) as being a major flaw. Labeling it "anti-empirical and anti-rational" (Tyrwhitt-Drake, 1999: 1083), the author sees this approach as a way for writers to "work backwards from their conclusions" (1999: 1083). Jones reiterates Tyrwhitt-Drake's argument, likening CDA to a mountaineering quest whereby experts plan a path to reach their ultimate ends. Jones argues that it is not CDA's "assumption that discourse is political but with [the] *conception* of discourse" (2007: 363) that render it problematic. The 'conception' here is that every mountaineer, being highly specialized and possessing their own expertise and agenda, may view the ideal path to summit differently. These arguments are valid. CDA is in fact premised upon the critical deconstruction of discourse. It does so by centering upon "social practice of language behaviour, with the dialectics between society, power, values, ideologies, opinions expressed and constituted in and about language" (van Dijk, 1989: xiv). These processes are present within the social construction and means of discussing dynamics involved in treaty negotiations.

What these criticisms fail to account for is that CDA *is* intended to be a political act. For example, Wodak argues that CDA intends to reveal "mechanisms of manipulation, discrimination, demagoguery, and propaganda explicit and transparent" (1989: xiv). The deconstruction of these acts - acts being constructed mechanisms via language - is inherently political (Szuchewycz, 2000; Caldas-Coulthard & Coulthard, 1996; Jones, 2007). Employing linguistic strategies and revealing the ways in which information is framed and analysed can make a CDA transparent. CDA does not claim to be the be-all-end-all of critical analysis. As succinctly stated by Porter "analyzing discourse outside the context of practice...is a highly incomplete project" (2006: 74). It does however, "provide a window—however small and positioned—onto how the language ... constructs relationships" (2007: 74). This characteristic, combined with CDA's rooting in language that shapes and affirms social constructions (Foucault, 1980; Foucault, 1984), renders it an ideal methodological approach to be applied with respect to the overall goal of the study.

A CDA of two newspapers' reports on the Maa-nulth Treaty was conducted: 1) *The Globe and Mail* – one of two national newspapers; and 2) *The Times Colonist* - BC's Capital Region's newspaper<sup>37</sup>. With treaty negotiations taking place between federal, provincial and Maa-nulth governments, these two news sources were selected since they serve the political and geographical areas where negotiations were taking place. Both were also available online through digital sourcing allowing for timely and efficient data collection. A keyword search for 'Maa-nulth' anywhere in the newspapers was conducted from dates ranging September 21, 2003, the date the Maa-nulth Nations submitted the SOI, until April 8, 2011, the date of Huu-ay-aht First Nations Treaty celebrations. This initial search for articles through the Factiva database revealed 43 articles. A secondary search through the Proquest database revealed an additional 23 totaling 69 articles: 32 from *The Globe and Mail* and 37 from *The Times Colonist*. However the number of articles in a CDA data set is not imperative, the intent was to gather as many articles as possible to gain a comprehensive picture of the information being communicated about the Maa-nulth Treaty. Following data collection, inclusion criteria were narrowed to only news articles, thus excluding opinion pieces and columns.

News articles are intended to neutrally represent current events (van Dijk, 1992) and so the exclusion of three opinion pieces and editorials was intended to mitigate skewing of data (van, Dijk, 1991). The remaining 65 articles underwent a CDA that utilized four analytic anchors (see Harding, 2005; Harding, 2006; Furniss, 2001; Szuchewycz, 2000; Lambertus, 2004). These four anchors were: 1) 'fronting' or relevance structuring; 2) 'framing' or frame analysis; 3) rhetorical strategies; and 4) semantic strategies and lexical style. Analytical strategies one through three focus upon article structuring. 'Fronting' examines the use of headlines and the location of article construction. Here, values concerning issues of increasing importance are placed at the beginning of the article (Voyageur, 2000). 'Framing' concentrates upon analyzing underlying assumptions

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<sup>37</sup> The issue of ownership and representation of media sources is of relevance in any analyzing of discourse and/or motivation (Herman & Chomsky, 2002). Due to the complexity of issues involving investment of political and economic favouring and current events, such as provincial and federal elections, all potentially impacting the motivations and intent of media sources, an in depth exploration of these factors is beyond the scope of this paper. However, it can be said that Glacier Newspaper Group holds ownership of *The Times Colonist*. Bell Canada and Bell Global Media hold 15% of *The Globe and Mail* with the Woodbridge Company holding possession over the remaining 85%.

that can be clarified through article formation (van Dijk, 1983; Harding, 2006), with the omission of information being just as revealing as what is included (Harding, 2006). Rhetorical strategies include the creation of dichotomies such as ‘us’ versus ‘them’. Through an examination of these binaries, underlying assumptions can be explicated. Analysis of semantic strategies and lexical styles centre on specific word choice, quotes and placement (van Dijk, 1983).

A literature review pertaining to Indigenous-Settler relations and Indigenous representation in the media revealed two overarching trends: 1) Indigenous stereotyping; and 2) dichotomizing of Indigenous-Settler interests. Once strategies for analyzing the articles were solidified, the articles underwent an inductive, preliminary analysis. This revealed that the two trends of representation, as revealed by the literature review, were prominent within the 65 articles. Informed by this preliminary finding, five means of representing the Maa-nulth Treaty, also referred to as themes, were developed. The CDA tools were then applied to deconstruct the articles and allow for an exploration of the five themes. Since language operates as a cohesive unit (van Dijk, 1983; Foucault, 1984), analytical methods employed were often applied together. For example, when examining headlines, or ‘fronting’, word choice, or semantic strategies, may be examined simultaneously. In doing so, examination is more thorough and contextualized, with the word being discussed in relation to the entire headline, and alone, with semantic strategies standing to signify a specific point that contributes to the analysis (Belanger, 2002). Critical discourse analysis involves the application of literary tools able to deconstruct discourse (van Dijk, 1983) and so, informed by critical social theory, once these tools were applied, the ‘findings’ were discussed in relation to literature pertaining to Indigenous-Settler relations. Chapter Three’s ‘Application’ section mirrors this format with the findings and the discussion presented together.

### **1.6.3 Chapter Four: Research Design**

Chapter Four was designed to capture a snapshot of Port Alberni residents’ perspectives on the Maa-nulth Treaty at a time when the treaty would be most visible within the

community. Implemented on April 1<sup>st</sup>, 2011, and with celebrations occurring publically in Port Alberni on April 2<sup>nd</sup>, data were collected during this week. From April 1<sup>st</sup> until April 8<sup>th</sup>, the day of Huu-ay-aht First Nations treaty celebrations, structured, face-to-face surveys were conducted, and fieldnotes recorded, in a variety of public spaces within the Port Alberni urban centre: the Alberni Valley library, recreation centre, museum, community centre and the North Island Community College. From 10 am until 4 pm during the week of implementation, I went to the Alberni Valley library, recreation centre, museum and community centre, all housed within the same building. On April 4<sup>th</sup> and 5<sup>th</sup>, a community researcher additionally conducted surveys at the North Island Community College. Due to the exploratory nature of this aspect of the study, surveys were designed to maximize participation rather than seek in depth knowledge (Hay, 2005). Recruitment criteria reflected this goal: participants had to be over the age of 18 and residents of Port Alberni<sup>38</sup>. Potential participants were asked if they wished to take part in a short survey and were told that all responses were anonymous, that they may refuse to answer any question and that they may stop the survey at any time. Each participant provided verbal consent.

The survey was approved by Dalhousie's Research Ethics Board; it included ten questions and it was designed to take no longer than five minutes (see Appendix G: Maa-nulth Survey). The survey began with a simple inquiry: have you heard of the Maa-nulth Treaty. From there, responses ranged from five seconds to forty minutes and researchers wrote responses directly onto the survey instruments. In situations where participants gave lengthy or vague responses, surveyors would reiterate answers to ensure that participants' perspectives were being accurately captured (Hay, 2005; Baxter & Eyles, 1997). Ninety surveys were completed in all. The author collected 73 surveys and the community researcher collected 17 surveys. Five of the community researcher's surveys were distributed to a Nuu-chah-nulth language class at the North Island Community College and were collected the following day. To maintain consistency in the method of data collection (Marshall & Rossman, 2006; Hay, 2005), the five surveys distributed to

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<sup>38</sup> Individuals who were with more than one small child were not asked to take part out of respect for their childcaring responsibilities.

the Nuu-chah-nulth language class were not included within data analysis since they had been taken home and completed by participants rather than collected in a face-to-face manner. Surveys were considered complete either when the participant did not feel they could sufficiently answer a question, or when questions were exhausted. After data collection, the resulting data set included 85 surveys. Nowhere in the line of questioning were participants asked to provide information on their cultural background. However, three First Nations and one Métis participant did self-identify, while participants of Settler backgrounds would often evoke an ‘us,’ ‘them,’ rhetoric to locate themselves in relation to First Nations and/or Indigenous peoples. To account for this potential study limitation, the survey sought to examine Port Alberni perspectives, not Settler perspectives alone.

Prior to analysis, all hard copied surveys were entered into a Word spreadsheet. Answers were then arranged according to questions. Following data entry, all 85 surveys underwent a content analysis. The primary goal of the analysis was to determine how many responses were provided for each question to quantitatively gauge the level of comprehension (Harding, 2006). Once this initial analysis was conducted, however, it became clear that the survey results could not rely solely upon this method. Thus, an inductive analysis was employed to search for reoccurring themes (Glaser & Strauss, 1967; Glaser, 1992) that would shed light on residents’ perspectives of the treaty. When substantive answers were provided beyond a simple “yes” or “no, I have not heard of the Maa-nulth Treaty,” responses tended to be positive or negative with few remaining neutral. Coupling these responses with the fieldnotes that included personal body language and voice intonation, a coding scheme was developed and applied (Cope, 2005). The findings section in Chapter Four presents the results and briefly discusses them in relation to literary concepts. It concludes by pointing to potential directions for future studies seeking to gauge Port Alberni residents’ perspectives of the Maa-nulth Treaty and Indigenous-Settler relations.

#### **1.6.4 Knowledge Mobilization<sup>39</sup>**

Knowledge mobilization strategies for the research findings were pursued in various manners to ensure dissemination was provided to the Huu-ay-aht and academic community and the broader public. Versions of Chapters Two, Three and Four have been submitted for peer-review and publication to scholarly journals. Doing so communicates research results to an academic audience and thus, contributes to the larger body of knowledge pertaining to Indigenous-Settler relations within colonial contexts. A final presentation highlighting the findings of all chapters, and a copy of the final thesis, has been provided to Huu-ay-aht Chief and Council. Additional public and community dissemination strategies will be pursued following the submission of this final thesis.

#### **1.7 ETHICAL CONSIDERATIONS**

Ethical considerations for this project included maintaining cultural and personal sensitivity and appropriate conduct during the digital storytelling workshops and while conducting surveys in Port Alberni.

When working with diverse groups of people, and especially within a cross-cultural context, it is integral that sensitivity and cultural protocols are maintained to uphold respect for all of those involved. As Dr. Castleden and I are not Nuu-chah-nulth, and as we were working with various age groups of youth, three key ethical considerations were identified for the digital storytelling aspect of the study. The first consideration was intended to ensure that the research team upheld cultural protocols. To do so, an appointed Huu-ay-aht CAC was available during the digital storytelling workshop and throughout the analysis. A second consideration during the digital storytelling workshop was the need to be mindful of the participants' levels of comfort with both the technology and the actual writing of the stories. To address this, research team members were onsite during all stages of the workshop to guide participants through technical and generative phases. Since CBPR strives to ensure ownership of research stays within in

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<sup>39</sup> Dissemination strategies already completed include: two conference presentations - The American Association of Geographers, February 2012 and the Canadian Association of Geographers, May 2012; a presentation of all findings to Huu-ay-aht Chief and Council, July 2012; and screening of the youths' stories at the ImagineNATIVE Film Festival, October 2011.



the community and that decision-making is shared, the final ethical consideration involved Huu-ay-aht Chief and Council being presented with an oral summary of research findings. At this time, they were able to voice any concerns about the digital stories, or any aspect of this thesis, and ensure that they felt the results were culturally sensitive and relevant.

Two additional ethical considerations arose while conducting surveys. The first was to do with ensuring surveyors (a community researcher and I) maintained an unobtrusive and neutral position both during the survey recruitment and data collection phases (which were virtually simultaneous). Neutrality on behalf of the research team was upheld through minimal dialogue beyond the scripted survey. Reciting direct quotes ensured accurate representation of participants' perspectives in the later analysis. During survey gathering, a Dalhousie University clipboard and Dalhousie letterhead on the surveys were displayed to assure participants that the research team was associated with the university. Recruitment was conducted in an unobtrusive manner through minimal dialogue and having the surveyors positioned so that they did not impede the way potential participants were moving to ensure minimal discomfort should they wish to decline to participate.

## **1.8 CONCLUSION**

Chapter One has presented the theoretical, contextual and practical foundation for subsequent chapters. Section 1.2 outlined the problem – a colonial mentality inherent within Canadian Settler identity and, by extension, Indigenous-Settler ontological relations - that will be addressed within Chapters Two, Three and Four. The enormity of the problem proposed, however, cannot be fully tackled within this thesis alone. Thus, Section 1.3 presents achievable goals and objectives. Section 1.4 summarizes the historical and cultural backgrounds necessary to approach the problem herein. Mindful of these historical and relational constructions, Section 1.5 outlines the research project with Section 1.6 discussing, more specifically, the manner in which the research for this thesis has been designed to achieve the goals and objectives. Finally, Section 1.7 highlights ethical considerations and measures taken to uphold respectful conduct throughout all

stages of the research project. What follows are three chapters written as stand alone manuscripts with a concluding chapter synthesizing the findings of the study in relation to the study goal.

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## CHAPTER TWO

### REDEFINING THE CULTURAL LANDSCAPE IN BRITISH COLUMBIA: HUU-AY-AHT YOUTH VISIONS FOR A POST-TREATY ERA IN NUU-CHAH-NULTH TERRITORY<sup>40</sup>

#### 2.1 INTRODUCTION: BRITISH COLUMBIA AND ‘THE INDIAN LAND QUESTION’

The nation-state of Kanata<sup>41</sup> was established through successive waves of colonial explorers, missionaries and traders seeking resources and lands for settlement (Saul, 2008; Miller, 2000). During these settlement periods, agents acting on behalf of foreign governments (often forcibly) displaced Indigenous<sup>42</sup> inhabitants to provide newcomers with land. Many Indigenous peoples entered negotiations with colonial governments (French and British) to establish historic treaties in an attempt to secure certainty over their territories (see Figure 2.1: Map of Historic Treaties in Canada) (Miller, 2000; Miller, 2009). Despite Constitutional inclusion of the rights and title of Indigenous<sup>43</sup> peoples living in Canada, in British Columbia Indigenous peoples and Settlers/Newcomers continue to live throughout a landscape that Indigenous peoples have never ceded in terms of occupancy or resources. When viewed within the larger Canadian context, the province of British Columbia (BC) is a distinct socio-political space (Roth, 2002; Miller, 2009; McKee, 2009).

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<sup>40</sup> A version of this Chapter has been submitted to ACME: An International E-Journal for Critical Geographies under the following authorship: Vanessa Sloan Morgan, Heather Castleden and HUU-AY-AHT First Nations.

<sup>41</sup> The term ‘Kanata’ is used here in place of ‘Canada’ to acknowledge the continued colonial occupation of this globally recognized nation-state. Place naming has been used as a tool of colonialism to appropriate Indigenous landscapes and claim ownership over their territories. Jacques Cartier misinterpreted ‘Kanata’, an Iroquoian word for village, for what he thought was a reference to the land base of what is now ‘Canada’ (Rayburn, 2001).

<sup>42</sup> First Nations, Métis and Inuit cultures are distinct in nature. The term ‘Indigenous’ will be used herein in place of the Canadian state’s term ‘Aboriginal’ as a way of recognizing Indigeneity and refuting state definitional and allocation of identity (Alfred, 2005).

<sup>43</sup> In 1982, the Canadian Constitution included section 35 which defined ‘Aboriginal’ as the legal term for First Nations, Inuit and Métis peoples. Section 35 also affirmed Aboriginal title stating “the existing [A]boriginal and [T]reaty rights of the [A]boriginal peoples of Canada are hereby recognized and affirmed” (1982). However, these ‘rights’ were not defined in full nor do all Aboriginal groups hold Treaties with the federal or provincial governments.

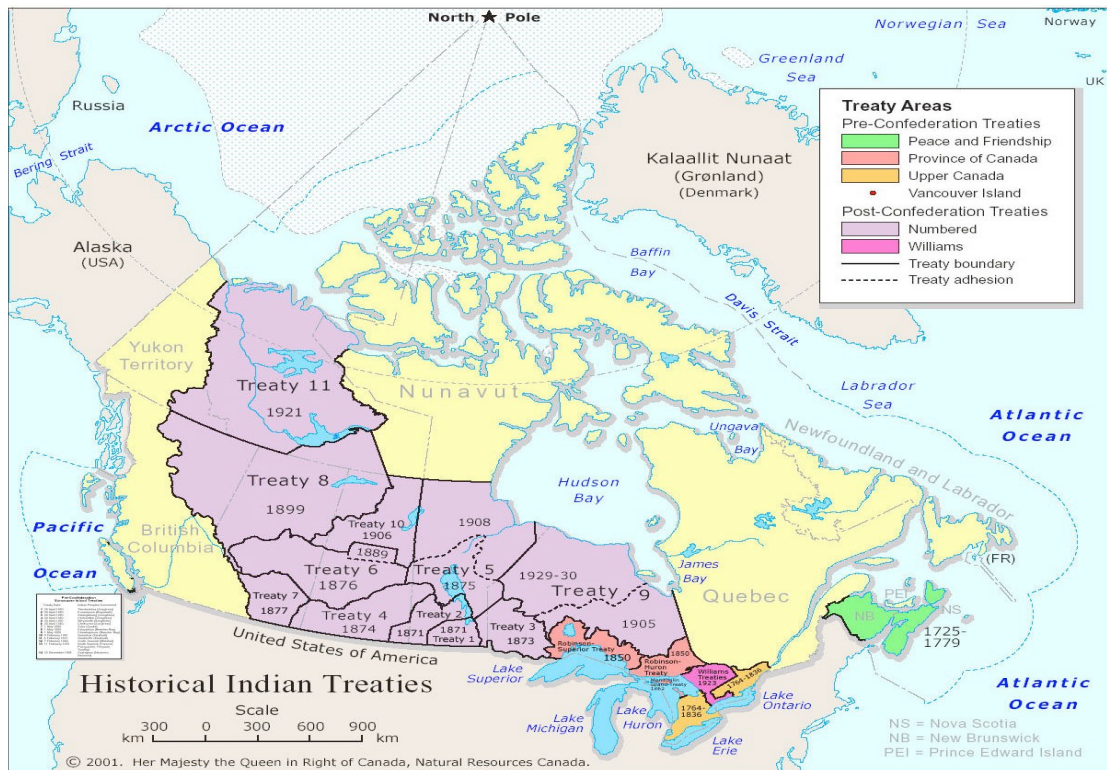


FIGURE 2.1: Map of Historic Treaties in Canada (Natural Resources Canada, 2007a)

With the exception of fourteen historic Douglas Purchase Treaties covering portions of Salish territories on the southern tip of Vancouver Island (1850-1854), and compensation to some Dene Nations in northeastern BC vis-à-vis Treaty Eight (1899) (McKee, 2009), the ‘Indian Land Question’ is one that has continued to fuel an often tumultuous and unjust relationship between the provincial and federal governments, residents of BC and the First Nations that have been there since time immemorial (Woolford, 2005; Harris, 2002). When negotiating treaties in the late 19<sup>th</sup> and early 20<sup>th</sup> century, the colonial government found it unnecessary to recompense the remaining First Nations (Miller, 2000; Miller 2009). Reasons for this neglect are often debated (see Miller, 2009; Roth, 2002; Harris, 2002; Smith, 1995). Scholars have pointed to the need to accommodate the influx of Settlers (Miller, 2009) and that the discovery of valuable resources during the late 19<sup>th</sup> century overshadowed the legal requirements for colonial governments to provide fair compensation to Indigenous peoples for acquisition of their territories (Harris, 2002). Regardless of the specific conditions that led to dispossession without recompense, it is agreed that philosophical underpinnings of the time were based upon

Eurocentric notions of a cultural and a social hierarchy that viewed Settlers as superior to Indigenous peoples (Asch, 2002). Colonizers' capital based state systems were seen to be more advanced than the semi-sedentary, or sedentary, Indigenous social structures.

Postulating that First Nations did not possess a significant level of social organization to constitute the ability to negotiate for dispossession, the Common Law notions of *terra nullius* subhumanized First Nations, thus creating the legal foundation for their relocation (Radcliffe Wrightson, 2007). Indigenous peoples today remain wards of the Canadian state through the Indian Act (Alfred, 2009; Borrows, 1998; Borrows 2002). In an attempt to rid themselves of this Act and strive for social, political, economic and health equity, many First Nations in BC have entered into modern treaty negotiations with the federal and provincial governments. Modern treaties are intended to provide First Nations with certainty of territorial ownership through fee simple land transfers and by reinstating relative self-determination through the abolishment of the Indian Act. To date, three modern treaties have been implemented in BC.

The purpose of this paper is to explore the long-term community goals of Indigenous youth whose First Nation recently implemented a modern treaty. To do so, youth from Huu-ay-aht First Nations participated in a research-based envisioning project to define their desired post-treaty community and cultural landscape. Recognizing that modern treaties are contested socio-political spaces (Alfred, 2000; Roth, 2002; Simpson, 2008; McNeil, 2001), the Maa-nulth Treaty is used as a contemporary platform and current event for the youth to communicate their desire for change within a shifting political context: the move towards self-determination. As a precursor to understanding the thematic content of their stories, the path to modern treaties in the context of an ongoing colonial relationship between Indigenous peoples and the Settler population in Canada is outlined below.

## **2.2 MODERN TREATIES IN BC**

The first modern treaty in BC was implemented in 1998. The Nisga'a Nation entered negotiations with the federal government in 1976, however the provincial government



did not enter negotiations until 1990 as they refused to recognize Indigenous title<sup>44</sup>. These dialogues were unprecedented, lengthy and complexly located in convoluted historical and legal frameworks traditionally used to delegitimize First Nations governance and claims to territories (Warry, 2007; Asch, 1997; Dyck, 1991; Woolford, 2005). In order to create a logistical framework that would aid in directing future treaty negotiations, a six-stage process was created in 1992 and a tripartite body independent from First Nations, federal or provincial governments - the British Columbia Treaty Commission (BCTC) - was appointed in 1993. The BCTC's role is to direct and oversee conversations between the two levels of government and First Nations<sup>45</sup> (Miller, 2009, McKee, 2009).

