



POLICY BRIEF

**Toward Decolonizing the Nisga'a Constitution Through
the Empowerment and Capacity Building of Youth**

KATHRYN B. MCLEOD

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the xʷməθkʷəyəm (Musqueam), Skwxwú7mesh (Squamish) & səílwətaʔ (Tsleil-Waututh) Coast Salish peoples.

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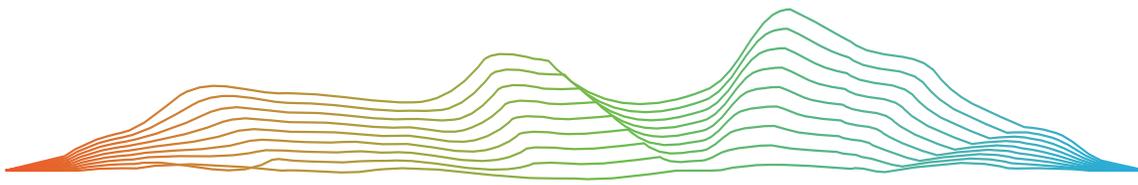
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About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL Youth Granting

About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized Newcomer youth are dispropor-

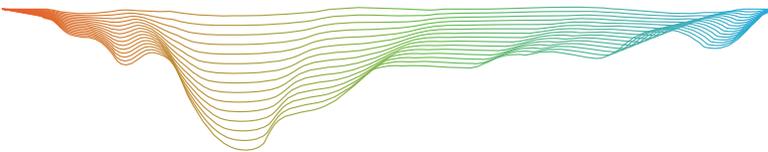
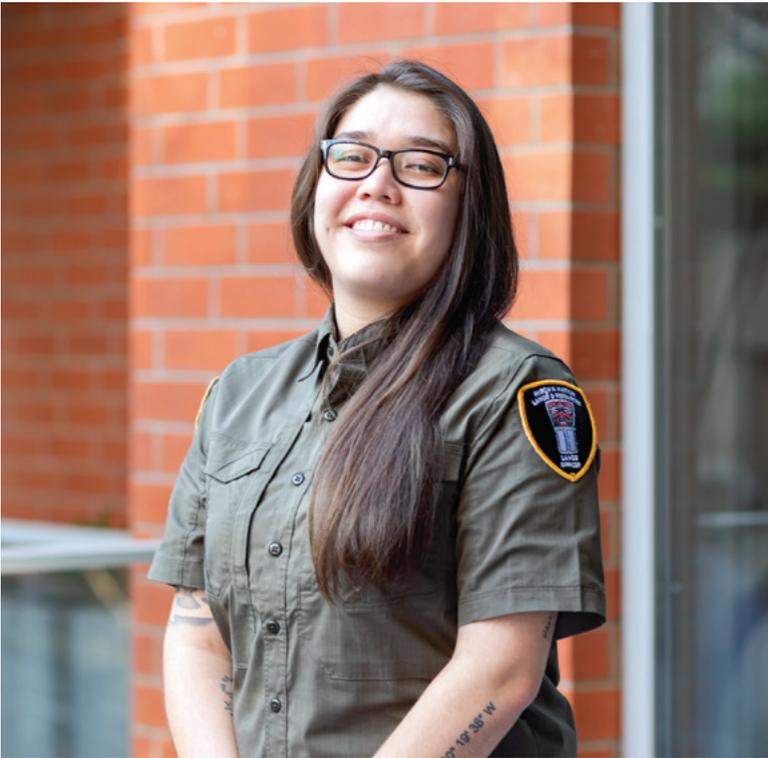
tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.¹ As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the hənq̓'əmin 'əḿ-speaking Musqueam peoples, of the Halkomelem-speaking Tsleil-Waututh peoples, and of the sníchimspeaking Skwx_wú7mesh (Squamish) peoples.

