

NISGA'A YOUTH TREATY SIMULATION

2025



THE
GORDON
FOUNDATION



Nisga'a Lisims Government



Nisga'a Elementary
Secondary School

[The Gordon Foundation](https://gordonfoundation.ca/)¹ has been running Treaty Simulations in collaboration with communities, organizations, high schools, universities, government and Treaty experts since 2019. The Treaty Simulation model provides a hands-on learning experience to help participants understand Modern Treaties in Canada. Watch the animated [Treaty Simulation Explainer](https://understandingtreaties.ca/experience/e01/)² video to see how it all comes together. The Gordon Foundation would like to thank Nisga'a Lisims Government and Nisga'a Elementary Secondary School for their partnership on this event.

¹ <https://gordonfoundation.ca/>

² <https://understandingtreaties.ca/experience/e01/>

Notes on Terminology: Within this booklet many terms will be used. As a general rule, the terminology used during the time period or context being referenced will be used. For instance, the term “Aboriginal” is used in the context of legislation such as the section 35 of the *Constitution Act, 1982* while the term “Indian” is used in the context of section 91(24) of the *Constitution Act, 1867*.

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Logistics

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LOCATION & TIMING

The event will take place in Gitlaxt'aamiks (New Aiyansh) at the Nisga'a Lisims Government Main Office, May 27-29.

Each day starts at 9:00AM and ends at 4:00PM.

Participants are asked to attend for the full event. Please let us know if you are unable to attend all or part of the event.

ACCESSIBILITY

We are committed to making the Treaty Simulation inclusive and accessible, and will do whatever we can to ensure the full participation of all attendees. Please contact us with questions or requests regarding access.

WHAT TO BRING

Please dress in what you feel comfortable and confident in. You can bring a laptop or tablet to use during the event, but it is not required.

WHAT TO EXPECT

Lunch, snacks, and coffee/tea will be provided each day. Allergies and dietary restrictions will be accommodated.

Your participation in the Treaty Simulation will be active. There will be both independent and group tasks/activities. You will be part of a team with other participants, and you will share research, writing, and public speaking tasks with your teammates.

Agenda

TUESDAY, MAY 27

- **9:00am Start**
Opening
Introductions
Event overview
- **12:00pm Lunch**
- **1:00pm Activities Resume**
Building Knowledge Panel
Team prep in breakout rooms
- **4:00pm End**

WEDNESDAY, MAY 28

- **9:00am Start**
Building Knowledge Panel
Negotiation activity
- **12:00pm Lunch**
- **1:00pm Activities Resume**
Team prep in breakout rooms
- **4:00pm End**

THURSDAY, MAY 29

- **9:00am Start**
Negotiations
- **12:00pm Lunch**
- **1:00pm Activities Resume**
Negotiations continue
Sharing Circle
Closing
- **4:00pm End**



Participant Pledge

This pledge is your commitment to participating in the Gordon Foundation's Treaty Simulation.

A Treaty Simulation is a hands-on learning event for you to experience the realities of negotiating or implementing part of a Modern Treaty. As part of the simulation, we will use fictional examples of how real-life agreements are negotiated and implemented.

As a participant in the Treaty Simulation, we ask you to step outside the box and approach the exercise with imagination. The Gordon Foundation is committed to creating a safe space for participants to share new ideas, practice skills, and learn from one another.



TO THE BEST OF MY ABILITY, I COMMIT TO:

Being punctual and fully attending each day of the Treaty Simulation;

Participating in the simulation exercise in good faith and in the spirit of teamwork, community and relationship building;

Respecting the privacy of what others share in the discussions and engaging with empathy; and,

Contributing to a positive learning environment.

SIGNATURE: _____

NAME: _____ **DATE:** _____



Treaty Simulation Scenario

The following information is based on a fictitious example for the Treaty Simulation. Although the scenario is fictitious, it is based on real-life agreements with peoples, nations, organizations and different levels of governments.

TREATY SIMULATION

Participants will be divided into three teams representing one of the *parties* (the groups participating in the negotiation): **Nisga’a Lisims Government** (NLG), **Government of British Columbia** (provincial, BC), and **Government of Canada** (federal, GoC). Each team will propose a **Nass Chum Salmon Rebuilding Plan** based on guidance from their party. Each team will receive a *mandate letter* (a set of instructions given to negotiators from the party they are representing). With help from an experienced advisor, your team will write a *proposal* (a formal recommendation for negotiators to present at the negotiation table) outlining what your party would like in the Plan.

The three teams will meet at the negotiation table, where each team will present their *opening statement* (to introduce your party). Next, each team will present their party’s proposal for the Plan. Teams will then negotiate until a *consensus* (a mutual agreement or compromise) is reached on a final Plan.