The six-stage negotiation process is designed to guide treaty talks while allowing each negotiation table to tailor conversations (see Table 2.1: BCTC Six Stage Treaty Negotiation Process). To date, 63 First Nations are at various stages of negotiations (BCTC, 2012). The second modern treaty in BC - the Tsawwassen Treaty - was the first to successfully navigate the six-stage process through to implementation. After submitting their Statement of Intent (SOI) in 1993, and after sixteen years of active negotiation, Tsawwassen First Nation implemented their Treaty in 2009 (McKee, 2009; BCTC, 2012). The third modern treaty, and the focus of this paper, went into effect on April 1, 2011 for the five nations of the Maa-nulth First Nations (Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation, Ucuelet First Nation and Ka:'yu:'k't'h'/Chek'tles7et'h' First Nations) (Maa-nulth Nations, 2008). This came after 18 years of negotiation first under the Nuu-chah-nulth Tribal Council (NTC) representing the 14 Nuu-chah-nulth Nations on the west coast of Vancouver Island and then, due to disagreement during the negotiation process, the five Maa-nulth Nations broke with the

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<sup>44</sup> Nisga'a First Nation actually attempted to enter negotiations with the government of Canada in the 1890 through the foundation of a Land Committee. Between 1927-1951, however, conditions in the Indian Act forbid First Nations from raising funds for purposes of pursuing land claims. After this legislation was appealed in 1951, the Nisga'a Land Committee transformed itself into the Nisga'a Tribal Council four years later and again pursued their land claims quest (Miller, 2009).

<sup>45</sup> The First Nations Summit, and the provincial and federal governments outlined the six-stage process to modern Treaty negotiations (BCTC, 2009). The BCTC oversees the processes involved in each stage and aids with conflict and dispute resolution (McKee, 2009). The three roles of the BCTC are: facilitation of negotiations, funding, and providing and overseeing public information and education (BCTC, 2012).

NTC to continue negotiations at their own treaty table. Becoming politically recognized as Maa-nulth First Nations in 2004, they submitted their SOI in the same year and began negotiations with the provincial and federal governments (Maa-nulth, 2003). Despite the six-stage process outlining the expected responsibilities of First Nations and provincial and federal governments in treaty negotiations, many First Nations and Canadian Settlers are unsure of these roles and their function in shaping Indigenous-state relations (Warry, 2007).

TABLE 2.1: BCTC Six Stage Treaty Negotiation Process (adapted from BCTC, 2012; McKee, 2009)

Stage Number	Stage	Action Item	Signaled Completion
One	Statement of Intent (SOI)	First Nations signal intent to negotiate	BCTC, provincial and federal governments acknowledge SOI
Two	Readiness to Negotiate	All parties agree to negotiate	Once all parties indicate readiness to enter negotiations
Three	Negotiation of a Framework Agreement	Parties determine an outlined agreement	Parties reach a consensus on outline
Four	Agreement in Principle (AIP)	Public consultations and First Nations vote on AIP	AIP is voted in favour and all parties agree
Five	Negotiation to Finalize Treaty	Final negotiations	All parties agree on Treaty conditions and sign off
Six	Implementation	Treaty is implemented	Implementation

Modern treaty negotiations are often inaccessible to the dominant population since they are located in highly specified legal jargon and premised upon rulings from previous and evolving litigation cases that have complexly defined Indigenous rights and title<sup>46</sup> (Dyck, 1991; Culhane, 1998; Asch, 1997). Furthermore, strains of a colonial mentality that frames Settler governments as rightful and legal inheritors of Indigenous territories operates within policies and practices that actively disempower First Nations (Alfred, 2000; Deloria Jr., 1997; McNeil, 1997; Woolford, 2005). Modern treaties in BC, or

<sup>46</sup> Discussions surrounding Indigenous rights and title in relation to treaty negotiations are vast and growing (see Alfred, 2000 & 2005; Alfred & Cornthassel, 2005; Borows, 1998; Borrows, 2010; Christie, 2005; Culhane, 1998; Dacks, 2002; Macklem, 2001; McNeil, 2001; Roth, 2002; Woolford, 2005). Litigation cases of particular mention in relation to current treaty negotiations in BC are *Calder v. Attorney-General of British Columbia* [1973] and *Delgamuukw v. BC*. [1997]. Recognizing that much debate surrounds the foundation for treaty negotiations laid by these rulings (see Asch, 1997; Dacks, 2002; Culhane, 1998; Macklem, 2001; Roth, 2002), for the purpose of this thesis I will use the legal precedent outlined by *Calder* and *Delgamuukw* as the point for departure.

comprehensive land claims, are thus not always viewed in a positive light. Entering the negotiation process can bring together confusions and apprehensions on a variety of levels (Woolford, 2005; Miller, 2009). When combined with the legacy of racist conduct and unilateral authority exhorted by the state over First Nations, centuries of deeply rooted distrust and anguish are not easily surmountable (Dyck, 1991; Henderson, 2002). Treaty conditions often perpetuate colonial trends whereby First Nations are sold short<sup>47</sup> (Woolford, 2005; Henderson, 2002; Borrows, 1998; Christie, 2005; Simpson, 2008). Compounded with the complex process of negotiations, mistrust in the negotiation process may be viewed as oppression, whereby Indigenous rights and title are defined by colonial courts (Dacks, 2002) and treaty negotiations result in partial erosion of traditional Indigenous territories for certainty over smaller portions of land (Borrows, 1998; Richmond, 2007). Thus, many First Nations peoples view treaties as “certificates of conquest,” (Roth, 2002: 151) where rights are taken rather than granted<sup>48</sup>. First Nations members must vote at various stages of the six-stage process. For those who decide to enter the treaty process, the end product - implementation - reinstates a level of community autonomy, sheds relative colonial control and recognizes and guarantees these conditions legally – ironically, this recognition is granted under the same legal framework used to justify the displacement of First Nations centuries ago (Roth, 2002; Turner, 2006).

Despite relative self-determination being reinstated through treaty implementation, centuries of colonial policies have tainted First Nations’ decision-making practices (Deloria Jr., 1997; Alfred, 2009). Indigenous landscapes continue to be defined through external governmental authorities. The existence of the reserve system is one example of this continuation (Glover et al., 2008; Stephenson, 2008). Navigating the complexities involved in negotiations with governments (and industries), while keeping the desires of

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<sup>47</sup> For example, the Nisga’a Treaty allocated a mere 2000 square kilometres of fee simple land to the Nation. Lands are now recognized as privately owned versus the usufructory rights granted under concepts of Aboriginal title. Yet, the traditional territories of the Nisga’a and original areas claimed in negotiation were 25,000 square kilometres (Miller, 2000)

<sup>48</sup> This discussion surrounding perceptions of modern Treaties is by no means a comprehensive overview; it is intended to draw attention to the complexities involved in them. To discuss this in full would be beyond the scope of this manuscript. Please refer to Alfred & Corntassel (2005), Borrows (1998 & 2010), Radcliffe Wrightson (2007) or Woolford (2005) for comprehensive discussions on this topic.

the community at the fore, can be a difficult balance in any political or legal arena (Woolford, 2005). When the platform for these discussions is the colonial foundation that has consciously disempowered Indigenous communities and their members, extra care in planning, especially following implementation, is required (Happynook, 2007). Colonial policies in historical and contemporary forms continually attempted to assimilate First Nations by de-legitimizing Indigenous governance structures and cultural protocols<sup>49</sup> (Bracken, 1997; Miller, 2000). Despite these unilateral attempts at assimilation, such as the Indian Act and forceful removal of Indigenous children from their families to attend day and residential schools, First Nations remain largely rooted in culturally distinct foundations (Atleo, 2004; Coté, 2010). Reintegrating these protocols under the umbrella of self-government, however, will require skillfully navigating<sup>50</sup> colonial imposed structures of governance and community operations that have, for decades, impacted decision-making strategies and community landscapes (Happynook, 2007; Turner, 2006). Inclusion of community voices in defining socio-political, spiritual and cultural landscapes, despite being complex, is necessary to develop and determine best practices as a critical first step towards decolonization (Battiste & Henderson, 2000; Turner, 2006).

### **2.3 THE JOURNEY TO THE MAA-NULTH TREATY**

Since the establishment of Settler colonies on the west coast of Vancouver Island, Nuu-chah-nulth Nations have actively resisted assimilatory policies (Atleo, 2004; Currie, 2005). For instance, the outlawing of the potlatch in 1876 – a practice integral to Nuu-chah-nulth social cohesion – led to the destruction of family walls or large carved

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<sup>49</sup> For Nuu-chah-nulth Nations this translated to, among other things, revisions to the Indian Act to include a clause that outlawed the Potlatch in 1884 (Bracken, 1997); the Potlatch is an event for governance through redistribution and reciprocity and social cohesion both between and within Nations. It was eventually reinstated by the federal government of the day in 1951.

<sup>50</sup> In his 2006 publication *This is not a peace pipe: Towards a critical Indigenous philosophy*, Dale Turner expands upon this notion of skillful navigation. Turner extends the role of Indigenous Warriors to encompass contemporary ‘Word Warriors’: Indigenous people versed in both an Indigenous philosophy and the colonial legal and educational systems. By navigating the complex colonial realm while remaining rooted within their Indigenous philosophies, Turner believes Word Warriors are able to advocate for Indigenous community and cultural rights.

buildings representative of family clans<sup>51</sup> (Bracken, 1997). Rather than conceding to colonial regulations, Nuu-chah-nulth Nations responded by reproducing these walls on ‘curtains’ or large canvases that could be discretely stored and displayed during social engagements (Bracken, 1997). Resistance is further demonstrated by the fact that none of the 14 Nuu-chah-nulth Nations ever relinquished title to their territories (Nuu-chah-nulth, 2008). In fact, the Maa-nulth Treaty is the first instance that any Nuu-chah-nulth community has solidified a comprehensive land claims agreement with colonial governments.

When the Maa-nulth Treaty went into effect, the policies subsumed under the Indian Act were no longer applicable. Instead, each of the five Maa-nulth First Nations created independent Constitutions that outlined the distinctive rights of their members and laws for their nations. For example, Huu-ay-aht First Nations’ Constitution includes reinstating hereditary systems of governance, those previously denied under the Indian Act, with a seat for the *Ta’yii Hawilh* (Hereditary Chief) being guaranteed<sup>52</sup> and an elected legislative body and a peoples’ committee on the elected council. Decision-making concerning land use in Huu-ay-aht territory is now conducted in a manner that is reflective of cultural protocols, a means of decision-making that was formerly overruled by federal and provincial governments under the Indian Act (Maa-nulth, 2008). Huu-ay-aht membership is no longer determined through federal definitions of Indian status as outlined by the Indian Act, but is based upon Huu-ay-aht definitions of identity and family lineage (Maa-nulth, 2008). The foundation to reclaim community autonomy is set, and with it, the ability for Huu-ay-aht First Nations to define their future in their own voices (Huu-ay-aht First Nations, 2000). Huu-ay-aht Chief and Council want to ensure that all Huu-ay-aht voices are heard in future decisions. The actual negotiation and implementation of a modern treaty is thus only one step in their ongoing processes of decolonization. As stated by Robert Dennis, Elected Chief<sup>53</sup> of Huu-ay-aht First Nations,

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<sup>51</sup> Many of these walls were taken by Indian Agents and placed on display in museums throughout the world (Bracken, 1997).

<sup>52</sup> The *Ta’yii Hawilh* is the head hereditary chief of the Huu-ay-aht Nation. *Ha’wiih* are chiefs of Huu-ay-aht ‘houses’ or collections of family units. (Huu-ay-aht First Nations, 2000).

<sup>53</sup> Robert Denis is now retired. He acted as the Elected Chief Councillor during Treaty negotiations.

during his celebratory address at the HUU-ay-aht treaty celebration: “the work starts now!” (April 8, 2011).

## **2.4 YOUTH VISION(S) FOR A POST-TREATY ERA: THE CASE STUDY**

The research from which this paper stems is part of a larger multi-year research partnership between HUU-ay-aht First Nations and the senior (second) author. Since 2005, they have been working together to answer questions of importance to the community concerning environmental sustainability and community health and well being (Castleden, 2007; Castleden et al., 2009) using innovative, culturally meaningful research methods and knowledge translation strategies (Castleden et al., 2008). Because of the unique processes involved with modern treaties, and the increased self-determination that follows, their most recent collaboration, which began in 2010, has involved an exploration of HUU-ay-aht youths’ perspectives of their social, physical, and cultural landscape in a post-Treaty era. After initial discussions with the leadership, digital storytelling was proposed as a potential means of effectively engaging HUU-ay-aht youth in ways that would allow them to share their perspectives in an accessible manner with the entire community (and beyond) at the 2011 Treaty “effective date” celebration. Digital storytelling is reflective of Indigenous oral traditions (King, 2003; Smith, 1999). As a research tool, it is an innovative and novel approach and is itself a creation of cultural adaptation where technology is used to communicate the traditional art of oral storytelling (Fletcher & Cambre, 2009). Using a multimedia-based platform, digital storytelling is a qualitative and interactive approach used to provide story makers with a medium for combining their visions and voices to communicate ideas about a particular issue or subject (Burgess, 2006; Lambert, 2008).

The university-based research team is not Nuu-chah-nulth. To ensure cultural protocols were maintained, and that the youth had community leaders present to voice concerns, the HUU-ay-aht Council appointed a Community Advisory Committee (CAC) to oversee the project. The CAC was comprised of the *Ta’yii Hawilh* (Hereditary Chief) and an Elected Council member. They were available for cultural support and direction to ensure that all stages of the research were reflective of HUU-ay-aht values (Nuu-chah-

nulth Tribal Council, 2008). A community coordinator who had experience working with Huu-ay-aht youth was hired to aid in recruiting and organizing digital storytelling workshops. Before beginning recruitment, the proposed research was subjected to the scrutiny and approval of the Dalhousie University Social Sciences and Humanities' Research Ethics Board.

Recruitment for this study was done through collaborative identification of potential participants. Criteria for recruitment was limited to Huu-ay-aht identified youth as approved by the Advisory Committee. The CAC, research team and the community coordinator identified approximately 15 potential youth participants who were thought would have interest in participating in the research project. The hired community coordinator then contacted each youth via phone and through face-to-face interaction to ask if they wished to participate in the research project (see Appendix A: Recruitment Script). Of those approached, eight were able and wanting to partake and gave free and informed consent. Participants and their parents or caregivers (for those under the age of 18<sup>54</sup>) were given information pertaining to the project: research goals, time requirements, and general information. The youth participants created nine stories during two weeklong workshops: eight done individually and one collectively by four of the youth under the age of 18. Stories (essentially short films) ranged in length from two to six minutes. During the workshops (one in Vancouver and one in Port Alberni), participants reflected on their vision for their social, cultural, and physical landscapes. Story makers received technical assistance tailored to their learning styles and abilities. Each youth elaborated upon their story's fundamental theme in one-on-one or group settings. This provided in-depth discussions surrounding each story, each story maker's values and perceptions of community, and community vision. The research team undertook participant observation during the workshops and kept detailed fieldnotes, thus providing context and recording valuable observations of both the process of digital storytelling and the stories themselves (Kearns, 2005).

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<sup>54</sup> 'Youth' were culturally defined according to Huu-ay-aht cultural protocol, thus, story makers ranged in age from 13 to 38. Five of the eight youth who agreed to participate were under the age of 18 and, therefore, required parental consent.

The stories were analyzed inductively to better understand intersections and commonalities communicated by the story makers. A modified version of a grounded theory approach was used to code for manifest themes, or broad recurring messages, within the stories (Cope, 2005). These were recorded and arranged into concepts (Glaser, 1992; Cutcliffe, 2000). These concepts were then related to broader themes within literature pertaining to decolonization and Indigenous self-determination/definition (Alfred, 2005; Turner, 2006; Atleo, 2004). This approach allowed for theoretical interpretation and comparative analysis throughout the first phase of data analysis. Preliminary results from the comparative analysis were compared to fieldnotes and participant observations to highlight intersections and add to preexisting concepts. Stories were then analyzed by semiotic (Rose, 2007) and audio discourse (Bauer & Gaskell, 2000) analysis in accordance with the reoccurring themes for latent codes (Cope, 2005). Performing a multidimensional analysis of images (semiotic) and audio (discourse) by way of the expanded concepts symbolically deconstructed the stories in accordance with the intentions of the story makers. Placing the research team as an aid within the communicative process, rather than as an interpreter, attempted to address power imbalances inherent within processes of analysis (Battiste & Henderson, 2000). The research team actively sought the perspectives of the CAC to corroborate results. Using this multipronged approach of analysis allowed emerging theories to be discussed in congruence with existing literature. Doing so addressed an issue of rigour in qualitative research: for meaning to be discussed as a developing entity inductively, versus deductively predetermined by presenting theories as static products. More broadly speaking, this approach was employed to address the colonial practice of Indigenous voices being silenced within research interpretation (Louis, 2007), while more accurately discussing the stories (Clarke, 2005; Glaser & Strauss, 1967). Below are the results of this analysis: findings that have been extracted from the stories themselves, through participant observation, and through dialogues during the storytelling workshops.

## **2.5 FINDINGS**

All of the youths' stories touched a multiplicity of topics with focus shifting from the individual story maker, extending to their families and the greater community. Despite



integral differences in manifest and latent themes, all stories were anchored in, and revolved around, Huu-ay-aht culture. Definitions for how culture was perceived, lived, and experienced varied, and yet two common themes were talked about by the youth: 1) cultural and social revitalization; and 2) pride in Huu-ay-aht culture often through resistance to and revitalization despite (colonial) impositions. Both themes were often discussed in light of increased self-determination post-Treaty. Youths' visions for the future emerged in the social, cultural, community and physical landscapes. These findings, as they are presented below, demonstrate the interconnectivity of the story makers' ideas, inspirations and aspirations for the future.

### **2.5.1 Redefinition: Cultural landscapes of the past seen through Huu-ay-aht eyes of the present**

Three story makers in particular evoked traditional cultural and social practices and, paralleling them to the present, provided metaphors that highlighted how they envisioned changes in the cultural landscape. These metaphors were infused with perceptions of contemporary Huu-ay-aht culture and each are elaborated in turn. The first story maker's metaphor involved discussing visions for the future through Huu-ay-aht identity as canoe people. Using images of a sweat lodge and Kiixʔin, a historic Huu-ay-aht village of great cultural importance where a major battle occurred (and now designated a national historic site) (Huu-ay-aht First Nations, 2000), the story maker expressed interest in using traditional knowledge and Huu-ay-aht skills as canoe people to establish fishing charters and ethno-historical tourism. When speaking directly to Huu-ay-ahts' connection as a canoe people, however, the story maker imposes a picture of a modern fishing boat. This picture is followed by one showing traditional paddlers demonstrating a cognitive recognition of the possible adaptation of Huu-ay-aht identity to suit the current economy.

The second story maker spoke of his father as a 'traditional' Huu-ay-aht artist. Drawing parallels in generational perceptions of artistic traditions he stated that his father always told him to "slow down," but "[he] likes to bend the rules" (Story One, 0m:48s). The artist's story is composed mainly of his personal creations. As a means of expression, art has helped him overcome life barriers and has "given [him] more confidence to take part

in things such as this [digital story] project” (Story One, 2m:39s). The art depicted demonstrates the infusion of spirits and characters of cultural tradition with modern forms and mediums of expression. However, ‘tradition’ had not been abandoned. In the creation of cultural items, such as family curtains, the artist maintained Huu-ay-aht styles stating he felt honoured to be asked to produce such an important art piece. Combining contemporary and traditional artistic styles enabled the artist to produce creative expressions through their Huu-ay-aht cultural identity. Utilizing culturally integral characters, such as raven and wolf, and drawing from the shared experience of his people allowed his art to build upon ‘traditional’ art pieces produced by his father and demonstrated the ability for conventional Huu-ay-aht artistic style to grown and build upon its foundation. This story maker additionally portrayed changes to Huu-ay-aht culture and community through generations by evoking images of Warriors in relation to the implementation of the Treaty:

“When I think of the Maa-nulth treaty I think of our ancestors. I think they are proud of us. It reminds me of the story of the 50 Warriors. We had all of our Warriors then who did all the fighting... the blood, the gore... now our modern day Warriors are doing our fighting with pens and paper” (Story One, 3m:25s).

Speaking to changes in forms of social relations and conflict resolution, this quote highlighted the perceived transformation of asserting autonomy. The storyteller speaks of frequent warfare that historically occurred between Nations. Within his story, he uses a recent image of a group of Huu-ay-aht youth, some of who actively participated in Maa-nulth negotiations and held seats on Huu-ay-aht Council, to discuss the battle involved with asserting self-determination. This form of ‘battle’, however, was conducted through treaty negotiations. The dramatic shift in relations between Settlers and Huu-ay-aht First Nations, and Huu-ay-aht First Nations and surrounding Nations, from physical warfare to legal and political battles, is demonstrated.

The third story maker’s metaphor related to traditional celebrations. Singing the ‘All Nations Victory Song’ that was given to the Huu-ay-aht Nation and all First Nations of BC in 1976 by the late Toquaht Hereditary Chief Cecil Mack, aged photographs of whale hunts are shown interchangeably with images of Huu-ay-aht Elected and Hereditary

Chiefs and Council as the Maa-nulth Nations march in the streets of Victoria<sup>55</sup>. It is through these constantly interchanging photographs and the drumming of the ‘All Nations Victory Song’ that the story maker describes how the community celebrated the catch of a whale:

“In itself is worth celebrat[ing]. It was a big event. It was a duty of rank. Our *Haw’iih*, our Chiefs, were the whalers and they provided for the community with this bounty. The bounty was for everybody. Everybody benefitted from the catch of a whale and everyone celebrated. They called upon their neighbours to join them... and into the night they feasted, they sang and they danced” (Story Nine, 0m: 35s).

Likening the catch to contemporary celebrations he states:

“We no longer whale but we have events worthy of celebration. This song was given to us, the First Nations people of British Columbia, to sing and celebrate when we answered the land question. Modern day treaties is what we celebrate now and it is for that reason, and that reason alone, we were given this song” (Story Nine, 1m:20s).

Through images and the use of the ‘All Nations Victory Song’, the storyteller paralleled a traditional cultural practice, one upheld by leaders of the Nation, to modern interpretations of providing for the Huu-ay-aht community. In the past *Ha’wiih* provided for their people with subsistence. Chief and Council and the *Ha’wiih* now provide for their Nation by navigating the complexities of the colonial system and securing a modern treaty. Combining these images creates a parallel between current and traditional practices, thus transforming the role of community leaders and the needs of the community to create a cohesive Nation within the contemporary political context. The implementation of the Treaty is seen as a source for celebration, one that will reinstate fundamental Huu-ay-aht values such as the hereditary governance system (taken away under the Indian Act). The ‘All Nations Victory Song’ is used as a common element to draw together themes of celebration, community cohesiveness and security. Demonstrating how cultural practices can be adapted to a different, yet equally relevant action –i.e. whaling to implementing a treaty- this metaphor seeks to demonstrate how

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<sup>55</sup> Victoria is the provincial capital of British Columbia and the city in which the majority of the formal treaty negotiations took place.

utility of actions integral to Huu-ay-aht culture are celebrated and shared while being transformed over time.