1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>



Biography

Kathryn B. McLeod



My Nisga'a name is Amgoogidim Lik'ínskw, my given name is Kathryn McLeod. I am Nisga'a on my mother's side, and Gitksan and Scottish on my father's side. Being born into a matrilineal society, I identify as a citizen of the Nisga'a Nation, as of May 2000, I have been free from the constraints of the Indian Act. I am from the Village of Gitlaxt'aamiks (New Aiyansh), I come from Wilps Gwisk'aayn, and my tribe is Gisk'ansnaat (White Grizzly). However, I was born and raised in Ts'msyen territory (Prince Rupert, British Columbia). I hold a Bachelor of Science in Geography from the University of Victoria, and as an alumni of the International Ocean Institute's Ocean Governance: Policy, Law, and Management training programme (Dalhousie University), I am a member of the IOI Ocean Mafia. A geographer and social/cultural scientist by training, I currently work as Lands Officer for Nisga'a Lisims Government. I am incredibly passionate about land sovereignty and body sovereignty, the consilience of traditional ecological knowledge and western science in research and decision-making, and most importantly, the empowerment of youth.

Executive Summary

The Nisga'a Highway 113 is numbered after the 113-year struggle toward fighting for the full rights of self-government for the Nisga'a Nation.

Various colonial and legal tools under the Indian Act that aimed to assimilate our Nisga'a people into Canadian society, to strip us of our culture and identity, and to prevent our people from reaching our self-determination rights. These colonial and legal tools only served as hurdles that made our leaders stronger. And future generations are going to be better for the work they did.

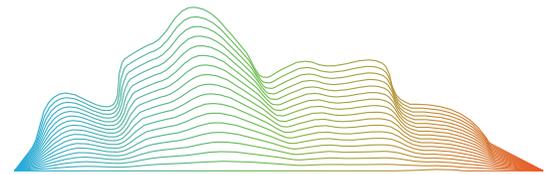
Pre-contact, all Indigenous Nations were once prosperous societies, especially on the North Coast of British Columbia, on their own terms. With thriving cultures, restorative justice systems, respect and reciprocity for the lands and waters that provided abundant resources, and resource-management systems that sustained people for millennia. The Nisga'a Final Agreement is only the first step towards achieving sustainable prosperity in today's society. Our current governing body, Wilp Si'ayuukhl Nisga'a (WSN), is closely modelled after the Elected Chief and Band Council system, and current Federal Parliament and Provincial Legislature.

However, in order to reach a sustainable prosperous state once again, a shift further away from the imposed Indian Act governance system is needed. WSN is unique in its multi-generational approach to uphold the

principles of Ayuukhl Nisga'a. And a multi-generational approach, incorporating the voices of Nisga'a youth, is going to be required to decolonize and define the Nisga'a democracy on our own terms.

In this policy ask, I have attempted to define a starting point for forming a Nisga'a Youth Advisory Council by highlighting the importance and need for youth involvement in politics and governance—especially for Indigenous youth. As well, I identify some challenges that may be encountered in getting the Youth Advisory Council off the ground, and offer practical solutions for each hurdle.

It is my dream to have at least one representative of the Nisga'a Youth Advisory Council gain a permanent seat in the Wilp Si'ayuukhl Nisga'a with voting power. Today's youth are our future. Young people deserve to have their voices and concerns heard at the table, and ultimately should have a say in the path that is steering our Nation.



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Problem Definition and Background

The fight for rights to self-government was a 113-year battle for the Nisga'a Nation. The Nisga'a Land Question began in 1887, when our simgigat (our Chiefs) brought our demands for rights and recognition to the Premier of BC. After nothing came of this, the Nisga'a Lands Committee was formed in 1890. In 1913, the Nisga'a Lands Committee petitioned the Privy Council in England, asking to negotiate a treaty, to allow us to self-govern, and find a solution to the dispute over land title, which also fell on deaf ears. Colonial law under the Indian Act in 1927 prohibited all First Nations to hire legal counsel to resolve land disputes.