SCENARIO BACKGROUND

Nisga’a Treaty Fisheries Co-management

Fish and wildlife management in British Columbia (BC) is a shared responsibility between BC First Nations, the Government of BC, and the Government of Canada. Your Treaty Simulation will be based off the Nisga’a Final Agreement (or Nisga’a Treaty) which came into effect on May 11, 2000. Chapter 8 of the Treaty led to the creation of the *Joint Fisheries Management Committee* (JFMC)—an instrument of fisheries co-management—made up Nisga’a, provincial and federal government representatives.

Nisga’a Fisheries Management Program

Facilitated through the JFMC, the Nisga’a Fisheries Management Program (NFP) utilizes *fish wheels* and other technologies on K’alii Aksim Lisims (the Nass River) to monitor salmon and conduct *stock assessments* on a variety of species throughout the Nass area.¹ The Nass watershed is one of the most important salmon watersheds in Canada, often referred to as the “River of Abundance” for its large runs of salmon.²

¹ <https://www.nisgaanation.ca/fisheries-management>

² <https://psf.ca/wp-content/uploads/2021/10/Download-PDF734-1.pdf>

Status of Nass Chum Salmon

In the 32 years NLG has been running this highly successful program, **escapement** goals have been met for many salmon species in recent return years;¹ however, this has not been the case for Chum salmon, which are the least abundant salmon species in the Nass area. According to the federal government's Department of Fisheries and Oceans (DFO), Nass Chum are considered **depressed**, impacting commercial fisheries ability to harvest.² Rebuilding Nass Chum stocks is one of their core annual projects and remains a high priority for NLG, as does securing sustainable funding to continue this vital work.

TREATY SIMULATION TASK

NLG has proposed a meeting with the Treaty partners/parties (NLG, BC, and GoC) to develop and finance a **Nass Chum Salmon Rebuilding Plan**.

Each party will prepare their own proposal for the Plan, which should include:

1. Which threats to Nass Chum salmon should be addressed
2. Management and monitoring measures to help rebuild Nass Chum stocks
3. How the Plan will be funded

Note: Established under the Nisga'a Treaty with contributions from both NLG and the federal government, the **Lisims Fisheries Conservation Trust** (the Trust) is used to promote conservation and protection of Nass area fish species, which includes these efforts to rebuild salmon stocks; however, in this scenario, the Trust is temporarily unable to accommodate new funding requests.

¹ <https://www.nisgaanation.ca/sites/default/files/2024-SpecAssemblyBooklet-FINAL-WEB.pdf>

² <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/41187398.pdf>



DEFINITIONS

Joint Fisheries Management Committee (JFMC) is where the Treaty parties come to together to make recommendations on First Nations fishing, fisheries management activities and other fisheries-related matters. It functions by consensus-based decision making. Federal and provincial representatives participate when fisheries in their jurisdiction are involved (ocean fisheries are under federal jurisdiction and in-land fisheries are under provincial jurisdiction).

Fish Wheels are a stationary fishing technology powered by the flow of the river. The wheel spins with the current, scooping fish out of the water and dropping them in a holding box unharmed.

Stock Assessments are an important part of the conservation and management of Pacific salmon that helps determine the salmon life cycle and answers questions like how many salmon are there, how old they are, how many young they have, and how fast they grow.

Escapement is the amount of a salmon population that does not get caught by commercial or recreational fisheries and return to their freshwater spawning habitat.

Depressed refers to the status of fish stocks (a population of individuals of a species located in a particular area) when numbers are significantly lower than a normal or healthy number in a defined, geographical region.

Lisims Fisheries Conservation Trust was established under the Nisga'a Final Agreement and is used to promote conservation and protection of Nass area fish species, facilitate sustainable management of fisheries, and support Nisga'a participation in fishery stewardship.



Overview of the Simulation Meeting (Negotiations)

OPENING

- The hosting team opens the meeting.

INTRODUCTIONS

- The Chair asks each team to introduce themselves with an opening statement.
- Teams do not interrupt or ask questions during introductions.

PROPOSAL PRESENTATIONS

- The Chair asks each team to present their proposals.
- Teams do not interrupt or ask questions during presentations.
- Use your proposal presentation from Step 3 when it is your team's turn to present.
- When your team is presenting, your note-taker(s) will share a copy of your proposal with the other teams.

FIRST CAUCUS

- The Chair calls a 10-minute caucus (a break for teams to meet privately).
- Teams should look for any common ground or disagreements between proposals and decide what clarifying questions they want to ask the other teams.
- During a caucus, teams leave the negotiation table to strategize privately. The first caucus takes place after the introductions and proposal presentations. Each team can then call one caucus at any time during the negotiations.