Despite only three stories being highlighted to demonstrate how tradition, culture and heritage are important and enmeshed in the identities of the Huu-ay-aht youth of today, all of the youth participants talked about these ideas in their own ways. It is particularly noteworthy that all of the participants spent their early years in the main Huu-ay-aht village of An'acla (see Figure 2.2: Huu-ay-aht Traditional and Reserve Territories). Now residing in the urban centres of Port Alberni, Vancouver and Nanaimo, their reasons for relocation varied according to life circumstances. The majority, however, cited a push-factor for relocation – specifically, the lack of resources and services available at 'home'. All youth expressed a desire to return to An'acla and many of their stories indicated that they hoped the Treaty would provide Chief and Council with the opportunity to bring services, such as shops, schools and entertainment facilities, into the community.



FIGURE 2.2: Map of Huu-ay-aht First Nations traditional and reserve territories (Castleden, 2007).

### **2.5.2 Resilience and revitalization: Looking back to move forward**

Three story makers paralleled past events integral to HUU-ay-aht culture with current practices to discuss resistance to colonial policies and attempts of assimilation. For example, one story maker depicted this visually by presenting black and white pictures of family members dressed in Settler clothing - such as collared shirts and dresses - followed by photos of First Nations rugby and soccer teams posing in front of Port Alberni's residential school. Accompanying these images, the story maker spoke of how the legacy of assimilatory policies is not forgotten and that resulting repercussions are persistent today. He used digitized, symbolic imagery – such as question marks – to suggest that the lasting effects of these policies may be overcome with HUU-ay-ahts and all First Nations becoming more involved in their cultural values and events. This theme of practicing, involving and educating more HUU-ay-ahts in cultural events and protocols, was apparent within all of the stories. Every youth saw roots in culture as a way for their community, and all First Nations, to resist colonial impositions and address/move beyond the pains of past injustices.

A second story maker expressed their passion for resilience and strength in art. Art was not only their way of telling their ancestors' stories, but the story maker saw the creation and envisioning of art as something that could not be taken away as the government had attempted to take their Nuu-chah-nulth language. Due not only to the tangible products of art itself, processes of creating pieces relays HUU-ay-aht histories, and as such is itself a learning process: a means of revitalizing the lived experiences of HUU-ay-ahts while allowing artists to confront the past. In doing so, both the creator and the viewers are able to conceptualize past oppressions while focusing upon cultural, social and personal resilience. The revitalization of practices once integral to HUU-ay-aht culture was further seen as an act of community empowerment. Despite outlawing cultural events, 'tradition' had not been lost or abandoned. It had merely been on hiatus from the larger public realm. Within this colonial context, art was seen as an act of resistance.

A third story maker referred to his community's decision to resurrect their traditional practice of canoe-making as another form of resistance to colonial policies. Reflecting upon the making of the canoe, the story maker recalls that this was the first canoe made in over 70 years: "there was a lot of feeling in that canoe. The amount of people that came and told stories was amazing. Art helps you remember. That canoe really helped our community come together" (Story One, 1m:07s). Colonial policies, such as the banning of the Potlatch, attempted to fragment social cohesion (Bracken, 1997). The establishment of reserves and single-family dwellings sought to assimilate First Nations into more individualistic, sedentary living situations representative of Settler ideals (Harris, 2002). The making of this canoe, however, reinstated a sense of community and was an expression of HUU-ay-aht values. Despite a canoe not being made in this manner for decades, the making of a canoe was traditionally a community-oriented event. Social relevance was reinvigorated during its constructions.

When discussing cultural transmission and building upon cultural values, all story makers depicted images of, or directly referred to, a family role model that they accredited with learning much of their HUU-ay-aht ways. The transmission of cultural values remains located within intergenerational teachings. One story maker recalled their late grandfather singing her a song. When he finished, he told her, "one day you will dance to this song" (Story Maker Eight, February 26, 2011, Port Alberni Storytelling Workshop). Depicting images of her late grandfather interchangeably with her dancing in HUU-ay-aht regalia, throughout the entire story the song played by her grandfather is audible. Its playing in the background furthered the powerful image and role that this person had on her perception of HUU-ay-aht culture. Recalling the pride her grandfather placed on the idea of her dancing in the future, dancing was the story maker's "favourite part of HUU-ay-aht culture" (Story Maker Eight, February 26, 2011, Port Alberni Storytelling Workshop) and a means of reconnecting with those whom had passed. Reflecting traditional cultural transmission, and reconnecting with ancestors, HUU-ay-aht culture is intact and is being passed down through generations.

Most of the story makers decided to use Nuu-chah-nulth songs in the digital stories. Three of them were actually recorded on site by the story makers during the story telling workshops. The importance of participating in HUU-ay-aht cultural practices, namely singing and dancing, was at the fore of the youths' stories. One story maker discussed this importance in the context of receiving his first drum, an event that he identified as significant to his cultural growth. While he had "started culture about ten years ago" (Story Six, 0m:25s), it was when his uncle gave him his first drum that he found his distinct role within events and celebrations (Story Maker Six, March, 1, 2011, Port Alberni Storytelling Workshop). Cultural practice as a site of resilience aided a story maker in finding his role within the larger community:

"I saw [my mother] dancing for the first time to my uncle's...[Nam'at'sma] song at my sister's wedding... I did not know she danced. She grew up at the residential school and seeing my mum dance made me pay more attention to the drum. It made me think 'Wow! I had no idea our culture was still in my mum and in my family'" (Story One, 2m:05s).

The story maker, also an artist, included a sketch of his mother. A First Nations woman is depicted with half of her face representative of Nuu-chah-nulth identity. The other half of the woman's face shows her mouth sewn shut, a number sewn onto her jump suit, a cross over her eye and the image of a cross behind her left shoulder. This picture demonstrates his interpretation of the dualistic reality and conflicting identity experienced through his mother's residential school experience. The quote above, however, highlights the pride involved in the continued resilience of HUU-ay-aht culture. Later, the same story maker discusses the difficulty of channeling these positive aspects of culture into everyday experiences due to centuries of oppression: "There is lots of trauma in our people. It gets in the way of our thoughts" (Story One, 2m:55s). This trauma is experienced as both a catalyst for taking part in cultural activities, while "fuel[ing] my fire," (Story One, 3m:09s) for artistic creation. Whether depicting an image of a raven transforming into a man, or creating a drum beat in a story to overlay poetry, artistic and cultural creation was seen as therapeutic, a medium to transform negative experiences and enable community healing. The creation of art operates as a location for resistance and revitalizing, albeit through adapting, cultural values.

Older youth discussed their cultural practices and values as intertwined with their daily lives. Whether they identified as professional or recreational artists, these practices became integral to their identity as HUU-ay-ahts and as a means of relating and reacting to modern society. This view differed for younger youth who discussed culture as something that they had “got involved with,” or as put by Story Maker Three: “I have *been into* [HUU-ay-aht] culture since I was little,” (0m: 34s). While they all expressed pride in being HUU-ay-aht, cultural practices – such as dance practices - were seen as separate from their everyday activities and identities. Taking part in these activities, depicted by one story maker through images of the planet Mars, brought him to a “whole different world,” (Story Six, 0m: 07s) one separated from his everyday interactions. In a story collectively made by the younger youth, they spoke directly to the ability of culture to overcome the negative social burdens within their population. A hip-hop rendition stated “stop drinking and doing those drugs that you are smoking.” The composer of this verse included this theme in his individual story. His aspiration for his community post-Treaty was for people to abstain from alcohol and partake in cultural activities. All of the younger youth saw cultural expression and revitalization of cultural practices within the larger community as an alternative to the effects that substance abuse has had on their people.

## **2.6 DISCUSSION: REDEFINITION OF CULTURAL LANDSCAPES AS DECOLONIZATION**

Since the 18<sup>th</sup> century, HUU-ay-ahts have been in contact with the Settler population. They have been forced to endure colonial policies that have attempted to assimilate and delegitimize their distinctive beliefs and social structures that since time immemorial have allowed HUU-ay-ahts to exist with their traditional territories (Atleo, 2004; Arima, 1982). In spite of colonial governments asserting authority over their lands, and Settlers establishing permanent residence on unceded Nuu-chah-nulth territories, colonial power structures have been resisted and cultural values have been upheld (Atleo, 2004; Coté, 2010; Castleden et al., 2009). HUU-ay-aht identities, however, have changed over time and in response to centuries of colonial and Settler impositions. Youth visions for a post-Treaty era demonstrate these changes. Despite none of the story makers currently living



in the main village of An'acla, there is a continued sense of place as all youth discussed a desire to return home. Youth wished for sources of entertainment, such as basketball courts, and amenities characteristic of urban living, such as wireless internet and cell phone service, to be available in the village post-Treaty. Shopping centres, schools and clothing stores were mentioned as services thought necessary for the community to be self-supporting<sup>56</sup>. The desire to return to An'acla speaks to the importance of place and HUU-ay-aht traditional territories for the future of the community.

The youths' visions for on site services and integration of traditional HUU-ay-aht practices, like carving, into community support mechanisms, such as employment services and logging, shows an integrated response in cultural values and attitudes to contemporary social conditions (Begay et al., 2007). The outlawing of traditional subsistence practices and forced relocation onto reserves failed to provide culturally relevant, alternative livelihoods. Combined with colonial policies denying First Nations the resources to gain education and adequate employment (Miller, 2000), a paternalistic and asymmetrical relationship was upheld between the colonial government and HUU-ay-aht Nation. Youths' stories demonstrated an infusion of traditional and contemporary technology, such as the use of a fishing boat instead of a canoe, to demonstrate a desire to uphold the cornerstones of HUU-ay-aht tradition while redefining practical aspects. This redefinition and technological inclusion is a response that has been referred to as "concrete circumstances" (Cornell et al., 2007: 51), or influences of contemporary, often practical, structures into core cultural frameworks. In this light, the Maa-nulth Treaty was seen as an opportunity for change by including culturally values and practices into the livelihoods of the community. The reintegration of hereditary HUU-ay-aht governance structures through the guaranteed representation and recognition of the *Ta'yii Hawilh* and *Ha'wiih* on Chief and Council speaks further to these structural changes.

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<sup>56</sup> It is recognized that services such as grocery stores are dependent upon external food production systems. The term 'self supporting' is intended to indicate the ability for community members to access all necessities from within the community, not in a manner reflective of community subsistence external from the global economy.

The Indian Act forcefully imposed a colonial style of elected governance onto First Nations. Despite the reciprocity based Potlatch remaining integral to cultural and social practices, First Nations were penalized if they did not follow the hierarchical colonial governance structure. The Maa-nulth Treaty's condition for hereditary representation to be not only guaranteed, but also recognized by external bodies, represents a shift in power dynamics. Upholding cultural values is seen as a means of defining the community and of healing the population. Reinstating traditions and rejecting colonially imposed values better equips the community to journey, as they see fit, towards their own remedial processes (Alfred, 2009). The Maa-nulth Treaty is viewed as a platform for this change that, through instating a Huu-ay-aht Constitution, will allow for the creation of self-defined laws to lead towards a future determined by the community and intended to uphold the values and best interests of its members (Turner, 2006). These laws have been adapted to best suit the current situation of the Huu-ay-aht Nation. Law, able to be read as cultural text (Culhane, 1998), has the ability to rid the community of colonially imposed policies, such as the Indian Act, allowing Huu-ay-aht First Nation to once again celebrate the bounties of self-determination. Of dual importance is the fact that Huu-ay-aht hereditary governance is now legally integrated and affirmed within imposed structures. In doing so, Huu-ay-ahts not only redefine their own structures of governance by reinstating their *Ha'wiith*, but the legitimacy of these leaders is recognized and upheld by colonial bodies. This public affirmation of governance is important not only for decision-making, but for the dominant society to recognize the legitimacy of distinctive First Nations values (Atleo, 2004). Another example of this recognition in both the Huu-ay-aht and the Settler population, being discussed specifically in one story and arising as a topic of conversation during the story telling workshops, is through the designation of Kiiixʔin as a National Historic Site. Using the same legal frameworks and concepts of land ownership that once ostracized First Nations from their territories and cultures, they are now being used by First Nations themselves to navigate and solidify legitimacy within the culture of colonialism (Alfred, 2009; Turner, 2006; Borrows, 2010). The importance of this site and the values embedded within it penetrate broader society. Huu-ay-aht cultural relevance is here extended to the public, whereas the oppressive frameworks, once used to delegitimize, are being used to empower (Freire, 1971).

Further integration of cultural protocols into policies, such as land use, demonstrates adapting to modern conditions. The Treaty itself was premised upon community self-determination in a manner responsive to current socio-political conditions (Maa-nulth, 2008). Developing relative self-determination allows Huu-ay-aht First Nations to define their own future, in their own voices, by responding to conditional changes while remaining rooted within cultural beliefs and values. The digital stories further this point by demonstrating how current conditions have manifested themselves in the story makers' identities as Huu-ay-aht youth. Integrating modern artistic styles (e.g. hip hop) into traditional cultural activities (e.g. singing and drumming) demonstrates the infusion of contemporary culture and youth identities into the distinct Huu-ay-aht identity. This infusion creates an output that, through its rootedness and innovative development, maintains distinctive cultural characteristics (Sider, 2003). Integrating new mediums, such as the digital stories, is an example of building upon artistic styles. Throughout processes of artistic creation and communication, assimilatory ideologies can be rejected. Despite the availability of Western culture and technology, youth are choosing to uphold their distinctive Huu-ay-aht culture while themselves integrating Western practices. This self-directed use of novel mediums shifts imbalances of power so that Western culture is the one being adapted and consumed. Turner (2006) proposes a similar call to action by suggesting Indigenous intellectuals become versed in the legal and ideological disciplines that have acted to oppress First Nations communities. Returning to their community and working as a community representative within oppressive colonial frameworks, these intellectuals manifest themselves as modern day defenders through navigating the very system that has actively suppressed First Nations. They do so in a manner that is now reversed to benefit, rather than harm, the community. This concept is explicitly demonstrated through one of the storytellers labeling the Treaty negotiators as Warriors fighting with "pens and paper".

The use of contemporary styles of art as communicative mediums of cultural importance and interpretation is another form of cultural reclamation. Art is a site of resistance, an example being the use of family curtains (which can be easily hidden) in lieu of family

walls following the outlawing of the Potlatch in 1876 (Bracken, 1997). The creation and use of family curtains today not only demonstrates a continued recognition of the suppressive tendencies of the colonial government, but acts as a site of active resistance by refusing to forget a history that has survived attempted erasure (Alfred, 2009). Bending artistic stereotypes that have traditionally upheld notions of First Nations cultures as static, whether by family curtains or carvings, artists are able to redefine how culture itself is interpreted. In doing so, colonial and externally applied identities are actively rejected, thus redefining relations previously held both within and outside of the community (Nader, 1990). Culture is redefined as an evolving process allowing self-definition to transcend colonially applied definitions (Turner, 2006). The use of metaphors, such as paralleling the celebration of catching a whale to the implementation of the Maa-nulth Treaty, further demonstrates this difference and the adaptation of cultural protocols such as celebrations. Deloria Jr.'s (1969) drawing of cultural parallels can be likened to these metaphors. Temporal depictions of celebratory traditions, such as the catch of a whale, and recreating forms of battle, shown through Huu-ay-aht's battle on Kiiix'in, demonstrate that cultural transmission is inherent within the youth, however, through time has transformed to respond to contemporary existence. Huu-ay-aht identity, and cultural and social landscapes, has been transformed to uphold Huu-ay-aht First Nations values and address the current needs and desires of the community through establishing greater community autonomy and adapting Huu-ay-aht culture.

## **2.7 CONCLUDING COMMENTS**

Given that this research is part of a program of community-based participatory research, located in a university, it is worth couching the concluding comments with reference to the colonial context that exists within universities. A reflection of the epistemologies and the values of the society that they are located in, for universities within Canada, a colonial mentality transcends its primary function: to create knowledge (Mihesuah & Wilson, 2004; Alfred, 2009; Asad, 1973; Pinkoski, 2008). Mindful of the inherent role colonialism plays within the creation of knowledge and the history of unethical research conducted *on* Indigenous communities by non-Indigenous academics, such as knowledge being misappropriated and misinterpreted (Battiste & Henderson, 2000), findings and

data not being returned (NAHO, 2005) and cultural protocols otherwise being ignored (Royal Commission on Aboriginal People, 1996), this project sought to *aid*, rather than create, Huu-ay-aht youth in sharing and communicating their visions for future change (Friere, 1971). The method of digital storytelling was specifically selected for its focus on the story maker, ability to reflect Indigenous oral tradition and provide an iterative process of analysis. Using this approach, eight Huu-ay-aht youth expressed their vision(s) for the future of their community in a post-Treaty era – in their own voices, with their own symbolic meaning.

The expression of art and drawing parallels to cultural celebrations demonstrates how the youth define Huu-ay-aht culture and their personal identities. Culture and identities were shown as ever evolving in response to, rather than defending themselves from, increasing technological and social changes. Key cultural elements, such as dancing and singing, thrive despite colonial policies having attempted to assimilate and outlaw socially cohesive practices. Demonstrating these temporal and cultural changes, youth showed the resilience of their community. The stories illustrated that the youth viewed the Maa-nulth Treaty as an opportunity to move forward with community healing from the injustices experienced in the past.

Huu-ay-aht youth spoke of the need to better educate themselves about the conditions of the Treaty and the capacity it will bring. As stated by one story maker, “Council should sit down with the youth and talk to us about what we are getting into with respect to the Treaty” (Story Eight, 1m:33s). Demonstrating the specialized nature of Indigenous law and conditions related to treaty rights, First Nations and Settlers alike are often isolated from the highly complex legal jargon involved in Indigenous-state negotiations (Dyck, 1991). Even with the particulars being unknown, these youth indicated a need and a desire to emphasize the positive and resilient parts of their culture while wanting to move forward and step up as community leaders. To do this, Huu-ay-aht values and cultural practices need to be maintained. They will continue to adapt in order to accommodate the unpredictable nature of life in the 21<sup>st</sup> century. Referring to a “talking stick”, a cultural object used in many Indigenous societies to maintain respectful communication in large

groups, one story maker identified the current generation's responsibility to "pick up the stick" (Story Seven, 0m:29s) and help raise future generations in accordance with cultural traditions, an integral part of the healing process needed for the community to move forward. In order to do this it is necessary for HUU-ay-aht First Nations to, as put by one of the story makers, "return to HUU-ay-aht ways" (Story One, 4m:00s).

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## CHAPTER THREE

### FRAMING INDIGENOUS-SETTLER RELATIONS WITHIN A MODERN TREATY CONTEXT: A CRITICAL DISCOURSE ANALYSIS OF THE MAA-NULTH TREATY IN MAINSTREAM MEDIA<sup>57</sup>

#### 3.1 INTRODUCTION

By reproducing social constructions, media informs ontological relations (Harding, 2006; Furniss, 2001) and contributes to the formation of national identities (Szuchewycz, 2000; Said, 1981; Nesbitt-Larking, 2007). It does so by using discourse that maintains cohesion by creating common perceptions of characteristics that constitute belonging - culture, race, ethnicity, class, gender, sexual orientation, etc (Jiwani, 2006; Paine, 2000; Taylor, 1989). Seen on tandem with other social forces, media representations produce prejudices (Belanger, 2002; Said, 1981; Fleras & Lock Kunz, 1992). Discriminatory connotations of a society's dominant population are communicated in their colloquial language and institutional structures (Harding, 2006; Wolfe, 2010). Mainstream media is shaped by these connotations, while it further conveys social prejudices by using discourse as a platform to communicate societal events. In this light, van Dijk states that discourse "serves to express, convey, legitimate or indeed to conceal or deny such negative ethnic attitudes. Therefore, a systematic and subtle discourse analytical approach should be able to reconstruct such social cognitions about other groups" (van Dijk, 1992: 88). In short, media plays a role in unifying, creating and maintaining 'others' (Said, 1981; Said, 1978).

Canada's national identity is premised on the notion that it is a multicultural society of immigrants (Saul, 2008). Nevertheless, there is a "back story" to this national identity: European Settlers colonized Indigenous territories to establish the nation-state of Canada. Indigeneity, or Indigenous identities, were established prior to, and outside of, the contemporary nation-state and transcend imagined nationalisms<sup>58</sup> (Anderson, 1991). In

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<sup>57</sup> A version of this Chapter is being resubmitted to *Discourse and Society* with the following authorship: Vanessa Sloan Morgan and Heather Castleden.

<sup>58</sup> The term 'imagined' is used by Anderson (1991) not to degrade or imply a constructed falsification, but to highlight that all members subscribing to a nation, and its identity, do so based upon a shared

this case, imagined cohesion *is* the Canadian identity (Paine, 1999). Nationalism becomes a way for Settlers to determine “political legitimacy” (Gellner, 1983: 1), whereby, as Gellner asserts, “ethnic boundaries should not cut across political ones” (Gellner, 1983: 1). Studies examining Indigenous representations in Canadian newspapers have found that prejudice is perpetuated (see Furniss, 2001; Harding, 2006), often by neglecting to address Canada’s history of discrimination (Szuchewycz, 2000). Ignorance of genealogies<sup>59</sup> that have created Indigenous realities is a driving force behind this Canadian identity (Saul, 2008; Warry, 2007; Simpson, 2008). Historical violations of cultural, civil and communal rights being invisibilized (Szuchewycz, 2000), white Settlers unfamiliar with colonial constructs often rely upon stereotypes located in a colonial rhetoric to locate themselves in relation to the Indigenous ‘other’ (Simpson, 2008; Said, 1978; Said, 1981). As a communicative tool that reinforces social relations (Foucault, 1980; Furniss, 2001), media plays a large role in maintaining this disjointed perception while unifying an imagined nationalism (Nesbitt-Larking, 2007).

This paper reports on a study that explored the genesis of a modern Treaty as represented by two mainstream media outlets over time. The Maa-nulth Treaty, involving five Nuu-chah-nulth First Nations<sup>60</sup> on the west coast of Vancouver Island, and the British Columbia (BC) provincial and Canadian federal governments, is the second treaty to be

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understanding of national identity. Anderson proposes that nationalism, and subsequently national identity, became highly developed during the age of print capitalism for congregations of people exceeding small villages. Through print capitalism the social abstraction of the state was conceived as sovereign, thus rectifying concepts of a collective in order to maintain cohesion, and stability, among members of diverse ethnic origins. By creating the sovereign, vis-à-vis borders, members of various cultural and ethnic backgrounds transfer concepts of belonging to the nation as a larger collective with via print. It is ‘imagined’ as most “will never know most of their fellow members, meet them or even hear of them, yet in the minds of each lives the image of their communion” (Anderson, 1991: 6).

<sup>59</sup> ‘Genealogy’, as used here, is a Foucauldian term. Informed by Neitzche’s concept of the genealogy of morality, positing that concepts of morality are developed through unifying histories to justify contemporary existences (Neitzche, 1956), Foucault expands this notion to encompass contemporary social constructions and locations of power. He states that populations in power often neglect distinctive histories in the creation of contemporary social and state structures (Foucault, 1978).