In the midst of all this, Frank Calder was born. He went on to become the first Status Indian to go to the University of British Columbia (UBC), and he later became the first Indigenous person elected into Canadian Legislature in 1949. Calder also became first President of the newly formed Nisga'a Tribal Council in 1955 (NTC, the modern version of the Nisga'a Lands Committee), and began opening up the case of the Nisga'a Land Question again.

Represented by Thomas Berger (of the Berger Inquiry), in 1963, Frank Calder and the NTC sued the provincial government of BC, asking the Provincial Supreme Court of BC to recognize that our title to the lands in and around the Nass River Valley had "never been lawfully extinguished." When the case was

dismissed at trial, the NTC then took the case to the Supreme Court of Canada. In 1973, the decision on the case was released, Calder and the NTC lost on a technicality. Although we had lost, this was a landmark case with some very important implications for Indigenous rights in Canadian law—the Supreme Court ruled in 1973 that Aboriginal title had indeed existed at the time of the Royal Proclamation of 1763.

Following this ruling, our Treaty process and negotiations began in 1989. Ten years later, in the April of 1999, the Nisga'a Final Agreement was agreed upon and signed. It came into effect on May 1, 2000 after being passed and ratified by the Federal and Provincial government legislation. Signifying the end of the 113-year fight, the Nisga'a Final Agreement was the first modern-day treaty signed in BC, giving us the power to full self-government on Nisga'a Lands, about 2,000 km² of our ancestral territory. The Nisga'a Final Agreement is one of the most robust and comprehensive modern-day treaties, now going into its 21st year of implementation. The Treaty has served as a model for First Nations across so-called "Canada," and Indigenous peoples around the world seeking



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self-government, and working through the modern-day treaty process (Gosnell, 2003).

“And yet the question remains: What form of self-government are we talking about? For us, it’s a government ‘of the people, by the people, for the people.’ A government built on both democratic and traditional Nisga’a values. A government of our design and choosing.”

—Dr. Joseph Gosnell, 2003

As mandated by our Constitution, Chapter 11: Nisga’a Government, our government structure is composed of entirely elected members—still closely following the imposed Indian Act Elected-Chief and Band-Council system. Our 36-member legislative body, WSN, is responsible for considering and passing Nisga’a Lisims Government laws (NLG Website).

“We govern ourselves according to Ayuukhl Nisga’a, the Traditional Laws and practices of the Nisga’a Nation. The Council of Elders provides guidance and interpretation of the Ayuuk to Nisga’a government.”

—Dr. Joseph Gosnell, 2003

Reiterating this point, the Nisga’a governance structure is multi-generational, with the Council of Elders working to ensure the principles of Ayuuk are followed. However, there is one vital voice missing at the decision-making table: Our young people. As stated by Dr. Joseph Gosnell in 2003,

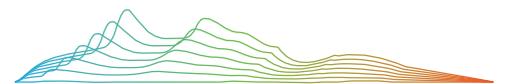


“We know the world is watching, as are our children and grandchildren. Most importantly our grandchildren—of which I have 16. You can rest assured we will not let them down.”

Our children are sacred. Young people are our future. In order to ensure our younger generations will not be let down, I strongly believe the youth need to have more of a say in the path our Nation is currently following. [Indigenous] youth are the fastest-growing demographic in Canada (Statistics Canada, 2016), and our leaders of tomorrow are ready and eager to learn.

Youth empowerment, or capacity building, has always been a large part of Indigenous culture. Through the transmission of knowledge in various forms, such as storytelling, songs, dancing, and ceremonies. Through the passing-down of hunting-and-gathering practices, and food preservation techniques. And through the grooming of

Kincolith mission settlement, late 19th or early 20th Century. Gingolx is one of four Nisga’a villages that make up the Nisga’a Nation. Photo from the US National Archives and Records Administration



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Wilps members from birth, so they are ready for Simo'ogit and Sigidim Haanak (Chief and Matriarch) roles when the time comes.