NEGOTIATIONS

- The Chair calls on each team to ask questions and receive responses.
- After each team has a turn, the Chair decides which area to negotiate first, and negotiations resume.
- During negotiations, note-takers from each team help record consensus (mutual agreement on a compromise) decisions for all the teams to see.
- Teams can call a caucus during negotiations when they need to meet privately.

CLOSING

- The Chair asks teams to review the consensus notes documented by the note-takers.
- If everyone agrees that the documented notes represent the consensus they negotiated, the Chair invites the hosting team to close the meeting.

Background Readings

WHAT IS A TREATY?

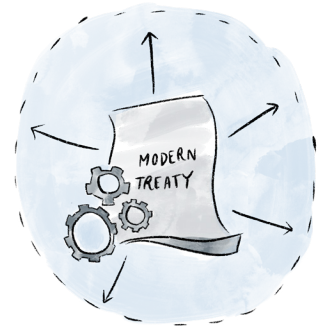
In 1763, King George III of Great Britain issued The Royal Proclamation¹ confirming the original occupancy of Indigenous peoples and paving the way for land agreements between the British Crown (government) and Indigenous peoples. The proclamation established how the British would manage land in North America following the Seven Years War.² It proclaimed that settlers could not live on the land until the Crown had signed treaties with the First Nations who occupied the territories.

There are also many examples of historic treaties; see the *Pre-1975 Treaties of Canada* map illustrating those signed before 1975.³ Although many treaties were signed more than a century ago, treaty commitments remain valid today. The treaties set out continuing treaty rights and benefits that First Nations entered into with the British government, and later Canada. Treaty rights are protected by section 35(1) of the *Constitution Act, 1982*.⁴ Ensuring the recognition of treaty rights is an on-going challenge that Indigenous peoples continue to face.

For this exercise we will be looking at Modern Treaties. In this context, the definition of a treaty is a legally binding agreement made between the Crown and Indigenous nations, governments, or organizations.

WHAT IS A MODERN TREATY?

Known as Comprehensive Land Claims Agreements elsewhere in Canada, Modern Treaties are constitutionally protected agreements between Indigenous peoples, the federal government, and a provincial/territorial government that create a long-term relationship between the signing parties. First and foremost, Modern Treaties recognize and protect Indigenous rights and title to their land. Indigenous peoples have inherent rights that are affirmed in the Constitution. The Constitution did not create these inherent rights, but recognized and affirmed them. Indigenous peoples were and are inherently self-determining with or without Modern Treaties. Modern Treaties are tasked with reconciling, clarifying, and modifying these rights. See the *Modern treaties and stand-alone self-government agreements* map.⁵



1 https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-PPLCOM/STAGING/texte-text/nahm_250_pt_1379596017260_eng.pdf

2 <https://www.thecanadianencyclopedia.ca/en/article/seven-years-war>

3 <https://www.rcaanc-cirnac.gc.ca/eng/1100100032297/1544716489360>

4 <https://www.thecanadianencyclopedia.ca/en/article/constitution-act-1982>

5 <https://www.rcaanc-cirnac.gc.ca/eng/1605796533652/1605796625692#sec3>

TREATY-MAKING IN BRITISH COLUMBIA¹

First Nations were self-governing long before the arrival of Europeans in what is now British Columbia, and across Canada. These Nations had distinct histories, languages, cultures, laws, and systems of governance. The *Indian Act* (introduced in 1876) imposed strict regulations and attempted to dismantle these systems of governance. Treaties are a means to reclaim and affirm Indigenous self-governance and are a pathway to reconciliation, and new relationships based on mutual respect and recognition.

In British Columbia, there are Historic and Modern Treaties. Treaties signed between the 1700s and the early 1920s are considered Historic Treaties, including the 14 Douglas Treaties on Vancouver Island and Treaty 8. Modern Treaties refer to those signed beginning in the 1970s and into the present day. There are eight Modern Treaties in British Columbia, in addition to a growing number of Self-Government Agreements negotiated within and outside the treaty process.

The history of treaty-making in British Columbia and Indigenous-led processes for the recognition of rights and title is vast. Past and contemporary examples of direct action and numerous landmark court cases have established a legal and political landscape affirming Indigenous (Aboriginal) rights and title, as well as Crown (the Governments of British Columbia and Canada) responsibilities and obligations to address these rights. The *Calder* case paved the way for Indigenous title and rights recognition in Canada and was a key milestone affirming Nisga'a Nation self-governance.