<sup>60</sup> The five Nuu-chah-nulth Nations comprising the Maa-nulth Nations are: HUU-AY-AHT First Nations, KA:’YU:’K’T’H’/CHEK’TLES7ET’H’ First Nations, Toquaht Nation, Uchucklesaht Tribe and Ucluelet First Nation. The fourteen Nuu-chah-nulth Nations, under the leadership of the Nuu-chah-nulth Tribal Council, entered treaty negotiations in 1994. In 2001, negotiations were halted but the five Maa-nulth Nations continued negotiations as a separate political unit. The Maa-nulth Nations Statement of Intent, the first stage of negotiations, was submitted in September of 2003 (Maa-nulth, 2008; McKee, 2009).

implemented under the British Columbia Treaty Commission (BCTC) framework<sup>61,62</sup>. The Maa-nulth Nations began treaty negotiations in 1994 as part of the Nuu-chah-nulth Tribal Council negotiating table. Moving forward at their own treaty table in 2001, the Maa-nulth Final Agreement was implemented on April 1, 2011. News articles pertaining to the Treaty over the seven and a half year period when Maa-nulth Nations were negotiating at their own table were subjected to a critical discourse analysis to interrogate the way Treaty-related information was reported to BC and Canadian residents.

### **3.2 MEDIA AND THE (RE)CREATION OF INDIGENOUS STEREOTYPES**

Through discourse, media has the ability to reinforce social structures (Furniss, 2001; Foucault, 1984). Adding to these constructions are the, often implicit, cultural assumptions of journalists (Herman & Chomsky, 2002; Furniss, 2001). Mainstream journalists, as individuals located within dominant society (Foucault, 1980), rely upon a shared cultural understanding about how to communicate information in relatively limited space (Warry, 2007). Herman and Chomsky (2002) suggest that the media is directed by those who own it and serves to represent the masses. North American mainstream media, once owned and operated by numerous small companies, has become monopolized by a select number of media corporations. These corporations have control over what and how information is provided to consumers, or readers. Mass media can thus be seen as a consumable product, the content of which is intended to reflect the ideologies of those who possess ownership, or power, over its creation (Herman & Chomsky, 2002). In short, media mirrors the values of the middle-upper class (Herman & Chomsky, 2002; Szuchewycz, 2000) of which Indigenous peoples and voices have historically been excluded (Anderson & Robertson, 2011). The result is the production of “white-collar knowledge,” (Belanger, 2002: 398) that reflects the beliefs and interests of

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<sup>61</sup> In 1993, the British Columbia Treaty Commission (BCTC) was established as a tripartite, third party group intended to mediate negotiations (McKee, 2009; British Columbia Treaty Commission [BCTC], 2012). The BCTC has created a Six-Stage framework to guide First Nations and provincial and federal governments through negotiations. Stage One is First Nations submission of the Statement of Intent to federal and provincial governments and the BCTC. Stage Two involves all parties being declared ready to negotiate. Stage Three is the development of a framework agreement. Stage Four is creating an Agreement in Principle. Following First Nations community approval of Stage Four, Stage Five is the Final Agreement. Stage Six is Implementation (BCTC, 2012, McKee, 2009).

<sup>62</sup> The Nisga'a Treaty (1998), however implemented prior to the Tsawwassen Treaty (2009) and Maa-nulth Treaty (2011), was negotiated outside of the Six-Stage process (McKee, 2009).

those having jurisdiction over the manufactured. This often privileges society's dominant population (Herman & Chomsky, 2002; Jiwani, 2006).

In multicultural societies, people depend upon media to “properly guide them through a sea of facts and figures to seemingly sensible and easily absorbed conclusions” (Belanger, 2002: 395)<sup>63</sup>. This reliance extends to represent diverse or ‘other’ cultures (Said, 1981). A paradox inherent within this dependence is that the majority of those manufacturing this information are members of the dominant society (Fleras & Lock Kunz, 2001), leaning upon imagery of the ‘other’ to discuss current events (Belanger, 2002; Eriksen, 2002; Anderson, 1991). Images of the ‘other’, perceived through the lens of dominant society, are thus (re)produced with stereotypes being used to “aid in our understanding of disparate peoples [and] is a historical trend that transcends media and impacts how society views diverse cultures” (Belanger, 2002: 396). Perpetuating the manufactured ‘other’ (Anderson & Robertson, 2011), mainstream media in Canada has used normative constructions of a collective Canadian society to over-simplify complex Indigenous and Indigenous-Settler events and (often) omit First Nations voices (Belanger, 2002; Anderson & Robertson, 2011). The exclusion of First Nations voices in reporting their own affairs (Louis, 2007) silences distinctive perspectives and upholds dominant ideologies and political practices (Fleras & Lock Kunz, 2001). Combining this silencing with ignorance of historical/colonial oppressions, as is the case within the Canadian context, dominant media often de-contextualizes and produces ill-informed interpretations of events impacting Indigenous peoples (Belanger, 2002; Voyageur, 2000; Szuchewycz, 2000). Framing events in this manner can impact how Settlers locate, relate and interpret Indigenous peoples and cultures (Belanger, 2002).

Recent studies have sought to further explore media's reproduction of colonial mentalities (see Anderson & Robertson, 2011; Harding, 2005a; Harding, 2005b; Harding, 2006; Furniss, 2001; Belanger, 2002). A study on the use of imagery and the representation of First Nations culture within Canadian newspapers, for example, found

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<sup>63</sup> Definitions for what counts as ‘media’ is expanding, especially in light of the internet making information more readily accessible and available. Although this study concerns print media only, this section outlining media's role in (re)creating stereotypes can be extended to internet resources.

that “the depiction of non-Native culture cling[s] to historical notions of the ‘Indian’ as savage, childlike, noble, warlike, and unable to modernize,” concluding that, “print media, as an entity, is preset to defining Native culture in less than a favourable light” (Belanger, 2002: 396) (see also Nadasdy, 2004; Anderson & Robertson, 2011; Belanger, 2002; Furniss 2001 for more on stereotypical representations of Indigenous peoples in the media). Nesbit-Larking attributes print media to being “strongly associated with the politics of imperialism and colonialism” (2001: 52). Anderson & Robertson, in their book *Seeing red: A history of Natives in Canadian newspapers*, comment on this notion stating:

“Canadian nationalism becomes imperialism because it shares the same dream.... These colonial actions become double-edged because the mainstream positions itself as rightful owner of Aboriginal lands as well as inheritor of an English pattern of positioning itself with respect to Indigenous peoples [as inferior]” (2001: 4).

Exploring media’s ‘common sense’ concept of Indigenous peoples, or a shared understanding thought to be true, Harding states that due to the complexity of Indigenous rights, issues are presented in ways that “effectively deny or denigrate the inherent rights of [Indigenous] people. [In doing so] the media exert a powerful and direct influence on public policy towards [Indigenous peoples] and indirectly on their lives” (Harding, 2005b: 314). Mainstream media’s influence on Indigenous affairs is not isolated to policy realms. It impacts readers’ perceptions of diversity and Indigeneity. Relational interactions are shaped by representations of Indigenous-Settler relations for the (predominantly) Settler readership (Warry, 2007).

News reports often polarize events including Indigenous and non-Indigenous interests, framing Indigenous-Settler relations as antagonistic (Harding, 2005b; Harding, 2006; Berkhofer Jr., 1978). Combined with a reliance upon stereotypical ‘othering’, the reader often overlooks events impacting Indigenous affairs and may even approach these reports with a pre-determined negativity (Lambertus, 2004). The information omitted from media often becomes as important as that which is included (Harding, 2006; Harding, 2005b). Although media is aimed at informing people in limited textual terms, by neglecting to include the complexity of Indigenous issues, a continued reliance on



stereotypes is likely to remain prevalent (Belanger, 2002). Cases where Indigenous peoples are not seen to embody stereotypical images dualistically impact the way that they are represented. If not 'noble', they have lost their 'Indian-ness' (Nadasdy, 2004). If not productive, they are perceived as 'lazy' and a burden to the state (Anderson & Robertson, 2011). Adding to these representations are over-simplified reports of inter and internal tribal conflicts. Not only throwing into question Indigenous communities ability to self-govern (Cornell, 2007; Begay et al., 2007), these stories often present self-governance as threatening to Canada's social fabric (Belanger, 2002). These cyclical representations justify Indigenous designations as 'wards of the state,' subsequently representing them as a 'burden' on Canadian society. When viewed in light of multicultural policies, Indigeneity creates an ideological gridlock and is seen as antithetical to equalizing discourses surrounding Canadian nationalism (Paine, 1999).

### **3.3 CRITICAL DISCOURSE ANALYSIS**

Discourse is the interface through which knowledge and power are made operational and (re)constructed within society (Foucault, 1978). Analyzing discourse is a means of understanding the ways in which language contributes to our social constructions of reality (Foucault, 1984; Porter, 2006). Critical discourse analysis (CDA) is an approach to untangling these facets, specifically with respect to how power and knowledge operate within a societal context. CDA reveals the socio-political foundation that allows power and knowledge to exist and extrapolates the potential implications for society (van Dijk, 1983; Porter, 2006). An interdisciplinary, qualitative methodology, CDA draws heavily upon the application of linguistic (van Dijk, 1983) and critical social theories (Jiwani, 2006). It is best suited for research that seeks to deconstruct language, especially language that contributes to the creation and maintenance of social inequalities (Fairclough & Wodak, 1997).

Despite its potential, CDA has been criticized for being academically elitist (Southwell, 2000), partially descriptive (and thus anti-empirical) (Tyrwhitt-Drake, 1999), void of rigorous enquiry and intent on deductively working from a conclusion (Jones, 2007; Tyrwhitt-Drake, 1999), subjectively rooted in the analyzer's ideological positioning

(Jones, 2007) and providing only a partial description of a larger argument through fragmenting text (Porter, 2006). The intent of CDA is, however, to unravel, “the social practice of language behaviour, with the dialectics between society, power, values, ideologies, opinions expressed and constituted in and about language” (Wodak, 1989: xiv). Deconstructing these acts, and by extension CDA, is thus inherently political (Szuchewycz, 2000; Caldas-Coulthard & Coulthard, 1996; Jones, 2007). The researcher is positioned to deconstruct language in accordance with their social and ideological location. Intended to provide a small ‘window’ into how language is able to construct relations (Porter, 2006) by employing linguistic and qualitative analysis and locating it within critical social theories (Jiwani, 2006), CDA can be made transparent in both methodological application and theoretical positioning. Through this, the researcher’s positionality is declared and the dependability, or at very least intent, of the CDA is transparent. For its ability to deconstruct relationships of power embedded in society, and because other studies looking at Indigenous-Settler relations in Canada have used this approach (see Harding, 2006; Furniss, 2001; Szuchewycz, 2000; Lambertus, 2004), CDA was identified as an appropriate method of analysis for this study.

### **3.4 CONTEXT AND METHODS**

CDA was used to interrogate media stories pertaining to the Maa-nulth Treaty in two Canadian newspapers: 1) *The Globe and Mail* (GM) (a widely-read newspaper with national coverage); and 2) *The Times Colonist* (TC) (a city-based newspaper with mainly local and provincial coverage in BC). The involvement of the provincial and federal governments in negotiating the Maa-nulth Treaty informed the selection for these two newspapers due to the geographical and political space in which each level of government operates. *The Globe and Mail*, being national in scope, operates out of Ottawa, the headquarters for all federal departments, and releases both a national and British Columbian edition daily. *The Times Colonist* is the dominant newspaper serving Victoria, BC - the provincial capital of British Columbia. Additionally, it is the largest newspaper produced on Vancouver Island, the location of the five Maa-nulth Nations’ traditional territories.

A keyword search across two databases for ‘Maa-nulth’ anywhere in either newspaper from September 21, 2003 to April 8, 2011 was employed to coincide with the six-stage BCTC treaty process associated with the Maa-nulth Treaty<sup>64</sup>. The Factiva Database revealed 46 news articles: 32 from *The Globe and Mail* and 14 from *The Times Colonist*. Using the same criteria, a second search using the Proquest Database revealed 69 news articles: 32 from *The Globe and Mail* and 37 from *The Times Colonist*<sup>65</sup>. Duplicate articles were removed. To exclude reader submissions and editorial columns, the search criterion was limited to ‘news’<sup>66</sup> resulting in 65 articles over the seven and a half year time span (GM=31; TC=34) (see Table 3.1: Distribution of news articles and sources over time period of study). The keyword search for ‘Maa-nulth’ revealed articles directly related to the Maa-nulth Treaty and the associated five Nuu-chah-nulth signatory nations. The search also delivered articles relating to another BC Treaty, the Tsawwassen First Nation Treaty (implemented in April 2009), British Columbia Liberal party politics (due to a 2009 election), and the BCTC. Given that each mentioned the Maa-nulth Treaty in varying degrees of detail, these articles were included in the analysis.

TABLE 3.1: Distribution of news articles and sources over time-period of study

	2003		2004		2005		2006		2007		2008		2009		2010		2011	
Newspaper	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC	GM	TC
Number of Articles (65 in total)	0	2	0	1	1	1	4	7	17	11	2	3	3	3	4	1	0	5

GM = GLOBE AND MAIL; TC = TIMES COLONIST

An initial broad scale analysis of literature that examined Indigenous-Settler relations and Indigenous representation in the media revealed two broad categories: stereotyping and dichotomizing Indigenous-Settler interests. Following an inductive review of the content in the 65 media articles, it became apparent that these two categories dominated

<sup>64</sup> September 21, 2003, the Maa-nulth Nations submitted their statement of intent to the provincial government to achieve stage one of the BCTC process. April 8, 2011 was Huu-ay-aht First Nations day of celebration and a week following stage six of the BCTC process: implementation.

<sup>65</sup> The Proquest database was accessed through two different academic institutions: one in BC, and one outside of BC. The Proquest database accessed from the BC institution had more comprehensive archiving of *Times Colonist* accounting for differences in yields.

<sup>66</sup> Media is intended to uphold an objective interpretation of current events (van Dijk, 1992; Wakefield & Elliott, 2003). The omission of editorials and reader submissions was intended to ensure neutrality through excluding overt ideological bias from the dataset and avoid skewing the analysis.

coverage of the Maa-nulth Treaty. From these broad categories, five specific themes were developed: 1) Criticism of the treaty process (structural dichotomy of Indigenous-Settler interests); 2) Quantification of the treaty process (economic dichotomy of Indigenous-Settler interests); 3) 'Us' vs. 'them' (individual/social dichotomy of Indigenous-Settler interests); 4) Inter/Internal tribal conflict (media stereotyping); and 5) Indigenous voices representing Indigenous issues (voices previously silenced; Indigenous-Settler relations). These themes underwent further analysis as follows.

Four means of critically examining discourse pertaining to the five themes were applied in this study: 1) 'fronting' or relevance structuring; 2) 'framing' or frame analysis; 3) rhetorical strategies; and 4) semantic strategies and lexical style (van Dijk, 1983; Harding, 2006; Voyageur, 2000; Hay, 2005). The first three analytical strategies are concerned with the structure and context of media representation. 'Fronting' concerns headlines and proposes that the most important aspects of a story are placed at the front of a news article (Harding, 2006; Voyageur, 2000). 'Framing' is the elucidation of underlying assumptions within an article and includes the power of omission. Here, *what is not* reported can be critically interpreted in the same way as *what is* included in the text (van Dijk, 1983; Harding, 2005b). Rhetorical strategies are the examination of dichotomies (such as 'us' vs. 'them'), selection of sources and repetition. The fourth strategy, semantic strategies and lexical style, is more concerned with the use of words through word choice, exaggerations, quotes and syntax (van Dijk, 1983). These strategies have been employed in a number of studies that explore Indigenous-Settler relations (see Furniss, 2001; Harding, 2005a, Harding, 2005b; Voyageur, 2000) and the construction of racism in Canadian media (Belanger, 2002; Szuchewycz, 2000).

### **3.5 FINDINGS**

The application of the CDA highlights the complexities and subtleties of media discourse on controversial issues. It exposes social practices and inherent political interests reproduced by the media concerning the (often fraught) negotiation and implementation of a modern treaty between Indigenous and Settler peoples in Canada. One of the most direct methods of communicating the themes of media articles is through headline

analysis. Telling of the tensions surrounding modern treaty making in Canada, and using the analytic tool of media fronting, the five themes in Table 3.2 (below) can be found throughout the dataset; they guide the application section of this CDA.

TABLE 3.2: CDA Themes and Media Headlines

Theme	Headline
Criticism of the treaty process	Panel warns problems for BC treaty process <sup>67</sup>
Quantification of the treaty process	Price tag rises as treaty talks drag on <sup>68</sup>
'Us' vs. 'them'	Critics assail Tsawwassen treaty signing; Pact goes against 'basic tenets,' MP says <sup>69</sup>
Inter/Internal tribal conflict	Maa-nulth deal 'last straw,' Ditidaht file suit <sup>70</sup>
Indigenous voices representing Indigenous issues	Island's first modern-day treaty a 'vision of future'; Deal lets Maa-nulth leave painful past behind, chief say <sup>71</sup>

The following section presents the findings from the application of the four CDA tools. These tools were often used in combination with each other. Each section below presents one of the five themes with discussion interspersed throughout.

### 3.5.1 The Treaty Process: “Too costly, [too] slow”<sup>72</sup>

In 2005, the BC Liberal Government proposed a ‘new relationship’ with First Nations (Province of British Columbia Ministry of Aboriginal Relations and Reconciliation, 2009). Treaty negotiations were poised to become the Liberal “legacy”<sup>73</sup>. A failure to define this new relationship beyond being founded on “respect, recognition, and reconciliation of Aboriginal title and rights,” (Province of British Columbia Ministry of Aboriginal Relations and Reconciliation, 2009) induced general uncertainty amongst public servants, First Nations leaders and the members they represent, as well as the general public. In particular, ambiguity existed regarding how Indigenous-state relations

<sup>67</sup> Times Colonist, December 5, 2007

<sup>68</sup> Times Colonist, October 1, 2003

<sup>69</sup> Globe and Mail, December 8, 2006

<sup>70</sup> Times Colonist, January 22, 2008

<sup>71</sup> Times Colonist, November 22, 2007

<sup>72</sup> Times Colonist, November 29, 2006

<sup>73</sup> Globe and Mail, July 27, 2007

would change and how the treaty negotiation process, seen as a milestone of this new relationship, could proceed efficiently. Following a litigation ruling that expanded on the determination of Indigenous title in 1997,<sup>74</sup> and with the provincial government seeking economic reforms within their ‘new relationship, First Nations were given greater decision-making abilities over establishing private contracts on land and for resources within their territories. The ability for First Nations to make more self-determined decisions with industries came under scrutiny in the media. Communities able to “strike better deals”<sup>75</sup> outside of the treaty process were blamed by policy makers and government officials in the media for complicating an already “fragile”<sup>76</sup> treaty framework. Subsequently, as treaty negotiations “dragg[ed] on,”<sup>77</sup> procedures were “becoming more volatile as a large number of [A]boriginal groups push[ed] back against recent progress”<sup>78</sup>. Through this media construction, various impediments to progress were placed upon seemingly uncooperative First Nations (Nadasdy, 2004; Coté, 2010). With money being “poured” and “pumped into the process,” bands were “staggering under the cost of negotiation loans” for a procedure that was approaching “collapse”<sup>79</sup>. Over “\$1 billion [had been] spent in BC since 1993 but no deals have been completed”<sup>80</sup>. Rhetorically framing the instability of First Nations’ financial status with the negotiation process itself, the complexities of negotiations are reduced to an economic discourse.

The notion that First Nations are not conforming to treaty conditions by establishing deals outside of the treaty process portrays BC First Nations as being the primary impediment to their own prosperity. Taken together, discourses focusing upon economics and inefficiencies with processes of negotiation lend themselves to perpetuating a colonial mentality that First Nations are dependent upon Settler governments, a stereotype frequently cited as an argument against First Nations ability to self-govern (Warry, 2007). This mentality serves to legitimate Settler governments’ paternalistic control over Indigenous affairs (Cornell, 2007; Begay et al., 2007).

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<sup>74</sup> The ruling in *Delgamuukw v BC*. [1997] laid the legal platform for the recognition of Indigenous title.

<sup>75</sup> Times Colonist, November 29, 2006

<sup>76</sup> Times Colonist, October 18, 2009

<sup>77</sup> Times Colonist, October 1, 2003

<sup>78</sup> Globe and Mail, November 5, 2007

<sup>79</sup> Times Colonist, October 18, 2009

<sup>80</sup> Times Colonist, November 29, 2006

Despite the BC Government's move towards addressing the unresolved 'Indian Land Question', negotiations are limited to provincial attempts to publically uphold their ill-defined "new relationship"<sup>81</sup> (Wood & Rossiter, 2011). At the same time, the media is criticizing the provincial government for their haste with respect to treaty negotiations. Eager to achieve "a long over-due success on the treaty front," the BC government is stated to have stopped "just short of rolling out the red carpet"<sup>82</sup>. Failing to define a "link between the new relationship and treaty negotiation policies,"<sup>83</sup> impatience combines with vagueness to make it seem that the province is tokenizing treaty talks. The historical tendency for the provincial and federal governments' failure to uphold, and neglect to respect, relations with First Nations is placed at the fore of media coverage of negotiations. The "take it or leave it policies of government negotiators" and "the legislation that set it up"<sup>84</sup> is identified by the Chief of the First Nations Summit Task Force as being the primary impediment to treaty progression. Focusing on placing blame diminishes the importance of, and motivation behind, answering the 'Indian Land Question'. Instead, media tends to focus on quarrels surrounding the negotiation process, which diminishes the *sui generis*<sup>85</sup> nature of land claims and reduces issues of legality to finger pointing and party politics.

One of the 65 articles presents an argument for the long-term (financial) benefits involved in answering the 'Indian Land Question'. In direct relation to the Maa-nulth Treaty, a Chief Commissioner for the BCTC emphasizes that the cost of not negotiating will be "nothing compared to economic uncertainty created by unsettled [Maa-nulth] claims"<sup>86</sup>. The Huu-ay-aht First Nations Chief Councilor stresses this from a Huu-ay-aht view: "I've calculated that \$12 billion worth of forestry has been removed from the territory since white Settlers arrived to the region." He continues, adding that, "the cost

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<sup>81</sup> Times Colonist, November 29, 2006

<sup>82</sup> Globe and Mail, December 9, 2006

<sup>83</sup> Times Colonist, November 29, 2006

<sup>84</sup> Globe and Mail, June 26, 2007

<sup>85</sup> Indigenous rights and title in Canada are in a *sui generis* category of law, meaning they exist outside of the Common Law and are distinctive to Indigenous peoples. For more on this topic see: Borrows & Rotman, 1997; Borrows, 1998; Coyle, 2009; Henderson, 2002.