These forms of cultural-knowledge transmission do not happen in the same capacity as before, which is due to the upholding of capitalism and colonial institutions, but a lot has changed in recent years. Capacity building today looks like teaching Sim'algyax (our Nisga'a language dialect) in schools from pre-K to Grade 12, and funding for the furthering of education and training programs to start careers in different industries. Today's capacity

building also includes organized sports to teach the importance of teamwork, discipline, and community involvement, adapted feasting protocols, and modernized hunting, gathering, and preservation techniques, thanks to technological advances. And more recently, culture and science camps (Reid *et al.*, 2020), and Virtual Treaty Negotiation and Implementation Simulations for Nisga'a Youth (NLG, 2020).

All of the above are important, more now than ever, because learning how to navigate today's political and economic society is essential. Which leads to the question: What more can we do to empower our youth?

Policy Options

RECOMMENDATIONS AND NEXT STEPS

A Youth Advisory Council

There are many arguments in favour of including youth in community governance. Zeldin *et al.* (2003), outlines three main reasons: To ensure social justice and youth representation, to build civil society, and to promote youth development. Overall, when youth are engaged in meaningful decision-making in any kind of capacity, there are distinct and consistent developmental benefits for the young people. Research also shows that communities and organizations also derive benefits when youth are actively engaged in governance (Zeldin *et al.*, 2003).

Alfred *et al.* (2007), conducted a study specific to Indigenous youth engagement and involvement in politics and governance. For youth aged 18–25, research indicated that some Indigenous youth do participate in electoral processes, however, other Indigenous youth favour political participation in unconventional and indirect ways. These youth are beginning to seek their space in public discourse and in democratic arenas, but sometimes lack the educational, societal, and cultural resources to do so. In other words, youth do want to participate, and are seeking means, methods, and tools to create real effects in their communities to bring back the “action” in politics.

A Youth Advisory Council would serve as a perfect opportunity for our younger generation to learn more about Nisga’a history, our Ayuukhl, and use all of this knowledge to grow into leadership roles. There are many potential structures of council, *i.e.* one-to-two-year terms with two representatives from each Nisga’a village and one representative from each Nisga’a urban local, with an internally elected chair or spokesperson. This structure is defined using a deliberate consultation process, with one-to-two-day seminars held in individual communities and urban local to discuss the best structure going forward. As well, it would require consulting with other modern treaty Nations or Nations in the treaty process who have, or are working toward, establishing youth (advisory) councils. One example is the Tla’amin Nation who collaborated with McCreary Centre Society’s Youth Advisory Council in Vancouver, Powell River’s Youth Advisory Council, and Tla’amin Nation Youth Advisory Council to write the “Tips and Tricks for Starting a Youth Advisory Council” (PCYR, 2010).



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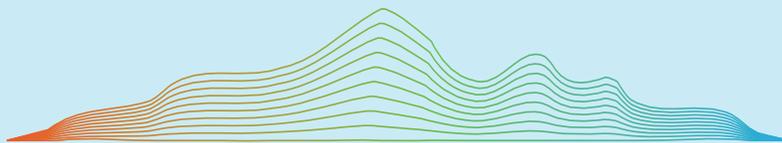


What are the Anticipated Hurdles to Overcome?

First and foremost, financing. It will take a lot of resources and financial dollars to get this Youth Advisory Council off the ground. Financial support can be achieved through grant-writing, redirecting current youth-based funds into governance, or fundraising by the youth for the youth. Finding youth willing to commit and youth retention is another expected challenge, but not one without practical solutions. These may include providing youth with opportunities to travel, mentorship opportunities with elected Executive or Council members in WSN, or opportunities to go out on the lands and waters to learn from Elders from different communities. Honoraria for Youth Advisory Council members, and food at all gatherings are also other ideas to encourage youth commitment and retention.

In the past, Nisga'a Lisims Government had a program called Youth Organizing Youth (YOY), which ran in a similar way to a Nisga'a Youth Advisory Council in each village. In the years it ran, the YOY program was quite successful, and a newly formed Youth Advisory Council can be modelled after the YOY program. Many participants of YOY have either gone on to work for NLG, or their respective Village Governments. Interviews with past participants can be used as a stepping stone to learn what did not work, to learn what the biggest challenges were, and to build upon their successes to ensure ongoing success of this Youth Advisory Council into the future.