¹ <https://understandingtreaties.ca/discover/bc/>



The Nisga'a Final Agreement (Nisga'a Treaty), which came into effect in 2000, was the first Modern Treaty in BC, and the first Modern Treaty to include self-government provisions in Canada. Since then, seven other First Nations have become self-governing through Modern Treaties negotiated through process outlined by the British Columbia Treaty Commission (BCTC).¹

Those in the south of the province that have been negotiated more recently (Tsawwassen First Nation, Tla'amin Nation, and the five Muul-nulth Nations) established the Alliance of BC Modern Treaty Nations (joined soon after by Nisga'a Nation in 2019). Treaty-making in BC continues, and there are currently 17 First Nations engaged in negotiations to finalize treaties and become self-governing Nations; see BCTC's interactive map.²

NISGA'A TREATY³

The Nisga'a Treaty is a negotiated agreement between the Nisga'a Nation, the Government of British Columbia (B.C.) and the Government of Canada. It came into effect on May 11, 2000. The Nisga'a Treaty is the first modern-day treaty in B.C. and is the fourteenth modern treaty in Canada to be negotiated since 1976.

For a comprehensive summary of the Nisga'a Final Agreement itself, go to the link [Understanding the Nisga'a Treaty](#).⁴

HOW IT ALL STARTED

The Nisga'a quest for a treaty began over 100 years ago, with the formation of our first Land Committee in 1890. However, from 1927 to 1951, the Nisga'a could not pursue our goal for a treaty because Canadian laws made it illegal for Indians to raise money to advance land claims. After these laws were repealed in 1951 the Nisga'a Land Committee re-established itself as the Nisga'a Tribal Council in 1955.

In the late 1960's, the Nisga'a Tribal Council began a legal action in the B.C. Supreme Court. However, it was not until 1973 that the Supreme Court of Canada rendered a decision which prompted the creation of Canada's land claims negotiation policy. The federal government began treaty negotiations with the Nisga'a in 1976 and the B.C. government joined the two parties at the table in 1990.

NISGA'A GOVERNMENT

The Nisga'a Treaty provides for an open, democratic and accountable Nisga'a Government. It includes representation for all Nisga'a through the Nisga'a Lisims Government, four Village Governments, and three Urban Locals, which provide a voice for Nisga'a citizens who live outside the Nass Valley.

Nisga'a Government operates within the *Constitution of Canada* and the *Canadian Charter of Rights and Freedoms*. The Nisga'a Treaty establishes decision-making authority for Nisga'a Government within a model that the Nisga'a have been accustomed

¹ <https://bctreaty.ca/negotiations/negotiation-process/>

² <https://bctreaty.ca/map/>

³ Source text of this section is from <https://www.nisgaanation.ca/understanding-treaty>

⁴ <https://www.nisgaanation.ca/sites/default/files/Understanding%20the%20Nisga%27a%20Treaty%201998.pdf>

to and have accepted for many years. The Nisga'a Government model is designed as a practical and workable arrangement that provides the Nisga'a Nation with a significant measure of self-government that is consistent with the overall public interest and within Canada's constitutional framework.

The Nisga'a Lisims Government may make laws in many areas and has principal authority over some, including administration of government, management of the Nisga'a Nation's lands and assets, Nisga'a citizenship, language and culture. However, the treaty also includes limitations on Nisga'a Government authority. For example, Nisga'a Government cannot make laws about Nisga'a citizenship that deal with immigration or Canadian citizenship.

All Nisga'a laws operate alongside federal and provincial laws, similar to other jurisdictions in Canada where Canadians are subject to federal, provincial and municipal laws simultaneously. The Treaty includes important rules, which set out what will happen to address any conflicts or inconsistencies between laws.

In addition, many Nisga'a Government authorities are subject to federal or provincial standards, where a "meet or beat" approach is taken. This approach is taken in a number of areas, including education, child and family services, adoption, and forestry. Child welfare is a good example of how this works. Nisga'a laws have priority if they meet or exceed provincial standards for child protection — but federal and provincial laws requiring the reporting of children in care continue to apply. The provincial government can continue to act as needed to protect a child at risk within the agreement between the Nisga'a and B.C.

Nisga'a Government may also make laws in areas where some local authority is appropriate, such as environmental protection, health and social services, and traffic and transportation. However, in these areas, federal or provincial laws prevail.

Source: <https://www.nisgaanation.ca/understanding-treaty>



Advisor Panel Notes

Listen carefully for important information that is shared during the advisor panel. The information presented will be essential in understanding some of the challenges associated with salmon management in the mountains, lakes, rivers and streams throughout Nisga'a Lands.

What does the Nisga'a Treaty say regarding salmon and environment management?

-
-
-

What are some of the major environmental challenges and concerns that impact salmon and their environment?

-
-
-

How are salmon currently being monitored?
What do you think would improve salmon management?

-
-
-

Additional Notes

-
-
-

Notes



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