<sup>86</sup> Times Colonist, December 10, 2006

of the package is small pittance compared to that, and ultimately all of Canada will benefit”<sup>87</sup>. From this Huu-ay-aht perspective, the claim of provincial and/or federal sovereign ownership over First Nations’ traditional territories is brought into question. The calculation of \$12 billion in forest revenues extracted from Huu-ay-aht territories locates the ‘Land Question’ within economic terms while demonstrating the importance of establishing long-term relations for Canada’s economic security. Furthermore, it challenges Settler perceptions of Canadians as the rightful inheritors of unceded First Nations territories (Simpson, 2010; Anderson & Robertson, 2011).

### **3.5.2 Maa-nulth in numbers: “Agreement gives millions, 21,000 hectares to six bands”<sup>88, 89</sup>**

Coverage of the Maa-nulth Treaty is predominantly structured around quantifying the land claims package with 50 of the 65 articles citing exact figures. Headlines often refer directly to monetary value, for example: “A cash-and-land deal worth roughly 500 million,”<sup>90</sup> or with statements such as: “five native bands on the west coast of Vancouver Island have voted in favour of a treaty worth about \$500-million in cash and land”<sup>91</sup>. Articles that report large capital transfers often place these monetary numbers opposite to relatively small population sizes. Prioritizing figures in this manner and without a discussion surrounding the complexities involved with First Nations self-provision of services, an incomplete picture is presented that dichotomizes Indigenous-Settler interests through the unequal distribution of funds. These land transfers are often framed as being ‘given’ rather than returned to First Nations, as demonstrated in a headline from an October 1, 2003 *Times Colonists* article: “Agreement gives millions, 21,000 hectares to six bands”. Another article from the *Times Colonist* states: “the land package [of the Maa-nulth Treaty] represents about eight percent of the Maa-nulth traditional territories”<sup>92</sup>. At the same time, the article highlights that the lands transferred under the

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<sup>87</sup> *Times Colonist*, December 10, 2006

<sup>88</sup> It is recognized that the article referred to here mentions six bands. The Maa-nulth Nations are comprised of five Nations, however, for the purposes of negotiation, the Ka:’yu:’k’t’h’ and Chek’tles7et’h’ First Nations merged politically to be recognized as one Nation (Maa-nulth, 2008).

<sup>89</sup> *Times Colonist*, October 1, 2003

<sup>90</sup> *Globe and Mail*, December 22, 2007

<sup>91</sup> *Globe and Mail*, November 8, 2007

<sup>92</sup> *Times Colonist*, December 9, 2006



Treaty will be “almost twelve times as much as the reserve lands they now hold”<sup>93</sup>. Rhetorical structuring, as shown here, downplays the reduction of First Nations traditional territories that occurred alongside the establishment of reserves. ‘Given’ treated lands are instead presented to overshadow initial dispossession with repossessed lands being exponentially larger than current conditions. Focus upon monetary and land based transfers provides a fragmented interpretation of the meaning and the intent behind negotiations. Colonial histories concerning the dispossession and the displacement of First Nations are reduced to quantifiable price tags that diminish the legal and social importance of establishing treaties. For those who are unaware of the histories of First Nations dispossession, this simplistic framing contributes to ill-informed stereotypes that First Nations receive favouritism from Settler governments (Warry, 2007).

Lexicon and word choice evoke an economic discourse, further diminishing the complexity of the negotiation process. Referring to the Treaty as an “agreement” with a “price tag”<sup>94</sup>, a November 2007 *Times Colonist* headline reading: “Maa-nulth *pact* faces clear sailing at legislature; Liberals and NDP both support treaty worth up to \$500 million, but federal election could delay Tsawwassen and west Island *deals*”<sup>95</sup>. This headline demonstrates the tendency to locate, in these cases both Maa-nulth and Tsawwassen Treaties, as solely business-type relationships. The role treaties can play in reconciliation or social justice is void. Nowhere in these two articles is there mention of self-determination or addressing historical and structural oppressions. Treaties, presented in this manner, are reduced to economically driven initiatives.

Political parties are able to use the media to further their party platforms by attacking opposition stances and capitalizing on the paucity of information surrounding negotiations that is provided to the public. A quote from a representative of Vancouver Island’s provincial oppositional party (NDP), demonstrates this by criticizing the provincial party’s (Liberal) approaches to negotiations: “I see these efforts in the spirit of

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<sup>93</sup> *Times Colonist*, July 28, 2007

<sup>94</sup> *Times Colonist*, October 1, 2003

<sup>95</sup> *Times Colonist*, October 23, 2007

transaction-making rather than treaty-making”<sup>96</sup>. This construction limits readers who may be undecided or uneducated on issues of conciliation to a narrow focus of the Treaty centred on the distribution of finances and land where First Nations are being ‘given’ ‘cash-and-land’.

### **3.5.3 ‘Us’ vs. ‘Them’: “British Columbia native groups ...have laid claim to nearly every inch”<sup>97</sup>**

The (then) Federal Indian Affairs Minister stated that treaties are intended to provide “‘certainty of peaceful co-existence’ between Settlers and First Nations”<sup>98</sup>. The Minister stresses that: “the [Canadian] Constitution is not being rewritten but ‘certainty’ is being given to it as ‘the Constitution recognizes that aboriginal people were here first’”<sup>99</sup>. A lead negotiator for Maa-nulth First Nations highlights the affect that the negotiation of treaties has on the entire population: “in a single stroke, it transforms the relationship between communities and non-aboriginal societies and governments,” thereby, “creating an opportunity to construct an entirely different future [by terminating] a relationship that has been markedly detrimental to these [First Nation] communities”<sup>100</sup>. Reinforcing treaties as multi-lateral agreements, one intended to settle state claims of sovereignty to First Nations territories, the Maa-nulth First Nations negotiator’s quote highlights that all Canadians are treaty beneficiaries (Miller, 2009; Epp, 2008). With the exception of this article, however, the media favours framing treaties as compromising, even threatening, Settler rights. Media discussions of the Tsawwassen Treaty concerning territories in close proximity to the Greater Vancouver Area prove this especially true. When discussing the Tsawwassen Treaty, phrases such as “*removal of... protected agricultural land*,”<sup>101</sup> is used to describe land packages. Since the general Canadian population is largely excluded from negotiations (Warry, 2007), discourse eliciting the “*removal of... protected agricultural land*” creates the appearance that treaties are taking from the Settler

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<sup>96</sup> Globe and Mail, October 16, 2007

<sup>97</sup> Globe and Mail, December 8, 2006

<sup>98</sup> Times Colonist, April 10, 2009

<sup>99</sup> Times Colonist, April 10, 2009

<sup>100</sup> Times Colonist, December 9, 2006

<sup>101</sup> Globe and Mail, November 8, 2007

population. Settler interests are rhetorically positioned as antagonistic to the establishment of treaties.

Extending from the antithetical position of Indigenous-Settler interests, future treaties are discussed in a manner that threatens the physical security of Settler communities. A media article states that issues of compensation are “tough” as “British Columbia native groups ... have laid claim to nearly every inch of the Greater Vancouver Area, which is already heavily populated and blanketed by urban sprawl”<sup>102</sup>. First Nations with traditional territories located in privately held lands are reported to be calling upon federal and provincial governments to bring these areas into discussion, “despite private land... long been considered non-negotiable,” because they “feel [it] was unfairly taken from them”<sup>103</sup>. Placing Indigenous-Settler interests in binary opposition, treaty negotiations are framed to be imposing on Settler territories since claimed, “‘traditional’ territory ... covers virtually the entire province”<sup>104</sup>. Within this light, First Nations are infringing upon the assumption that governments have rightfully sold Indigenous lands to Settlers (Anderson & Robertson, 2011). The gap between Indigenous and Settler interests is widened and presented as antithetical (Warry, 2007). Media use of devaluing terms, such as ‘feel’ and the use of quotations surrounding ‘traditional’, diminishes and devalues First Nation perspectives of territorial boundaries. Settler concepts of sovereignty are affirmed.

Settler sovereignty is taken one step further with the Tsawwassen Treaty being framed as explicitly threatening. A federal Conservative party Member of Parliament (MP) is quoted calling the Tsawwassen Treaty “seriously flawed” and “quite dangerous,” with its implementation being “entrenched forever in the Constitution”. The MP ends with a warning that after being implemented, “constituents living on treaty lands will face ‘taxation without representation’”<sup>105</sup>. Insecurities are mongered by threats, not only to constituents living on treaty territories, but also to the democratic system operating in

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<sup>102</sup> Globe and Mail, December 8, 2006

<sup>103</sup> Globe and Mail, September 28, 2005

<sup>104</sup> Globe and Mail, December 7, 2006

<sup>105</sup> Times Colonist, December 8, 2006

Canada. Treaties are framed in a light that challenges this system and First Nations are constructed to be apathetic to dominant society. When viewed symbolically, treaties serve to unsettle the democratic process contesting citizenship allocated by the Canadian state. Treaties, and by extension concepts of Indigenous self-determination, are socially and politically ‘othered’ (Coté, 2010) and undermine the security provided by the state and the rights subsequently extended by state citizenship (Paine, 1999).

### **3.5.4 Intertribal Conflict: “Ditidaht challenge Maa-nulth Treaty”<sup>106</sup>**

Issues involving territorial conflicts between First Nations dominated media articles in 2007. While Maa-nulth Nations were poised to vote on their Final Agreement, neighbouring Ditidaht and Tseshaht First Nations<sup>107</sup> took legal action against the Maa-nulth because of overlapping land claims. Media coverage of these events brought into question the capability of First Nations leadership and the treaty framework’s ability to accommodate increasingly complex legal rulings. A July 2007 *Times Colonist* article covering the legal conflict between the Tseshaht and Maa-nulth Nations illuminated these issues: “the court battle rooted in intertribal conflict regarding overlapping land claims, could set off a chain of events that would undermine the province’s already precarious treaty negotiation process.” Chief of Tseshaht First Nation is quoted giving support to the Maa-nulth Nations negotiation process, however states that this support is conditional providing that “[Tseshaht’s] toes are not stepped on in the process”<sup>108</sup>. Efforts to settle out of court were “rebuffed,” with ratification of the treaty, initialed in 2006, resulting in “an anticipatory *breach* of the boundary agreement”<sup>109</sup>. The word choice here - ‘breaching’ - implies that Maa-nulth Nations are ignoring the boundaries of their neighbouring First Nation’s territories. Focus upon intertribal altercations paints First Nations as not being capable of governing their own affairs (Berkhoefer Jr., 1978).

### **3.5.5 Indigenous Voices: “After a 135-year grasp on their daily affairs the Indian Act no longer rules their life”<sup>110</sup>**

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<sup>106</sup> Globe and Mail, January 23, 2008

<sup>107</sup> Ditidaht and Tseshaht First Nations were both apart of the Nuu-chah-nulth Tribal Council during the initial stages of treaty negotiations and when the Maa-nulth Nations broke away from that table in 2001.

<sup>108</sup> Times Colonist, July 28, 2007

<sup>109</sup> Times Colonist, July 28, 2007

<sup>110</sup> Times Colonist, March 20, 2011

Eighteen (27%) of the articles analyzed in this study presented First Nations voices predominantly and favourably. Of these 18, five of the 65 articles (nearly 8%) authoritatively examine the complexities inherent within issues such as self-governance, the allocation of band membership and historical implications of the Indian Act.

Due to territories of focus located in relatively remote areas on the west coast of Vancouver Island, Indigenous-Settler tensions were not framed as aggressively in comparison to media coverage surrounding the Tsawwassen Treaty. The Elected Chief of Huu-ay-aht First Nations was quoted voicing why his Nation entered the highly criticized and costly treaty process: “My thinking is, with negotiations you get to help shape where you would be, rather than let a judge decide. There’s a role of the dice that happens when you go to court”<sup>111</sup>. In another article, the Huu-ay-aht Chief is cited discussing the need for economic diversity so that cash allocations could be invested for the long-term prosperity of his community: “[the Maa-nulth Treaty brought] a great influx of cash and land, but we need an economy to make it work”<sup>112</sup>. Throughout this interview, the Elected Chief addresses preconceptions of the Treaty as one that provides unilateral economic transfers. He offers a Huu-ay-aht perspective of the Treaty package: “we only see this treaty as a set of tools- not a silver platter. The cash and the resources will provide opportunities, but also pose challenges”<sup>113</sup>. Showing how one Maa-nulth signatory believes the Treaty will provide tools necessary for greater self-determination, a Hereditary Huu-ay-aht Chief is quoted expanding upon this notion. Highlighting the Treaty’s ability to cut paternalistic ties with the federal government, he states: “after a 135-year grasp on their daily affairs, the Indian Act no longer rules their life”<sup>114</sup>. The importance for First Nations to have the ability to make-decisions and direct their community is emphasized by both Indigenous and Settler representatives. During the implementation of the Maa-nulth Treaty, the Liberal Premier of BC reiterates this stating: “[the Treaty is] great because [the Maa-nulth signatories] decided it’s what they want. I

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<sup>111</sup> Globe and Mail, November 21, 2007

<sup>112</sup> Times Colonist, March 7, 2009

<sup>113</sup> Times Colonist, April 10, 2009

<sup>114</sup> Times Colonist, March 20, 2011

think that's what's critical"<sup>115</sup>. The Elected Huu-ay-aht Chief highlights the importance of his community choosing their own path forward to address the complex decisions that will be made post-Treaty. Centering the discussion around economic diversity, his community's vote in favour of the Agreement in Principle was seen not only as approval for the Treaty, but as a signal that Huu-ay-aht members "understood the possibilities of economic development"<sup>116</sup>. The Elected Chief of Uckuchlesah First Nation, another Maa-nulth signatory, highlights the importance of self-governance stating: "the agreement will free his people from a historic burden and reclaim their right to govern themselves"<sup>117</sup>. Uckuchlesah's "exciting journey to reintroducing and exercising our inherent right to own our way of government for our people and accountability to our people is a refreshing and welcoming reality that we have strived for"<sup>118</sup>. Discussing the Treaty as a means of ensuring cultural and economic welfare are protected, he refers to the Treaty as "an expression of our vision of the future...it is a vision that permits us to see a future filled with opportunities. It is a vision that removes the crippling institutions of our colonial era. ... It is a vision that permits us to move forward and leave the pain of the past behind"<sup>119</sup>. Breaking over simplified, economic typecasts of treaties, testimonials from First Nations leaders are used here to move beyond 'impoverished community' stereotypes and paint a more complex picture of opportunities the Treaty will provide.

Although only a morsel of the articles represent the Maa-nulth Treaty as a complex legal and socio-political agreement, versus framing it as only an economic contract, these reports highlighted the importance of signatories "gaining control of ...[their] economic future"<sup>120</sup>. A quote from a Hereditary Chief of Huu-ay-aht First Nations furthers this point:

" 'On April 1 my children will be Huu-ay-aht citizens, as will many other people who were denied aboriginal rights, despite being connected to our nation,' said Happynook, a hereditary chief. Happynook's parents and

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<sup>115</sup> Globe and Mail, July 30, 2007

<sup>116</sup> Times Colonist, October 12, 2007

<sup>117</sup> Globe and Mail, November 22, 2007

<sup>118</sup> Times Colonist, April 3, 2011

<sup>119</sup> Times Colonist, November 22, 2007

<sup>120</sup> Globe and Mail, December 8, 2006

grandparents gave up their Indian status [in the early 20<sup>th</sup> century] because they did not want their children dragged off to Alberni Indian Residential School, Happynook said. ‘They wanted to vote in federal elections, they wanted to buy a house in Victoria, they wanted to be able to go up on the passenger deck on the B.C. Ferries. Under the old system, none of those things would have been possible if they had kept their status’<sup>121</sup>.

The quote and the contextual information provided present the Treaty as a way of moving beyond colonial structures to create positive relations between Maa-nulth Nations and Settler society. In 2011, the Hereditary Chief is again quoted demonstrating this point: “As of today, I am no longer 6630029501... As of today, I am proud to be a Huu-ay-aht. I am proud to be a Maa-nulth. I am proud to be a British Columbian and I'm proud to be a Canadian... The INAC system was structured to deny Indian status to many people with native ancestry”<sup>122</sup>. Providing historical and structural background on injustices experienced by First Nations, these excerpts challenge simplistic stereotypes that label all First Nations as taking advantage of social systems (Warry, 2007; Belanger 2002) and account for negative generalizations surrounding First Nations ‘special rights’ being seen as contrary to equality (Cairns, 2000; Warry, 2007). Showing Indigenous’ perspectives challenges stereotypes often unilaterally represented by Settlers in mainstream media. The Huu-ay-aht Hereditary Chief presents the Treaty as a means of unifying Indigenous and Settler people by recognizing his provincial, national and distinctive Huu-ay-aht and Maa-nulth identities, to demonstrate how multiple identities can be maintained. He promotes similarities between Indigenous and Settler populations, however does so without ruffling Settlers’ sense of place at local, regional or national scales. Framed not only as a legal document that reinstates Maa-nulth Nations’ ability to self-define its members, concepts of nationalism and regionalism are used to deconstruct difference and locate Maa-nulth Nations within a state-centered context.

When discussing Huu-ay-aht intent to attract tourism and hydro investments, the Huu-ay-aht Elected Chief expresses his desire to “get the road [leading to the local town of Bamfield and their community] paved”<sup>123</sup>. This comment literally, and metaphorically,

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<sup>121</sup> Times Colonist, March 20, 2011

<sup>122</sup> Times Colonist, March 20, 2011

<sup>123</sup> Times Colonist, April 8, 2011

provides unification between Maa-nulth First Nations and Settler populations. Calling upon the cultural significance of the long house, a traditional Nuu-chah-nulth dwelling and space used for ceremony, one article states that:

“The soaring roofline of the new Huu-ay-aht First Nation administration building radiates symbolism for a band breaking free from the Indian Act and embarking on an ambitious economic development program... [the chief councilor’s office] resembl[es] a mix of luxury hotel and airport”<sup>124</sup>.

When coupled with articles that emphasize a Maa-nulth identified need for economic diversity and the importance of self-determination, these comments show the importance of First Nations maintaining a distinctive cultural identity and provide historical insight into the complexity of modern treaties. The Maa-nulth Treaty is highlighted as a way to bridge First Nations and Settler communities, while ensuring distinctive cultures are respected.

### **3.6 IMPLICATIONS: UNSETTLING SETTLER NATIONALISM**

Applying a CDA to interrogate local and national media coverage of the Maa-nulth Treaty has demonstrated that media tends to rely on stereotypes and oversimplifications to communicate events leading to, and surrounding, the Treaty. Framing events in this manner (re)constructs dominant Settler perspectives of Indigenous peoples living in Canada. Diversity between Indigenous and Settler populations are influenced and shaped by relational interactions that play into current events (Wolfe, 2010). These concepts of differences are inherent in the articles with an underlying tone being exhorted that places Settlers as inheritors of Indigenous territories and locates Indigenous peoples in this regard (Smith, 2010; Anderson & Robertson, 2011). A historically totalizing scenario that ‘others’ Indigenous peoples and reinforces a shared, or ‘imagined’, Settler-Canadian nationalism supports this undertone (Belanger, 2002; Anderson, 1991). Neglecting to discuss ideological complexities and differences in Indigenous and Settler philosophies (e.g. individual vs. collective/shared land ownership) may serve to over simplify Indigenous and Settler relations (e.g. Settler perspectives on intertribal conflicts) (Warry,

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<sup>124</sup> Times Colonist, April 8, 2011



2007; Belanger, 2002). Within this vein, the media serves as a conduit for a shared colonial ideology, where:

“The press has both reflected naturally and regurgitated spontaneously and necessarily the culture from which [the colonial mentality of the Canadian state] emerged at the same time as reinforcing and teaching prevailing social norms to youth and newcomers” (Anderson & Robertson, 2011: 6).

Colonialism’s role in shaping current socio-political realities facing Indigenous people is invisibilized, whereby combining ill-informed stereotypes and Settler amnesia “[fortifies] the cultural hierarchy and moral authority at the heart of an existing social order” (Fleras & Lock Kunz, 2001: vii). This mutually affirming social order is reinforced by a state-centric, nationalistic notion of identity, defined largely by perceived differences. The Maa-nulth Treaty is presented in a predominantly economic realm with Indigenous-Settler relations presented as antithetical. Neglecting to mention epistemological concepts that have historically differed amongst Indigenous and Settler communities, such as land ownership in the case of overlapping land claims, ignores the intricacies of treaty negotiations. Instead, monetary transfers are focused upon to polarize Indigenous-Settler interests. In relational terms, the media acts as the reaffirming voice that creates and consolidates the conditions necessary for an ongoing colonial mentality. Addressing these prejudices involves framing Indigenous issues within historically complex and interconnected contexts. A practice undertaken by a fraction of the articles analyzed, the inclusion of these histories in Indigenous voices demonstrates an important, however small, shift in media ontological framings of Indigenous-Settler relations. Without a foundation to revisit the ‘Indian Land Question’, while being mindful of colonial socio-political manifestations in their contemporary form, the Settler population will be ill equipped to comprehend barriers to, and interconnectivities inherent in, land claims negotiations. At the same time, attempts to form “new relationships” between the provincial and the federal government and BC First Nations will be challenging since focus appears to be narrowly shone upon economic implications. With mainstream media absorbing and reflecting dominant society’s values, and with its role being to inform the dominant population (Warry, 2007), coverage and comprehension of Indigenous and Indigenous-Settler issues beyond ill-informed typecasts will require Settler-Canadians to

become critically versed in Indigenous-Settler ontological and structural relations. A task of admitted enormity, with even a foundational understanding of the role colonialism occupies in shaping current Indigenous-Settler relations, Settlers will be better positioned to reflect upon internalized colonial mentalities, their implications on Indigenous populations living in Canada and potential avenues to decolonize Indigenous-Settler relations.

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## CHAPTER FOUR

### PERSPECTIVES ON THE MAA-NULTH TREATY: AN EXPLORATION OF LOCAL INDIGENOUS-SETTLER RELATIONS IN THE PORT ALBERNI VALLEY, BC<sup>125</sup>

#### 4.1 INTRODUCTION

##### 4.1.1 Manifestations of a Colonial Mentality

A colonial mentality underpins Canadian Settler<sup>126</sup> society. This mindset has been largely constructed in a state-centric structure that defines Indigenous-Settler interactions by locating them within a political discourse of human rights (Paine, 1999; Paine, 2000; Eriksen, 2002; Saul, 2008). A nationalistic identity, informed by notions of ‘equality’, is nestled within an outlook based on two premises: first, Settlers perceive themselves as being the lawful inheritors of *terra nullius lands* (from a western notion of land ownership); and, second their being superior to the Indigenous peoples whose land they now occupy (Anderson & Robertson, 2011). These perspectives of dominance and Lockean land ownership contribute to an ongoing colonial mentality by serving social, and in turn political, relations (Smith, 2010). When viewed in light of supporting socio-political and legal structures and operating on an individual and relational plane, the colonial mentality privileges Settler ideologies and becomes synonymous with the Canadian-nationalistic identity. Adding to ill-informed stereotypes projected onto Indigenous populations (Godlewska et al., 2010), this mentality contributes to prejudiced conceptions of Indigenous-Settler differences (Warry, 2007). Evidence of this can be seen through the provision of socio-political and health services that are insufficient in meeting the distinctive needs of Indigenous peoples in Canada<sup>127</sup> (Waldram et al., 2006;

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<sup>126</sup> Settler refers to non-Indigenous peoples whose ancestors, or themselves, have immigrated to Canada to inhabit Indigenous territories and subsequently dispossess Indigenous peoples. ‘Settler’ is used to connect colonialism - historical and ongoing, resulting in the implantation of Settlers through processes of colonization (Harris, 2002; Wolfe, 2010).