Conclusion



It is my ultimate dream to have a governance structure that is decolonized and not limited by the constraints of the imposed Indian Act Elected Chief and Band Council System. Not only for my Nation, but for Indigenous communities all across what is now called "Canada."

Other First Nations communities have achieved this by other means such as: signing of Memorandums of Understanding (MOUs) between elected and hereditary leadership (Heiltsuk Integrated Resource Management Department, ((HIRMD))), staggering elected councils (Heiltsuk Tribal Council ((HTC))), and appointing Chairs within council rather than an elected Chief (Squamish Nation, 2018). These approaches have proven to work well, including

the knowledge and voices of Hereditary Leadership, but I believe young people need to be incorporated as well. The Nisga'a Nation has already set the precedent for self-government and modern-day treaty Nations. Now we can set the precedent for incorporating youth voices as well.

Setting up a Youth Advisory Council, in and of itself, is going to be a lifetime of work. Fully integrating a Youth Advisory Council into our governance structure, with voting power into Executive and WSN, is work that will span across generations. Change happens slowly, but in our rapidly changing world, there is no better time to start than now.

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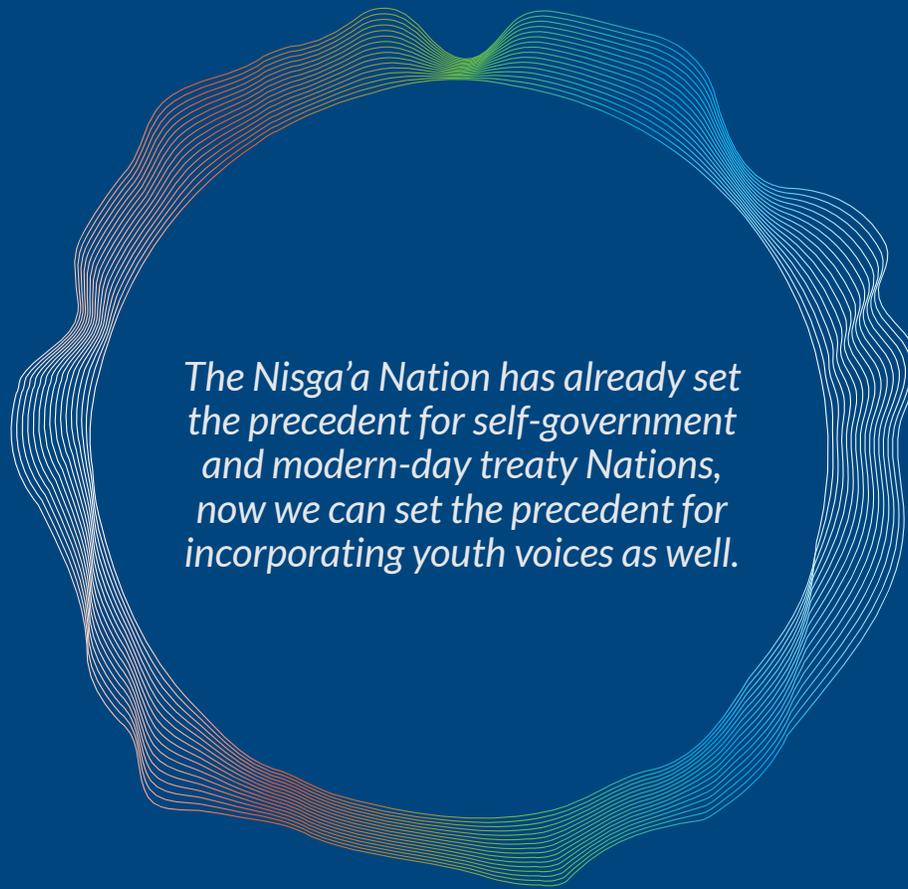
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Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

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