<sup>127</sup> Indigenous peoples in Canada are constitutionally grouped under the umbrella term “Aboriginal”, this term is referring to the First Nations (formerly Indian Bands), Inuit and Métis peoples who are the original inhabitants of the Canadian landscape. The geographical focus of this paper is British Columbia, home to over 200 First Nations, and the Indigenous peoples referred to here are members of Nuu-chah-nulth First Nations.

Warry, 2007; Henderson, 2002), and through unsettled land claims that continue to hinder state-recognized Indigenous self-determination (Murphy, 2009; Cornell, 2007; Begay et al., 2007). When working within a structural realm, these inequities cause various forms of harm and are a result of historically constructed, yet contemporarily operative, colonial manifestations (Deloria Jr., 1967; Deloria Jr., 1997; Alfred, 2005; Alfred, 2009).

A major barrier to intervening in the reproduction of the colonial mentality that contributes to oppressive structural frameworks is, put bluntly, general Settler ignorance surrounding the historical reality, or genealogies<sup>128</sup>, that have resulted in current Indigenous realities (Godlewska et al., 2010; Warry, 2007; Saul, 2008). For example, Settlers often perceive disproportioned health burdens within the Indigenous population to be the result of a general inability, or indolence, on the part of Indigenous peoples to maintain ‘healthy’ lifestyles. Here, ‘health’ is based upon Eurocentric conceptions of wellbeing, that are primarily concerned with physical aspects of self (Waldram et al., 2006; Warry, 2007), whereas Indigenous definitions include not just the physical, but also the spiritual, emotional, and mental aspects of self (Deloria Jr., 1997). Furthermore, Settler criticisms of Indigenous realities neglect to account for the most basic factor contributing to this disproportion: the Canadian state forcefully disconnected Indigenous peoples from their ways of being (and thus, their wellbeing) vis-à-vis residential schools, relocation to reserve lands, out-of-culture adoption, outlawing spiritual ceremonies and political gatherings (e.g. the west coast Potlatch), and the imposition of discriminatory policies such as the Indian Act (Alfred, 2005). Other examples of the impact of dispossession include the increasing difficulties in accessing wild game and marine foods as well as traditional medicines and sacred lands. All of these acts of privileging the Settler morality neglect to account for historical dispossession: the lands being ‘given’ were in fact initially *taken from* Indigenous people (Alfred, 2005; Harris, 2002).

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<sup>128</sup> ‘Genealogy’ as used here, is a Foucaultian term used to describe historical creations of power, over time. Foucault points to the populations who possess power often neglecting to account for the impact of these histories in the creation of contemporary social and state structures.



#### 4.1.2 “We are all Treaty People”<sup>129</sup>

Treaties, as formal and legally binding contracts between representative governments (Miller, 2000; Miller, 2009), have historically been used to gain possession of Indigenous territories in Canada. Yet, not all areas currently occupied by Settler populations have been surrendered. The majority of the province of British Columbia is one such example (Harris, 2002; Harris, 1997). Within most of the province of British Columbia, Settler governments have claimed Indigenous lands without seeking permission or offering compensation at any time throughout history – until now. Current treaty negotiations are located within a discourse where the provincial and federal governments, representing the Settler population, are ‘gifting’ lands to First Nations. This is a process by which the dominant social hierarchy and settler morality invisibilizes colonialism (Smith, 2010). Historically this has involved the displacement and dispossession of Indigenous peoples from their territories and the implantation of Settlers to possess these lands (Harris, 2002; Said, 1994). By entering into modern treaty negotiations, First Nations are attempting to reinstate a level of self-determination that would be recognized within Canada’s colonial system (McKee, 2009; Woolford, 2006). These negotiations, however, are portrayed in a manner that extracts Settlers from their intent: conversations, leading to agreements, between parties representing Settler and First Nations populations concerning unceded First Nations territories. Scholars have suggested that reasons for the subjective removal of the Settler population can be attributed to power relations that erase the genealogy (Coulthard, 2007; Saul, 2008). Yet while “we are all treaty people”, this idea has largely been forgotten or, worse, ignored, or rejected by the vast majority of the Settler Canadian society (Miller, 2009). As a result, Settler ignorance surrounding oppressive frameworks continues to impact Indigenous realities.

At the same time, there is a governmental discourse about “new relationships” between Indigenous and Settler peoples in BC, one that involves settling outstanding land claims. Intended to provide certainty over land ownership and compensation for the dispossession of First Nations in BC, the provincial and federal governments have

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<sup>129</sup> Historian J.R. Miller (2009) is credited here with this quote, however, this idea has been present in multiple discourses since the beginning of Treaty-making time (see Epp, 2008).

entered into treaty talks with several First Nations (British Columbia Treaty Commission [BCTC], 2012). In 1992, the BC Summit of First Nations, provincial and federal governments established a six-stage framework for treaty negotiations. The same year, the British Columbia Treaty Commission (BCTC) was established as an independent, tripartite mediating body intended to oversee negotiations, provide funding and educate the public (McKee, 2009; BCTC, 2012). With 63 First Nations at various stages of negotiation to date, three modern treaties have been implemented in BC<sup>130</sup>. In September 1994, the Nuu-chah-nulth Tribal Council (NTC), representing the 14 Nuu-chah-nulth Nations whose traditional territories are on the west coast of Vancouver Island, completed the first stage of negotiations. With the treaty table stalled at Stage Four (the Agreement in Principle) in 2001, five of the NTC Nations decided to negotiate on their own accord under the politically recognized body of the Maa-nulth First Nations<sup>131</sup>. Despite the BCTC framework including mention of public consultation and specific details of treaties being outlined in negotiations, few studies have explored local residents perspectives' of modern treaties. As such, this paper shares the findings of an exploratory study that investigates local (predominantly Settler) perspectives of the 2011 Maa-nulth Treaty the moment it went into effect. Before these findings are presented, however, a short history of Indigenous-Settler relations within the geographical area covered by the Maa-nulth Treaty is provided.

## **4.2 CONTEXT**

### **4.2.1 Nuu-chah-nulth Territory (the Alberni Valley): A Brief History**

Nuu-chah-nulth peoples have occupied the west coast of Vancouver Island since time immemorial (Atleo, 2004). The city of Port Alberni is located on their traditional territories, specifically those of Tseshat and Hupacasath First Nations in the central region of Vancouver Island (Hupacasath First Nations, 2009), west of the southern mainland of British Columbia (see Figure 4.1: Map of Port Alberni).

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<sup>130</sup> The Nisga'a First Nation (1997); Tsawwassen First Nation (2009); and Maa-nulth First Nations (2011) have all implemented modern treaties (Miller, 2009). The Nisga'a Treaty was negotiated outside of the BCTC negotiation framework.

<sup>131</sup> The five nations include: Huu-ay-aht First Nations, Uchucklesaht Tribe, Toquaht Nation, Ucuelet First Nation and Ka:'yu:'k't'h'/Chek'tles7et'h' First Nations.

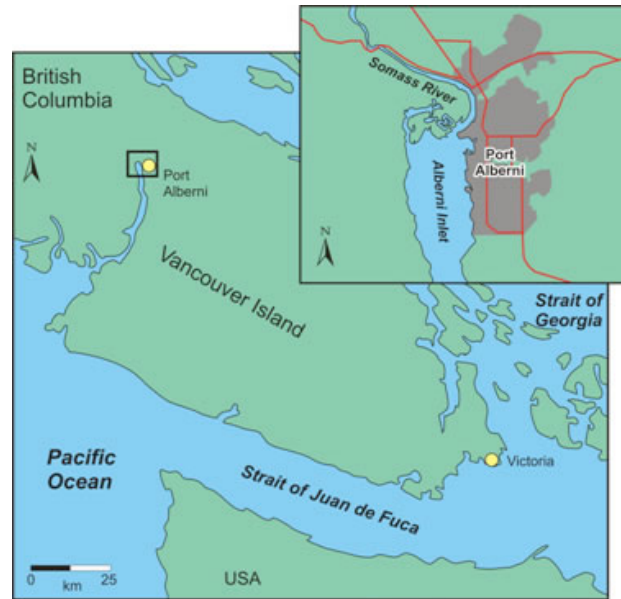


FIGURE 4.1: Map of Port Alberni (Natural Resources Canada, 2008)

With a population nearing 18,000, the city of Port Alberni is the service centre for, and largest urban area within, the larger Alberni Valley region. Named after the Spanish explorer Don Pedro de Alberni, commander of an exploration into nearby Nootka Sound in the 1790s (Province of British Columbia, nd; City of Port Alberni, 2012), Port Alberni was historically established by fur traders who, in the eighteenth century, were in search of a passage through Vancouver Island (Duff, 1969). In 1860, the first sawmill was established in the region (City of Port Alberni, 2012). The sawmill was operational by 1861 and at this time James Douglas, the head of the colony of Vancouver Island and the Hudson's Bay Company, issued land grants to newly arriving individual colonial Settlers that allowed the extraction and exportation of forest resources (City of Port Alberni, 2012). Due both to a seemingly expansive supply and increasing demand for natural resources, the town flourished in the nineteenth century as a resource dependent hub for the extraction and exportation of timber and mining materials (Arima, 1983).

Incorporated into the Esquimalt-Nanaimo railway route in 1912 (Province of British Columbia, nd), the Settler population continued to flock to Port Alberni as the resource industry flourished. Port Alberni and the Alberni Valley Region remain reliant upon primary resource extraction to this day. A paper mill, lumber mill, and local fisheries currently serve as major centres of employment. In recent years, tourism industries,

specifically those tailored to outdoor recreationalists, have flourished in the region. Dependence on these means of income is especially due to the impact of an unstable economic environment on the primary resource industry (Harris, 2002).

#### **4.2.2 The Maa-nulth Treaty**

The Tseshat and Hupacasath First Nations did not cede the territories on which Port Alberni stands. Nor has any other Nuu-chah-nulth Nation residing within the immediately surrounding region<sup>132</sup> (Nuu-chah-nulth Tribal Council, 2011). Despite these lands not being surrendered, the economic livelihoods of First Nation and Settler residents within the Port Alberni area rely heavily upon access to the local environment and the extraction of natural resources<sup>133</sup>. This regional dependence on the surrounding area increases the importance of answering the Indian Land Question: who owns the land and by what mechanism (i.e. western or Indigenous worldviews as well as laws and policies) can such a question be answered? Modern treaties, negotiated between Settlers' and First Nations' governments, affect all residents through local and structural relations across political, social, economical, environmental and legal domains. The Maa-nulth Treaty was a means of answering the Land Question; as such, its historic implementation on April 1, 2011 has impacted all residents of the Alberni Valley, on multiple scales.

Beyond reinstating a level of Indigenous self-determination and returning possession of a portion of their traditional territories, the Maa-nulth Treaty provided the five Nuu-chah-nulth signatory Nations with certainty over lands and autonomy over decision-making (Maa-nulth, 2008). This included the Indian Act being replaced by individual Constitutions designed by and for each specific Nation. Recalling that the Treaty is a legally binding contract between Maa-nulth Nations, the provincial government of British Columbia, and the federal government of Canada, it impacts significantly more than the 2000 registered members of the Maa-nulth Nations. It impacts all Canadians given that the federal and provincial governments are also signatories. However, those residing within the Port Alberni region - the primary land base encompassed within the

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<sup>132</sup> Huu-ay-aht, Ucluelet, Uchucklesaht and Toquaht First Nations, all of which are Maa-nulth signatories, are all located within the surrounding region located on Barkley Sound.

<sup>133</sup> In addition to economic livelihood, at least for the First Nations, the fish and forest species have symbiotic relations that encompass identity and spirituality (Castleden, 2007).

Treaty package<sup>134</sup> - will be most directly impacted, primarily for their economic dependence on the local environment. Local relations between Nuu-chah-nulth and Settler populations are complex mainly due to unsettled and overlapping land claims. Intertribal relations are also complicated due partly to overlapping traditional territories and competing contemporary land claims. Thus, Tseshat and Hupacasath First Nations, located within the urban centre, are in various stages of negotiations while the Maa-nulth Treaty has already been put into effect (British Columbia Treaty Commission, 20012; McKee, 2009). These specific issues are further convoluted due to modern treaty conditions being discussed in dense legal jargon (Woolford, 2005; Warry, 2007) and thus being inaccessible to the majority of the population, Indigenous and non-Indigenous alike. When combined with the colonial mentality, as outlined above, it becomes clear that issues of Indigenous-Settler relations within a localized, modern treaty context are complex – both historically and contemporarily. Gaining an understanding of local Indigenous and Settler relations will point to directions that relations can take to move beyond the current colonial conditions of British Columbia.

## **4.3 METHODS**

### **4.3.1 Data Collection and Survey Design**

During the week the Maa-nulth Treaty went into effect, Treaty celebrations took place for all signatory parties in Port Alberni and in the five First Nations' communities. Structured face-to-face surveys were administered to Port Alberni residents from April 1<sup>st</sup> - 8<sup>th</sup> to gain an understanding of their perspectives concerning the Maa-nulth Treaty. These surveys were largely conducted with a random sample of the population at a complex that housed the Alberni Valley library, recreation centre, museum, community centre and, to a lesser extent, at the local community college. The random sample approach was taken with the intent of collecting as many surveys as possible in a short period (Hay, 2005). Criteria for participation required that participants were 18 years of age or older and identified as residents of Port Alberni<sup>135</sup>. In order to ensure these criteria

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<sup>134</sup> Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations, part of the Maa-nulth Nations, are located on northern Vancouver Island on Kyuquot Sound.

<sup>135</sup> This criteria was included to mitigate potential ethical issues around gathering verbal consent for those under the age of 18 who did not have a guardian present.

were met, and that participants consented to taking part in the study, verbal consent was obtained prior to commencing the survey. All people appearing to be over the age of 18 were asked to participate<sup>136</sup>.

Survey participants were anonymous and the survey was designed to take no longer than five minutes with nine questions, beginning with: have you heard of the Maa-nulth Treaty? The time to complete each survey actually ranged from as quick as five seconds (if a participant answered no to the first question, the survey was considered complete) to as long as forty minutes (see Table One: Survey responses). Responses were hand recorded as close to verbatim as possible with answers often being reiterated to participants to ensure accuracy (Hay, 2005; Baxter & Eyles, 1997). In total, 90 surveys were completed: the lead researcher completed 73 at the Alberni Valley complex and a research assistant completed 12 at the community college, five of which were distributed to a Nuu-chah-nulth language and were collected the next day. In order to maintain consistency in the method of data collection (Marshall & Rossman, 2006; Hay, 2005), those five surveys were removed from the analysis as they were taken home and completed there, while the remaining 85 were completed as oral surveys with the research team. The survey was deliberately designed so that the ancestral background of participants was not solicited to avoid potential participant discomfort or feelings of intrusion<sup>137</sup>. Of the 34 participants who answered two or more questions (see Table 4.1: Survey participants' responses), three First Nations participants and one Métis participant, self-identified as Indigenous, with the remaining 31 using discourse such as 'they', 'them', 'First Nations' or 'Natives' that implied a non-Indigenous identity. At no time did the surveyors directly ask individuals about their cultural identities. During data collection, the lead researcher recorded participant observations and field notes concerning participants body language and voice intonations. These data were stored

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<sup>136</sup> Individuals with two or more children were not invited to complete the survey to avoid causing undue disruption in their child-caring responsibilities.

<sup>137</sup> This omission is a potential limitation to this study. However, due to self-identification and the dichotomizing discourse used by the majority of participants, specifically the use of "us" and "them", it can be said with confidence that the majority of those who completed the survey were of white-Settler backgrounds.

with the surveys and referred to in case any discrepancies arose in analysis of the surveys.

Answer	Yes	No	Other <sup>138</sup>	Total Answered
Q1. Have you heard of the Maa-nulth Treaty?	48	37	0	85
Q2. Do you think the Treaty will affect you?	8	9	6	23
Q3. Is the Treaty important for Port Alberni residents?	15	2	9	26
Q4. Is the Treaty important for First Nations in the area?	17	1	10	28
Q5. Is the Treaty important for industry?	14	0	4	18
Q6. Is the Treaty important for BC?	15	0	6	21
Q7. Is the Treaty important for Canada?	15	0	6	21
Q8. Is the Treaty important for future generations?	15	0	0	15
Q9. Additional thoughts about the Treaty	13	N/A	N/A	13

TABLE 4.1: Survey Participants' Responses

#### 4.3.2 Data Analysis

Surveys were manually entered into a computer-generated spreadsheet. Each question was assigned a number and participants' answers were arranged so that responses could be viewed in relation to each question. Once all 85 surveys were entered, the data underwent a content analysis, followed by a thematic analysis. The content analysis was initially intended to determine how many people answered each question (Harding, 2006). Following preliminary analysis, it became clear that this criterion was too specific and should be collapsed to focus on the 48 participants who had heard of the Maa-nulth Treaty. From here, an inductive, thematic analysis (Hay, 2005) was preformed in relation to answers provided for each question. Participants generally spoke of the Treaty in cynical or optimistic terms. After another round of analysis concerning participants' responses, participant observations and field notes were compared to surveys to ensure that this dichotomized view of the Treaty aligned with the lead researcher's initial impressions while conducting the surveys (i.e. each participant's intonations, and word choice such as 'equality' and 'community'). Following this comparison, the next round of coding began (Cope, 2005) to more deeply explore participants' views of the Maa-nulth Treaty.

<sup>138</sup>The 'other' category indicates that participants did not clearly provide a 'yes' or 'no' answer.

## **4.4 FINDINGS**

As this is an exploratory study, the surveys were not intended to provide a statistically representative sample and serve to provide breadth rather than depth with respect to identifying, documenting, and understanding Port Alberni residents' perspectives of the Maa-nulth Treaty. Combined with the fact that only 13 out of 85 participants were able to speak at length about the Treaty, the findings presented here shed light on a portion of local perspectives, but do not claim to generalize to the entire Port Alberni population. Notwithstanding this important caveat and limitation of the study, three important themes emerged from the data: equality; community, intertribal relations, and leadership; and economics. These themes are elaborated on below.

### **4.4.1 Equality**

When asked about what the Maa-nulth Treaty would mean for local First Nations and residents of Port Alberni, 13 of the participants spoke to concepts of equality. These perspectives were presented in a positive light or a negative light. From a positive view, the Treaty leveled power imbalances on structural and individual levels, specifically through providing psychological incentives that created social and economical opportunities where participants believed First Nations had previously been excluded. From a negative view, however, participants of non-Indigenous backgrounds felt wronged through the Treaty provisions associated with First Nations.

Of the 13 participants who spoke of equality in positive terms, four specifically saw the implementation of the Treaty as finally providing the First Nations' signatories with the kind of equality already granted to the Settler population. Human rights discourse was often evoked to communicate this with words such as 'freedom' and 'equality'. By allowing for, as one participant framed it, "equality of rights," this agreement would allow First Nations to "get away from racial stigmas." However, the same participant did not comment on how they envisioned that this could be achieved. Another participant did query this question of attainability. Viewing the Treaty as providing "inclusion and equality" for First Nations amidst the Settler society, they mused out loud, "how do we achieve that?" Other participants used this human rights discourse on a structural level.



One stated that First Nations implementation of their own laws allowed Maa-nulth Nations to be both more independent while simultaneously becoming more a part of Canadian society. Another thought the Treaty would allow for “more culture and identity,” with “First Nations governments work[ing] together ... to help implement equality.” Here, it was suggested that a First Nations “liaison work with the government to help interpret culture.” The participant brought both hands together in a hand-shaking motion to symbolize the idea of cooperation between First Nations and federal and provincial governments working as a unified unit. Still other participants discussed equitable relations between First Nations and provincial and federal governments. For example, whereas one participant saw the Maa-nulth Treaty as symbolic of governments learning “to respect First Nations,” another spoke to the leveling of laws that applied to First Nations and Settlers. With First Nations governed by the federal government and Settlers primarily under the provincial government, the removal of this “two-tiered system” was seen as a means of creating equality between Settler and Indigenous populations by leveling power held over First Nations by the government of Canada.

Not all participants viewed the balancing of power in positive terms. Stating that signatories were “starting to sound whiney,” when asked how they thought the Maa-nulth Treaty would impact local relations one participant stated, “they get their 4000 hectares and their millions. I hope they do well.” Another replied that, “the province has given First Nations a lot of money and chances and opportunities.” A third participant stated: “the government will continue to give First Nations money. How will this change operations?” These three participants expressed skepticism, if not pessimism about the Treaties. Specifically, the tone with which they shared their comments suggested that the Treaty ‘gave’ First Nations peoples opportunities and resources beyond those available to the Settler population.

Only one self-identifying, non-Indigenous participant directly located himself within the Treaty stating: “I live in a [more] just[] society after April 1.” The Treaty marked “justice for all but especially for First Nations.” They saw “the physical rights of the reserves [placed back in the] hands of the community rather than the hands of the bureaucrats” as

a “move towards justice and [First Nations] self-determination.” The Treaty was viewed as reinstating, “feelings of control and pride that ha[d] been stripped [from First Nations]”, and with it, “self respect.” That only one non-Indigenous participant located himself as a Treaty beneficiary suggests that Settlers largely continue to see themselves as outside of the treaty process.

#### **4.4.2 Economics**

Given that Port Alberni’s economy and the livelihood of its residents are largely dependent upon natural resources, when discussing the relevance of the Maa-nulth Treaty on the Alberni Valley population, some participants connected the importance of local relations with First Nations and the economy. One participant suggested “First Nations are now the single largest industry we have in this town.” With certainty over land ownership being outlined by the Treaty, another participant saw the potential for the “rebirth of industry on both sides.” Further commenting on the ability of Maa-nulth signatories to gain “control” of their affairs, these participants thought First Nations would now be able to create the “social and cultural support necessary to expand their economy.” Locating this within a colonial framework, a third participant stated that Maa-nulth Nations will “bring more into the community, especially since they have been given the shaft for hundreds of years. They will get power back.” These responses demonstrate a sense of community cohesion with reference to local economy while maintaining cultural distinctions.

Not all participants viewed the Treaty within these terms of Indigenous-Settler community relationship-building while maintaining First Nations cultural distinction. One participant saw the Treaty as a way of leveling economic difference, however, not within the realm of empowerment and opportunity. With Maa-nulth signatories implementing a taxation system gradually over the next eight years, participants were asked about the effect that the Treaty would have on the general population. A participant stated that Maa-nulth members would no longer have a “free ride,” with another participant highlighting similar feelings of disdain about the federal government assisting First Nations. These participants labeled First Nations peoples as reliant on

social assistance, and expressed skepticism about the intent of the Treaty. Instead of representing self-determination in a positive light, these participants regurgitated negative, stereotypical constructs of First Nations peoples as economically dependent on the government.

Other participants expressed concern about the longevity of the Treaty package. One participant hoped that future generations would benefit from its signing and be granted “fairer” opportunities. After expressing a disclaimer that they had not heard much about the Treaty except that it was “settled on money,” another participant expressed concern with the time it would take for future generations to be affected positively: “it will take a while to trickle down and see changes.” Still another participant expressed concern with the long-term perspective and intent of the transfer of funds from provincial and federal governments to First Nations. Despite this example, the majority of the 31 participants who spoke to the various economic implications of the Treaty saw it in a positive light. Seeing the agreement between parties as creating security, participants saw this as an opportunity for the Maa-nulth Nations to “move ahead with certainty now that rules are in play and that a baseline for independent development had been set.” According to one participant, First Nations were now able to “look through western eyes,” with reference to business ventures, where tables would be open for entrepreneurial negotiations. Continuing upon this notion, the participant stated that despite media “put[ting] out money figures and all that negative stuff, I know there is a lot more thought put into it,” while further commenting that to “not establish a Treaty would cost more money in the long run”. With self-determination being relatively reinstated, another participant stated that the fate of First Nations’ industry would rely on effective leadership. Leadership and community cohesion, both in the terms of the Indigenous and Settler populations, were reoccurring across survey responses.

#### **4.4.3 Community, Intertribal Relations and Leadership**

When the participants were asked if the Maa-nulth Treaty would impact them, one participant responded directly: “No. It is between [First Nations, but it is] good that they got it done. [Negotiations have] been going on for long enough and it needed to get

sorted.” This quote highlights how one participant viewed the Treaty as an event that excluded the general Settler population. However, not all participants shared this view. Seven of those surveyed saw the Treaty as a community event, one that formally established a “sense of cohesion.” The Port Alberni community was perceived here as a population that included the signatory Nations wherein, as stated by one participant, “we are all one community,” and another, “what helps First Nations affects us all.” Cooperation between neighbouring First Nations and the Settler community was “important for local relations.” The participant continued, adding that the Treaty would provide local First Nations with “empowerment,” and allow them to “begin the healing process.”

Not all participants were optimistic about the Treaty in terms of relationships. One participant spoke of “fear mongering,” stating they had heard some Settlers in the region express concern that the Treaty provided the foundation for First Nations to “take lands from us now.” This comment, despite being followed by a disclaimer that they did not believe this was possible, highlights a mentality of rightful ownership where treated lands were being gifted rather than *returned to* Maa-nulth’s Indigenous signatories. Another participant suggested, “Indians have been here for a long time. People came and took land ... Historically, conquered people don’t get much say.” The participant continued, stating that they felt First Nations of the region had “taken advantage of the situation,” criticizing the local First Nations leadership by pointing to tumultuous relations between First Nations on a tribal level. This participant was not alone in expressing concerns about intertribal conflict. Another participant spoke about the generally isolated and small reserve lands in the area. Because of public quarrels concerning lands between Maa-nulth signatories and other Nuu-chah-nulth Nations, intertribal relations between signatories and other Nuu-chah-nulth Nations had often been represented as strained, especially within local media (e.g. Morrow, 1997; Caranci, 2007; Alberni Valley Times, 2008). Calling upon historical relations, a different participant mentioned that the current internal strife was due to the fact that “they never got along,” furthering this point with sarcasm by saying, “some [First Nations] signed, some didn’t. Typical.” Another participant, however, directly addressed this stereotype of poor

leadership and intertribal conflict. Calling upon their own relationship with Maa-nulth community leaders, they stated, “First Nations in Port [Alberni] have strong leadership.” Other participants, in addressing the need for strong leadership, saw the Treaty in optimistic terms insofar as signatory Nations now had an opportunity to demonstrate positive leadership to the younger generation and thus encourage “success,” and “fulfillment.” The Treaty brought, in the view of one local, the ability not only to develop dreams, but also the “financial, mental, and spiritual” support to achieve these aspirations. Worth noting, still others suggested the Treaty was problematic from an economic perspective with respect to leadership by stating that the Treaty did not impact them, but it also would not benefit the majority of the Maa-nulth population since “98% of the money goes to 1.5% of the population.” Another skeptic saw the Treaty as a purely political move where Settler governments “just want votes from Indians.” They continued saying, “I don’t care if [they are] white, black, yellow, red, blue or green, it is all politics to me.” These quotes isolate the Treaty within a political and economical realm that neglects the impact that colonialism has had on local First Nations.

#### **4.5 DISCUSSION**

During the week that the Maa-nulth Treaty went into effect, and amidst multiple news-worthy celebrations, 85 local residents were surveyed about its meaning to them. Of those 85 participants, 37 had never heard of it, 13 were aware of it but felt they did not know enough to comment, and 35 had heard of it and shared their perspectives about it. From the date in which the Statement of Intent was submitted (September 21, 2003) until one week after the Treaty went into effect (April 8, 2011), 126 articles were featured in the *Alberni Valley Times*, the local media source. In the month leading up to the week of implementation, the same week that the surveys were being conducted, nine articles were published. Of all the survey responses explored above, none of the participants provided any indication that they had sought information on, or intimately knew any details about, the Treaty. At the same time, the local paper was referred to as their sole source for information concerning this history-making event; this may be one of the most important findings of the study. It indicates that Port Alberni residents were not only unaware of the events leading to, and implications of, the Treaty, but that they are generally unconcerned

about it or relations between local First Nations and Settler populations. When participants were able to comment, whether positive or cynical, the majority of participants' perspectives appeared to neglect the colonial histories that created the social and political platform for negotiations.

Those who spoke of the Treaty in positive terms evoked a discourse of 'equality' and 'inclusion'. This discourse, however well intended, is reminiscent of liberal pluralistic notions of integration (Saul, 2008), a philosophy that underlies notions of equality and operates here with the assumption that First Nations wish to be viewed the same as the Settler population. Despite seeming best intentions, these themes further suggest an ignorance surrounding the distinctive history and rights of First Nations. This notion is exemplified by the fact that only one non-Indigenous participant located himself within the treaty process. Stating that after the Maa-nulth Treaty had been implemented they lived within a "[more] just[] society"; no other participants spoke to the fact that the parties negotiating were doing so as a representative of the Settler population. Settlers seemed to see themselves as apart from the treaty process, not a part of it, which exudes the colonial mentality.

Although the Maa-nulth Treaty was not discussed as a legally binding agreement between Settler and First Nations governments, it was often referred to as a way of unifying the Port Alberni community(s) and economy. With implementation, First Nations were *given* the opportunity for inclusion. They perceived the Treaty as a mechanism that would seek to reduce structural imbalances and serve as a unifying measure. However, this view also assumes that First Nations wish to mirror the economy of neighbouring, often Settler, communities thereby placing the Settler economic structure as something to strive for: a milestone of equality (Warry, 2007). With the combined omission of legal implications involving federal and provincial governments negotiating as representatives of the Settler population being void, the colonial mentality is further represented. Through Settlers failing to locate themselves within the negotiation of modern treaties, the assumption that they are the rightful inheritors of

unceded First Nations territories is perpetuated, and with it, a sense of social superiority remains (Anderson & Robertson, 2011).

The findings of this study contribute to others (e.g. Tupper & Cappello, 2008; Tupper, 2011; Godlewska et al., 2010) who have suggested that Settlers *are* largely ignorant of the structural oppressions that have shaped the current reality of First Nations peoples, a mindset that underpins the colonial mentality – a concept that is supported by the literature and First Nations’ lived experiences. At the same time, because this study is exploratory in nature, generalizations concerning Port Alberni resident perspectives of the Maa-nulth Treaty cannot be made. In order to fully comprehend Settler perspectives on the Maa-nulth Treaty and within the context Indigenous-Settler relations, an understanding of the genealogical method that has created this mentality<sup>139</sup> is needed. To gain a more comprehensive understanding of Port Alberni residents’ perspectives, it is necessary for future studies to first determine Settlers’ personal levels of comprehension surrounding historic relations and the impacts colonialism had, and continues to have, on local First Nations. Insight into participants’ perceptions will involve locating their understanding of how Indigenous realities have been constructed. With the findings from this study, other researchers may have a starting point to explore resident perspectives of contemporary Treaty making processes in Canada while allowing participants to discuss their reasons for holding such views on a multifaceted and historically complicated construct of social relations.

#### **4.6 CONCLUDING COMMENTS**

What is now known as Canada was established through the displacement of Indigenous peoples. Despite this history, Settler-Canadians are largely ignorant of colonial policies that have led to the contemporary nation-state in which they live today (Godlewska et al., 2010; Warry, 2007). This unknowing, however, is not isolated to history. With over half of the survey participants stating that they had never heard of, nor could speak to the 2011 Maa-nulth Treaty, ignorance surrounding personal implications within colonial

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<sup>139</sup> Genealogical method is conceptualized here as the shared histories that have been taught to shape Settler understandings of, and relations to, their First Nations neighbours.

structures is uncritical, at best, and invisibilized, at worst. Through this extraction of self, Settlers are placed outside of the colonial realm. A suggestion that Settlers become versed in the multiple histories that have led to the suppression of Indigenous peoples does not mean that a decolonization of the colonial mentality will follow. What is suggested is that through this learning, Settlers will be better equipped to critically engage with the colonial mentality and resulting structural implications and, through this, we may contribute to the work seeking to decolonize Indigenous-Settler relations.

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## **CHAPTER FIVE**

### **CONCLUSION**

#### **5.1 INTRODUCTION**

The Maa-nulth Treaty, negotiated among Maa-nulth First Nations, the provincial government of British Columbia and federal government of Canada, was implemented on April 1, 2011. The occasion of the Treaty provided a platform to explore Indigenous-Settler relations. A Canadian colonial mentality was seen to exist around the Treaty. Historically created through the imposition of Settler and state epistemological and legal strongholds, a Canadian identity embodies this mentality and bounds it within Indigenous-Settler relations to shape and maintain a Canadian national identity. The relationship is premised upon Settlers perceiving themselves as sovereign inheritors of Indigenous territories and socially locating themselves in a hierarchical relationship over Indigenous peoples within this regard (Anderson & Robertson, 2011). Developed within a broader community-based participatory research partnership between Huu-ay-aht First Nations, a Maa-nulth signatory, and Dr. Heather Castleden, critical social theories concerning the creation of nation-states/national identities (Paine, 1999; Paine, 2000; Anderson, 1991; Neizen, 2003) and colonial studies (Coulthard, 2007; Smith, 2010; Alfred, 2005; Alfred, 2009; Simpson, 2008) have shaped the analytical lens through which the datasets of this study were examined.

#### **5.2 GOAL OF THE RESEARCH**

To address the goal of this research, to explore Indigenous-Settler relations within a modern treaty context, the research process applied various qualitative methods. Digital storytelling was used with Huu-ay-aht youth to reveal some of their community's visions in a post-Treaty era. These stories demonstrated a unique and innovative form of communicating about Huu-ay-aht culture. In several ways the youths' stories contradicted wider public perspectives that stereotype Indigenous peoples and influence Indigenous-Settler relations. Settlers' concepts of Indigenous peoples are explored by locating these views within concepts of a Canadian nationalism, an imagined identity (Anderson, 1991) bounded to Canada's geopolitical landscape. A critical discourse

analysis conducted on two dominant print media sources explored Settler perceptions and framings of the Maa-nulth Treaty. Economic and implicitly stereotypic representations of Indigenous issues and Indigenous-Settler relations were revealed by this exploration. Media stories based on these typecasts oversimplified the Treaty and, with a small exception, neglected the historical complexities inherent within treaty negotiations and implementation. The scope of investigation is narrowed from national and provincial levels to a localized perspective. Through an exploratory study, surveys determine local Port Alberni residents' perspectives of the Maa-nulth Treaty. The surveys demonstrated that residents possessed a general lack of knowledge surrounding the complexity of issues and historical structures that continue to negatively impact Indigenous realities. The findings from this analysis highlighted a key contributor to the reproduction of inequitable social constructions apparent within the other two datasets. They suggest that Settlers often rely upon stereotypes rooted in a colonial mentality, a mindset that extracts Settlers from the 'Indian Land Question' and contributes to privileging Settler's social and political location in relation to Indigenous negotiations of comprehensive land claims

### **5.3 CONTRIBUTIONS**

This thesis contributes, theoretically and substantively, to existing understandings of Indigenous-Settler relations within a Canadian context. Theoretically, this study has explored how issues surrounding socio-political structures and relational interactions continue to influence Indigenous landscapes and Indigenous-Settler relations.

Substantive contributions to existing knowledge are due to this study's role as part of a larger community-based participatory research project and from the Canadian Settler population's colonial amnesia.

#### **5.3.1 Theoretical Contributions**

For centuries, Indigenous peoples living in Canada have been subjected to colonial policies aimed at silencing and erasing their distinctive cultures. Literature involving Indigenous peoples remains largely influenced by these colonially constructed images (Anderson & Robertson, 2011; Coulthard, 2007). Settler society perpetuates these misrepresentations with processes and manifestations of colonialism being absent from

public discussions. By failing to address these histories, Settlers are able to morally justify, or perhaps worse neglect to question, the continued dispossession of Indigenous peoples. When issues associated with Canada's colonial history are presented, they are often disguised in contemporary discourses about 'equality'. Framing Indigenous events and Indigenous-Settler relations in this way ignores distinct Indigenous cultures and identities. Settlers continue to often rely on stereotypical, ill-informed images of Indigenous peoples to shape their perception of Indigenous realities. This thesis has revealed a small portion of the mutually reinforcing (re)creation of these constructs present within public (news) and private (survey) discussions surrounding the Maa-nulth Treaty.

By drawing on manifestations of colonial mentalities (e.g. the static framing of Indigenous cultures, oversimplification, or denial, of historical relations and imposition of Settler philosophies onto Indigenous peoples), I have demonstrated ways in which colonialism continues to shape the Canadian national identity and Indigenous-Settler relations. This contributes to decolonizing literature that addresses the reinforcement and implications of colonialism on current relations. The youth's stories for a post-treaty era (Chapter Two) challenged colonial constructs of their Indigenous identities. Rooting their stories in Huu-ay-aht culture, and drawing upon events from the past, images of Indigenous peoples as static and impeding their own prosperity were falsified. The media analysis further contributed to literature that reveals the ways in which media oversimplified typecasts to construct Indigenous peoples (Chapter Three). It demonstrated that colonially complicit discourse is often at the root of media coverage, the communicative tool for which Settlers inform their understanding of societal issues and events (Warry, 2007; Szuchewycz, 2000; Furniss, 2001). Port Alberni residents' perspectives on the Maa-nulth Treaty (Chapter Four) localized this investigation of Indigenous-Settler relations and added to theoretical interpretations of difference and the creation of the Settler identity. Highlighting how a lack of, or a selective, understanding of history can (re)produce colonial relations, this chapter pointed to further studies that can lead to context specific ways of decolonizing Indigenous Settler relations.

Contemporary literature concerning Indigenous-Settler relations is beginning to highlight the role that oppression experienced by Indigenous populations in Canada, vis-à-vis state and Settler impositions, is largely rooted in an ignorance surrounding genealogy (see for example Tupper, 2011; Regan, 2010; Godlewska et al., 2010; Tupper & Cappello, 2008; Warry, 2007). In light of this newly emerging literature, the final theoretical contribution of this thesis is to add to arguments that stress the importance of addressing, through anti-colonial and anti-racist education, Settlers' ignorance, while pointing to media's role, as a reproductive source, in maintaining a Settler colonial mentality.

### **5.3.2 Substantive Contributions**

As part of a larger community-based participatory research project initiated by Huu-ay-aht Chief and Council, this study's engagement with Huu-ay-aht youth can be seen as the primary substantive contribution. Their stories provided a contradictory perspective to colonial discourses and dominant Canadian stereotypes. Huu-ay-aht Council will be able to call upon these stories for future community planning. With the Maa-nulth Treaty recently implemented, Huu-ay-aht Council will now be making major decisions that concern their *hahoolthee*: responsibilities that will be passed down to the current youth of the Nation. The priorities of the future generation of Huu-ay-aht leaders are going to be taken into account within current and integral decision-making strategies. The youths' stories are able to contribute to this process. This study has also demonstrated Settlers' lack of understanding of structural forces that create Indigenous realities. These findings are able to direct future studies and are considered substantive contributions since they could contribute to a Settler-targeted educational initiative: a stepping-stone able to critically engage Settlers in processes of decolonization.

### **5.4 STUDY STRENGTHS**

The strengths of this study lie in the multiple methods and bodies of literature drawn upon to inform the results. Employing three distinct qualitative methods: digital storytelling (Lambert, 2008), critical discourse analysis (van Dijk, 1983; van Dijk, 1992) and qualitative surveying (Hay, 2005), allowed for Indigenous-Settler relations, and accompanying mentalities, to be explored from multiple angles. The findings drawn,

therefore, have revealed a multipronged analysis of the relations in focus, providing dependability in this study's exploration of a multifaceted topic (Baxter & Eyles, 1997). A transdisciplinary approach has been used to draw on literature from a wide range of disciplines (Ramadier, 2004). Arriving, primarily, upon concepts inherent within critical social theories that permeate geography, anthropology, gender studies, philosophy and political science literature concerning power, place, landscapes, ontology, nationalism and colonialism have been integral to informing this study.

## 5.5 STUDY LIMITATIONS

Within any study, there are limitations. The research project presented in this thesis is no exception. Three limitations will be discussed. The steps taken to mitigate these limitations will also be presented. First, this study used the Maa-nulth Treaty as a platform for analyzing Indigenous-Settler relations and represented a case study approach. Transferability of these findings should therefore be addressed. Second, all methods used within this project were qualitative. Despite following methodological measures intended to ensure rigour was maintained at all stages of the research process (Baxter & Eyles, 1997), issues of subjectivity should be spoken to, especially within analysis. Third, data sets - participant numbers and sample sizes - have been relatively small. This too bears mention. Each of these potential limitations will be briefly explored.

The Maa-nulth Treaty is an agreement inherently concerned with a specific area of land – the Maa-nulth Nations *hahoothlee*. Acting as the platform for analysis, this Treaty has been the basis for an in depth, albeit context dependent, case study. Due to the specificity of findings drawn, and the unique experiences of each First Nation, transferability of conclusions must be done with caution. Case studies are intended to conduct an in depth investigation of a broader theory (Flyvbjerg, 2006). The study's findings align with many of the claims made in previous studies investigating similar social processes. To promote transferability, the study's findings have been rooted in, and discussed in relation to, broader and similar bodies of literature (Flyvbjerg, 2006) pertaining to Indigenous-Settler relations in Canada. Within this vein, this case study contributes to the larger body of



knowledge pertaining to processes of decolonization and Indigenous-Settler relations within a Canadian context.

Embedded within qualitative inquiry is the researcher's positionality that creates biases in the research (Rose, 1997). Throughout the entirety of a research project, whether it involve deciding the parameters of study (Creswell, 1998), approaching data analysis (Charmaz, 2007) or choosing specific disseminating discourses (Foucault, 1984), the researcher is placed within a privileged location to make subjective decisions. Steps can be taken to mitigate a qualitative researcher's potential bias by taking measures to ensure rigour is involved within each stage of a research project (Baxter & Eyles, 1997). Rigour has been ensured in this study in two ways: 1) through presenting transparency in phases of analysis (Clarke, 2005; Baxter & Eyles, 1997; Hay, 2005); and 2) by providing theoretical positionality (Rose, 1997). The first inclusion for rigour involved youth being encouraged to articulate their reasons for including specific pictures or phrases in their stories, while survey participants heard their comments echoed back by the researchers for confirmability (Cutcliffe, 2000; Creswell, 2003). The second inclusion for rigour involved providing a conceptual framework (see Section 1.5.3 and Preface, 1) to position myself (Rose, 1997). In doing so, the subjective nature of this thesis has not been denied, but addressed in a straightforward manner.

The final limitation of this study is largely a result of practicalities. This project was designed as a two-year graduate level study and data collection was conducted in a time sensitive manner. Sources for data collection were chosen after careful consideration. The two media sources selected for analysis were not the sole providers of news for the British Columbia (BC) region. They were selected to encompass the entire process of treaty negotiation from media sources thought to represent the dominant, Settler population's perspectives. The *Times Colonist* and *Globe and Mail* (BC edition) were considered regional insofar as they contained coverage of the Maa-nulth Treaty. During analysis of the media articles and the surveys, a point of data saturation was reached where no new themes arose. Saturation is itself an indication that ensures confirmability within analysis (Baxter & Eyles, 1997). Sample size of the surveys should also be

addressed. Port Alberni's population is nearly 18,000. With 90 surveys completed and 85 used, only a fraction of the population was represented. Qualitative inquiries are more concerned with the depth of information provided, versus collecting a large sample of responses (Coyne, 1997). Seeking to capture as many perspectives as possible, criteria for recruitment were limited to Port Alberni residents. The selection method was intentionally left broad to limit selecting on bias and to allow for an inclusive representation of local residents (Baxter & Eyles, 1997). As a qualitative inquiry designed to provide a broad insight into local perceptions, the number of surveys collected is methodologically sufficient to meet Chapter Four's research objective: to explore Port Alberni residents' perspectives of the Maa-nulth Treaty.

## **5.6 RECOMMENDATIONS: HOW TO MOVE BEYOND COLONIAL CONFINES**

Colonialism is operative within the Canadian nation-state structurally and mentality (Simpson, 2008; Alfred, 2005). The imposition of oppressive legislations, state definition of Indigenous status (Alfred, 2005) being one such example, demonstrates colonialism's continuing structural functionality. Canadian Settlers' often-unquestioned occupation of Indigenous territories is one byproduct of a colonial mentality. Indigenous-Settler relations, seen in this critical light, reproduce inequitable social and individual interactions. The perpetuation of these relations is largely a result of Settlers being unaware of the genealogies that have led to current Indigenous realities (Godlewska et al., 2010) and resulted in imagined constructs of Indigenous peoples (Anderson & Robertson, 2011). Resulting constructs of Indigenous-Settler relations are seen as colonial confines that are supported by Settler nationalism and bounded by the geopolitical Canadian state. A lack of knowing complex historical and ongoing colonial relations privileges Settlers' moral justifications for the possession of Indigenous territories and social positioning in relation to Indigenous peoples (Anderson & Robertson, 2011). The key recommendation from this thesis is to intervene in social constructs that feed colonial mentalities to address oppressive, relational patterns that continue to exist in Indigenous-Settler relations in Canada.

Using the implementation of a modern treaty as a platform for analysis, one opportunity provided by this thesis points towards avenues for decolonizing Indigenous-Settler relations (versus outright rejection of the colonial system (see Simpson, 2008)). One educational approach would be to engage Settlers in a transformative manner that would encourage critical assessment of colonial amnesia and manifestations of a colonial mentality. This is suggested as the most noteworthy point of entry to decolonize Indigenous-Settler relations (Regan, 2010). Colonial histories and processes in Canada are heterogeneous. Thus, the development of an anti-colonial and anti-racist initiative must be tailored to locale. This proposition will be discussed within the context of this study.

In order to better gauge Settler perspectives of the Maa-nulth Treaty, and by extension Indigenous-Settler relations, a research agenda could include investigating the content of school curriculum concerning this topic (see Tupper, 2011; Tupper & Cappello, 2008; Godlewska et al., 2010 for more on curriculum as a tool to examine colonialism). Investigating how relevant information, both historic and contemporary, is framed and taught to students, would allow for a tailored educational initiative. It is recognized, however, that curricula changes over time and ‘othering’ is achieved in a multiplicity of ways. An investigation of modern curriculum may not shed light on ontological perspectives for residents who are not in the school system or who have had different life experiences. Future research may benefit from firstly gathering not only residents’ perspectives of the Maa-nulth Treaty, but also how these perspectives are formed. For example, through either in depth interviews and/or focus groups, participants could be asked preliminary questions included in the survey, such as: “Is the Treaty important for Port Alberni residents?” with probing questions aimed at explicating how and why these opinions were formed. Findings from such a study could be used to directly inform a school level educational intervention that could be integrated into Port Alberni students’ curriculum. This lesson plan, implemented over the entirety of a student’s elementary and secondary level school career, would concern the complexities of Indigenous-Settler and Indigenous-state relations within historic and applied contexts. Without formally conducting this analysis, it is not possible to concretely describe what this would entail.

Suggested means of implementing this strategy would be through popular education (see Freire, 1971) and/or experiential and situational learning approaches (see Gruenewald, 2003). These angles of education would seek to connect students with local Indigenous peoples. Indigenous perspectives concerning history and place would not only be taught directly, but also done in a contextual manner from an Indigenous, versus an ‘othered’, perspective. Addressing the reconstructive root of the colonial mentality would allow future generations to more thoroughly engage with complexities inherent within colonial reproductions and be better equipped to move beyond its confines.

## **5.7 CONCLUSION**

Processes of colonialism have sought to eradicate Indigenous cultures in a quest for establishing the geopolitical entity of Canada. As a mentality, colonialism continues to permeate the imagined Canadian national identity. Settlers’ ignorance surrounding measures taken to assert sovereign rule in Canada, and subsequent repercussions experienced by Indigenous people, perpetuates inequitable realities. Indigenous-Settler relations mirror these, often oppressive, constructs. Because Settlers will continue to occupy Indigenous territories, failing to address the (re)production of this mentality will keep Indigenous-Settler interactions steeped in colonial confines. This study has sought to indicate avenues to decolonize these relations by illuminating Settler ontological positioning in the context of a modern treaty amongst the Maa-nulth First Nations, British Columbia, and Canadian governments.

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**APPENDIX A:  
Recruitment Script (in person)**

Hello,

My name is Heather Castleden/Vanessa Sloan Morgan/Community Researcher and I am here to work with the community on a research project about HUU-ay-aht youth perceptions of the Maa-Nulth Treaty. Council has put together an Advisory Committee to suggest some youth who might be interested in taking part in this study that involves sharing your ideas about your Nation post-Treaty. (Name of Community Advisory Committee member) suggested that I see if you would be interested in participating in this project.

Your participation would involve taking part in a four-day workshop on story telling with other HUU-ay-aht youth. You would each make a short video, like the ones you see on YouTube, where you share your vision for how you would like your Nation to be post-Treaty.

The research team will provide all the equipment, training and meals and will help you make your story during the workshop. All the stories will be shared during the Treaty celebrations in April 2011.

Would you be interested in receiving more information?

[If yes, provide hard copy of information letter; set up a time to arrange a meeting where consent information can be presented]

[If no: ask if he/she might be able to suggest someone else as a potential participant who fits the participant recruitment criteria]

Thank you.

***Digital Stories as Research Method and Knowledge Mobilization: A Pilot Study with Aboriginal Youth to Engage in Land Use Planning***

Project Lead: Dr. Heather Castleden

Research Team: Vanessa Sloan Morgan and Natika Bock

Advisory Committee: Tyee Ha'wiih Naasiismis (Derek Peters) and Elected Huu-ay-aht Councilor John Jack

Project Partners: Huu-ay-aht First Nations and Assembly of First Nations

Funding: Social Sciences and Humanities Research Council of Canada

**Purpose of the Research?**

The purpose of this project is for Huu-ay-aht youth to describe how they want their Nation to manage their lands after the Maa-Nulth Treaty goes into effect on April 1, 2011. Huu-ay-aht Council would like input from everyone in the community to help direct future decisions, especially those concerning land-use. The research team will be working with a new, multimedia type of research to help youth communicate your ideas to the Council and others. This method is called digital storytelling and, since it is relatively new, we would like to know how young people like using this technique to share their vision for the future.

**What will happen?**

This study has three parts. In Part 1, we will meet with a group of 5-10 Huu-ay-aht youth to talk about the project, digital stories, and how to go about making digital stories. This will also be an opportunity for everyone to begin to share their ideas with each and brainstorm about the kind of stories you might like to make. We will ask you and other participants to talk about what you think of the Maa-nulth Treaty. We will record your answers with a digital recorder. We may take pictures of you and other participants. We will then give you time to think about what you would like to include in your story and we will provide you with a digital video camera so that you can take pictures and video. Part 2 will be a three-day workshop. During this workshop you will bring your pictures and ideas to create a story script. We will work with you to help put your pictures and scripts on computers and then put together your stories. We will also ask you how you felt about the workshop. Part 3 is where we will show your stories to Huu-ay-aht Council, community, and guests during the Maa-nulth Treaty celebrations in April 2011 and ask their opinions about the stories.

*An agenda for the workshop is included in this package.*

**Permission?**

If you choose to be in the study, a member of the research team will meet with you to get your written consent for participation in the study. The researcher will explain that taking



part in the study involves participating in a four-day digital storytelling workshop and sharing your story widely with others.

### **Who Will Know?**

Your story will be shared with the community during the Treaty Celebration implementation day in April 2011. Because your voice will be used and you may wish to include pictures of yourself, it will not be possible to keep your identity anonymous. We will be sharing the findings of this study with members of the research team and in papers or presentations. You will be audio/video taped during the workshop and/or you may be quoted in the final paper or presentations, however these activities will only take place with your written permission and no personal information will be attached to quoted material. You will have an opportunity to review this material before it is released.

All information collected during this study will be stored in a locked cabinet inside the researcher's office at Dalhousie University for 5 years. Only members of the research team will see the raw data. However, if you or any other participants tell us about abuse or a risk of self-harm then we will need to tell the appropriate agency.

Recording the digital storytelling workshop: We would like to record workshop activities and story circles. By recording, it means that the research team can listen to you and talk to you without having to write everything that you say down. It also means that we can hear the ideas you and other participants talk about again and make sure we understand. There are no wrong or right answers and if anything comes up that you would not want written down then we can just take it out. You can review transcripts if you want to. If you decide that you do not want what you said in the workshop to be used in the final results the research team will not use the information. A member of the research team will transcribe the recordings. All research team members have signed confidentiality agreements. The research team will review information collected at the four-day digital story workshop in an effort to develop a good tool for land-use planning.

### **It's Your Choice:**

It is your choice to participate. You may stop being in the study at any time. You may ask questions at any time. If there are issues that are upsetting for you, we will help find a professional for you to talk to. We want to thank you for participating in this study. On the final day of the digital storytelling workshop, we will provide you with a small gift of appreciation: the digital video recorder you used to make your story.

### **Risks?**

There are minimal risks to being in this study. But if you feel uncomfortable throughout the process in any way, such as being unfamiliar with the technology, Heather, Vanessa, and Natika will be there to help you. If you have any concerns, please ask us or talk to one of the Community Advisory Members; they are: Tyee Ha'wiih Naasiismis (Derek Peters) and Elected HUU-AY-AHT Councilor John Jack.

### **Questions?**

If you have questions please call Heather Castleden at [REDACTED] or email her at [heather.castleden@dal.ca](mailto:heather.castleden@dal.ca). You can also call Vanessa Sloan Morgan at [REDACTED] or email [vanessa.sloan.morgan@dal.ca](mailto:vanessa.sloan.morgan@dal.ca) or Natika Bock at [REDACTED]. If you have any concerns about this project, you may also call the Director of the Dalhousie Office of Research Ethics Administration at [REDACTED]. The Director is not linked to this project.

The Social Sciences and Humanities Research Ethics Board at Dalhousie University in Halifax, Nova Scotia has given ethical approval for this study.

*Thank you for your interest!*

**APPENDIX C:**  
**Digital Storytelling Consent Form for Youth Over 18**



**Title of Study:** *Digital Stories as Research Method and Knowledge Mobilization:  
A Pilot Study with Aboriginal Youth to Engage in Land Use Planning*

Researchers:  
Dr. Castleden (heather.castleden@dal.ca or [REDACTED])  
Vanessa Sloan Morgan (vanessa.sloan.morgan@dal.ca) or [REDACTED]  
Natika Bock [REDACTED]

Advisory Committee: Tyee Ha'wiih Naasiismis (Derek Peters) and Elected Huu-ay-aht  
Councilor John Jack

**To be completed by the research participant:** **Circle Yes or No**

1. Do you feel you have received sufficient information to participate in this research study? **Yes No**
2. Have you received and read a copy of the attached Information Sheet? **Yes No**
3. Do you understand the benefits and risks involved in taking part in this research study? **Yes No**
4. Have you had an opportunity to ask questions and discuss this study with a member of the research team? **Yes No**
5. Do you understand that you are free to refuse to participate or withdraw from the study at any time? You do not have to give a reason and it will not affect you. Any data or information provided prior to this point will be discarded at this time. **Yes No**
6. Has the issue of confidentiality been explained to you? Do you understand that your identity will not remain confidential? **Yes No**
7. Do you understand who will have access to the digital story and interview you provide? **Yes No**
8. Would you like to review and confirm the accuracy of your interview transcripts? **Yes No**
9. Would you like to receive a summary of the preliminary findings to comment on

them? Yes No

10. We will take pictures and record video during the story telling workshops for future presentations and publications. Do you wish to be photographed and/or video-recorded? Yes No

11. Do you understand that your digital story will be shown to the community and invited guests during the Treaty celebrations in April 2011? Yes No

12. Do you give permission for your story to be shared in future presentations, publications and on HUU-AY-AHT, Assembly of First Nations or Dalhousie websites? Yes No

13. Do you give permission for the use of full quotations in the dissemination of results? Yes No

If you circled "yes" for # 8 or #9, please provide your electronic or postal address. If you have any concerns about this research please contact Patricia Lindley of the Dalhousie Ethics Review Office at (902) 494-1462 or [patricia.lindley@dal.ca](mailto:patricia.lindley@dal.ca).

**I agree to take part in this study.**

Signature of Research Participant: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

I believe that the person signing this form understands what is involved in the study and voluntarily agrees to participate.

Signature of Researcher or Designee: \_\_\_\_\_

Date: \_\_\_\_\_

**THE INFORMATION SHEET IS ATTACHED TO THIS CONSENT FORM AND A COPY IS GIVEN TO THE RESEARCH PARTICIPANT**

**APPENDIX D:  
Digital Storytelling Consent Form for Youth Under 18**



***Please note this form must be accompanied by the consent form for participants over 18, signed by the youth participant***

**Title of Study:** *Digital Stories as Research Method and Knowledge Mobilization: A Pilot Study with Aboriginal Youth to Engage in Land Use Planning*

Researchers:

Dr. Castleden (heather.castleden@dal.ca or (902) 494-2966)  
Vanessa Sloan Morgan (vanessa.sloan.morgan@dal.ca) or [REDACTED]  
Natika Bock [REDACTED]

Advisory Committee: Tyee Ha'wiih Naasiismis (Derek Peters) and Elected Huu-ay-aht Councilor John Jack

**To be completed by the research participant's parent or guardian:  
Circle Yes or No**

1. Do you feel you have received sufficient information to consent to your child/dependant to participate in this research study? **Yes No**
2. Have you received and read a copy of the attached Information Sheet? **Yes No**
3. Do you understand the benefits and risks involved in taking part in this research study? **Yes No**
4. Have you had an opportunity to ask questions and discuss this study with a member of the research team? **Yes No**
5. Do you understand that your child/dependant is free to refuse to participate or withdraw from the study at any time? They do not have to give a reason and it will not affect them or you. Any data or information provided prior to this point will be discarded at this time. **Yes No**
6. Has the issue of confidentiality been explained to you? Do you understand that their identity will not remain confidential? **Yes No**

7. Do you understand who will have access to the digital story and interview they provide? **Yes No**
8. Would you like to review and confirm the accuracy of your interview transcripts? **Yes No**
9. Would you like to receive a summary of the preliminary findings to comment on them? **Yes No**
10. We will take pictures and record video during the story telling workshops for future presentations and publications. Do you wish them to be photographed and/or video-recorded? **Yes No**
11. Do you understand that their digital story will be shown to the community and invited guests during the Treaty celebrations in April 2011? **Yes No**
12. Do you give permission for their story to be shared in future presentations, publications and on HUU-AY-AHT, Assembly of First Nations or Dalhousie websites? **Yes No**
13. Do you give permission for the use of full quotations in the dissemination of results? **Yes No**

If you circled “yes” for # 8 or #9, please provide your electronic or postal address. If you have any concerns about this research please contact Patricia Lindley of the Dalhousie Ethics Review Office at (902) 494-1462 or [partricia.lindley@dal.ca](mailto:partricia.lindley@dal.ca).

**I agree for my child/dependent to take part in this study.**

Signature of Research Participant: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

I believe that the person signing this form understands what is involved in the study and voluntarily agrees to participate.

Signature of Researcher or Designee: \_\_\_\_\_

Date: \_\_\_\_\_

**THE INFORMATION SHEET IS ATTACHED TO THIS CONSENT  
FORM AND A COPY IS GIVEN TO THE RESEARCH PARTICIPANT**

**APPENDIX E:  
Digital Storytelling Workshop Agenda**



**Research Project:** *Digital Stories as Research Method and Knowledge Mobilization: A Pilot Study with Aboriginal Youth to Engage in Land Use Planning*

- First meeting: show youth what a digital story is and hold a story circle
- Second meeting: rough edit stories/technology training/final cut stories/screening

**PHASE 1**

<b>Day 1</b>	
<b>Phase One: Introduction to digital storytelling, story circle and training</b>	
<b>09:00 AM</b>	Breakfast (Provided)
<b>09:30 AM</b>	Opening Prayer & Roundtable Introductions  SHOW SAMPLE DIGITAL STORIES  7 ELEMENTS OF DIGITAL STORIES (review hand out)
<b>10:15 AM</b>	Break
<b>10:30 AM</b>	Sharing Circle: Maa-Nulth Treaty and the future
<b>12:15 PM</b>	Lunch (Provided)
<b>1:00 PM</b>	Story Circle: ideas for what participants want to include in story
<b>2: 15 PM</b>	Break
<b>2:45 PM</b>	Preliminary Scripts  Demonstrate iMovie creation using iMovie tutorials (60 minutes)
<b>4:00 PM</b>	Closing for the day

**PHASE 2**



**Things for participants to bring to Day 2: 1 page story script; minimum of 20 images that relate to your story; and 3 potential music pieces (ideally instrumental only) that relate to your story**

**Things for researchers to have on site for Days 2-4: 1 Macbook per person; all the same software and access to: high speed internet; digital projector; and scanner**

<b>Day 2</b> Phase Two: Story Making	
09:00 AM	Breakfast (Provided)
09:30 AM	Welcome and review agenda
09:45 AM	Story circle
10:30 AM	Break
10:45 AM	Finalize Scripts
12:00 PM	Lunch (Provided)
1:00 PM	Refresher demo for creating a digital story (rough edit: importing pictures, music, recorded script; overlapping media)
1:45 PM	Break
2:15 PM	Script recording Importing a/v materials
4:00 PM	Closing

<b>Day 3</b> Phase Two: Story Making	
09:00 AM	Breakfast (Provided)
09:30 AM	Script recording Importing a/v materials
10:30 AM	Break

10:45 AM	Script recording Importing a/v materials
12:00 PM	Lunch (Provided)
1:00 PM	Rough edit story
2:00 PM	Break
2:30 PM	Rough edit story Demo for final edits: transitions, fades, titles, etc and export to quick time
4:00 PM	Closing

<b>Day 4</b> Phase Two: Story Making	
09:00 AM	Breakfast (Provided)
09:30 AM	Final Editing
10:30 AM	Break
10:45 AM	Final Editing
12:30 PM	Lunch (Provided)
1:00 PM	Screening
2:00 PM	Break
2:15 PM	Sharing Circle reflecting on digital storymaking experience
4:00 PM	Closing

**APPENDIX F:  
Release of Digital Story Consent Form**



**RELEASE OF DIGITAL STORIES**

I, \_\_\_\_\_, hereby give permission to Heather Castleden and Vanessa Sloan Morgan to use and publish the digital story that I made for this study entitled *Digital Stories as Research Method and Knowledge Mobilization: A Pilot Study with Aboriginal Youth to Engage in Land Use Planning* for purposes pertaining to this research project. This permission includes allowing HUU-ay-aht First Nations and the Assembly of First Nations, partners on this project, access to copies of my story for their own dissemination purposes. The purpose of this research has been to provide youth with a means of demonstrating how they wish their community to be defined post-treaty. Vanessa Sloan Morgan will be producing a written thesis from this work for the partial fulfillment of her Master's degree.

Participant/Photographer (print name): \_\_\_\_\_

Participant/Photographer (signature): \_\_\_\_\_

Date: \_\_\_\_\_

Please place an "x" next to your response:

\_\_\_\_\_ My digital story may be used for publication and/or as part of the research project.

\_\_\_\_\_ I want to be identified as the digital story maker in future dissemination (thesis, community presentations, conference presentations, publications and media releases).

\_\_\_\_\_ I do not want to be identified as the digital story maker under any circumstance.

\_\_\_\_\_ I only want to be identified under the following circumstances (please identify):

Researcher: \_\_\_\_\_

Date: \_\_\_\_\_

The Social Sciences and Humanities Research Ethics Board at Dalhousie University in Halifax, Nova Scotia has given ethical approval for this study.

**APPENDIX G:  
Maa-nulth Treaty Survey**



<b>SURVEY ID</b>

Are you a resident of the Port Alberni Valley/Bamfield?  
(discontinue if no)

Are you over 18 years old?  
(discontinue if no)

I am a researcher/student from Halifax at Dalhousie University and I am conducting a brief survey to explore local peoples' perspectives on the Maa-nulth Treaty.

If individual responds with "I've never heard of the Maa-nulth Treaty", record this as data and discontinue, thanking them for their time OR if they express interest, share the following highlights of the Treaty:

Maa-nulth Treaty includes: 5 Nuu-chah-nulth nations, BC Government, and Canada.

*It includes a land package, a one-time transfer of capital for each of the five Nations, a yearly resource revenue sharing payment from industrial practices extracted from each territory, and ongoing but time-limited funding for each First Nation to develop their own industry surrounding their land. The cost of the Final Agreement will be shared by the federal and provincial governments. Maa-nulth First Nations will have rights to resources such as wildlife, fish, timber and sub-surface minerals and will be able to make their own decisions in relation to these resources. The Treaty provides a toolbox for the signatories to make decisions on their own terms. It took 15 years of cooperative negotiation between the First Nations, and the provincial and federal governments and includes agreements with industries in this area.*

Would you be willing to spend a few (5-10) minutes answering this questionnaire?  
(discontinue if no)

**Verbal Consent**

Before we begin I'd first like to you to know that your participation in this survey is completely voluntary. You have the right to: (1) refuse to answer any question; and (2) you can stop at any time. I will not ask for your name.

*Do you have any questions about your rights as a participant?*

*Do you consent to participating in this survey?*

Verbal consent secured:

1. Are you familiar with the Maa-nulth Treaty?
  - a. (If yes) What can you tell me about it?
  - b. (If no) The Maa-nulth Treaty was signed between 5 Nuu-chah-nulth bands and the government of BC and Canada last year and goes into effect today.

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2. Do you think the Treaty will affect you?
  - a. If yes, how do you think it will affect you?
  - b. If no, carry on to next question.

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3. Is the Treaty important for Port Alberni residents?
  - a. Why/why not?

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4. Is the Treaty important for the First Nations in this area?
  - a. Why/why not?

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5. Is the Treaty important for industry?
  - a. Why/why not?

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6. Is the Treaty important for BC?
  - a. Why/why not?

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7. Is the Treaty important for Canada?  
a. Why/why not?

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8. Is the Treaty important for future generations?  
a. Why/why not?

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9. Any last thoughts about the Treaty that you would like to share?

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**APPENDIX H:**

**Permission for Copyright Clearance of Government of Canada Works: Figure 2.1- Map of Historic Treaties in Canada and Figure 4.1 - Map of Port Alberni**

Dear Ms. Vanessa Sloan Morgan;

Thank you for your interest in data produced by Natural Resources Canada. Permission is granted to use the following material in your manuscript (print and electronic rights including ancillaries and promotional materials).

Permission is also granted to the Dalhousie University for circulating, archiving copies and permitting photocopying of the material for personal use, including a non-exclusive license to the Library & Archives Canada and its agents to reproduce, loan, distribute, or sell copies of the thesis by any means and in any form or format.

**Figure 3. Port Alberni, West Coast of Vancouver Island**

<http://atlas.nrcan.gc.ca/site/english/maps/environment/naturalhazards/tsunami/tsunami/1>

Please acknowledge as follow: “Reproduced with the permission of Natural Resources Canada 2012, courtesy of the Geological Survey of Canada.”

**Reference Maps - Canada - Historical Indian Treaties**

[http://atlas.nrcan.gc.ca/site/english/maps/reference/national/hist\\_treaties](http://atlas.nrcan.gc.ca/site/english/maps/reference/national/hist_treaties)

Please acknowledge as follow: “Reproduced with the permission of Natural Resources Canada 2012, courtesy of the Atlas of Canada.”

Sincerely,

**Joanne Tremblay**

Earth Sciences Sector Copyright Co-ordination Office | Bureau de la coordination  
des droits d'auteur du Secteur des sciences de la Terre  
Data Dissemination Division | Division de la diffusion des données  
Natural Resources Canada | Ressources naturelles Canada

Government of Canada | Gouvernement du Canada

SPECIAL CONDITIONS

- No special conditions apply.
- The applicant has asked for permission to adapt the material requested.
- The applicant is requesting permission to reproduce the material in multiple formats as specified on the application form.
- The applicant is requesting permission to use the material on an on-going basis, rather than a single-use basis.
- The material requested will be used for commercial purposes.

Recommendations:

- Permission be granted
- Permission be denied for the following reasons:

NOTE: