

Tsawwassen First Nation — A Case Study for Economic Development in Coexistence with Thriving Indigenous Culture

Emily Dishart

STUDENT, DEPARTMENT OF HISTORY, UNIVERSITY OF BRITISH COLUMBIA

On April 3, 2009 the Tsawwassen First Nation Final Agreement came into effect, thus becoming the first treaty signed in B.C. under the BC Treaty Commission. Among the conditions of the lengthy agreement were provisions for the economic goals of TFN as they aimed to exercise their rights as a treaty nation, rights that existed but had been denied by the colonial governments for centuries. Among the economic goals of TFN were residential developments, for both TFN members and the general public, and commercial developments. The Tsawwassen Mills retail and entertainment centre, completed in 2016, is one of the largest shopping outlets on Indigenous land in Canada.¹ The development provides jobs for TFN community members as well as bringing funds into the TFN government. For the Tsawwassen community members the Tsawwassen Mills, among other TFN developments, is an assertion of Indigenous sovereignty over their land. However, scholars critique the economic development of not just TFN, but many Indigenous nations in British Columbia. I aim to analyze and refute the arguments behind the critical historiography of Indigenous economic development in Canada through the use of Tsawwassen First Nation as a case study. I argue that TFN is able to keep their connection to the environment while simultaneously developing on that land. I also argue that TFN is in tune with the goals of their ancestors and the principles of Coast Salish law in their economic development. As well as with an analysis of Tsawwassen's environmental sustainability and strong traditionalism, I argue that TFN used developmental revenue in order to strengthen their cultural practices and establish good relationships with other sovereign states, thus refuting the principal concerns of scholars.

When discussing issues such as sovereignty, cultural traditions, and economic development, it is difficult to avoid promoting colonial ideals. Therefore, I use these terms with specific meanings in the context of Tsawwassen First Nation. In this context, sovereignty will

¹ The Tsawwassen Mills was built, and is owned, by Ivanhoe Cambridge, a Canadian real estate company, which signed a 99-year lease with TFN for the plot of land owned by TFN.

be used to describe TFN's assertion of their rights to their land, language, culture, resources, and economic development. Cultural traditions, in the scope of this paper, are the goals, values, language, laws, ceremonies, actions, and beliefs of TFN throughout history, not simply colonial history, and today. Economic development will be used in this paper to describe the projects, developments and land leasing administered by TFN after the finalization of their treaty in 2009. The terms Final Agreement and treaty will also be used interchangeably in this paper, for the Final Agreement and the treaty are the same document, simply at different stages in the BCTC process. It is also important to note that I do not intend to speak for Tsawwassen First Nation community members or their opinions on the role of economic development in state sovereignty and cultural traditions of TFN. I simply aim to use TFN as a case study for illustrating that despite scholarly critique, Indigenous nations can and are using economic development in order to protect and enhance cultural traditions and Indigenous sovereignty.

Much of the historiography surrounding Indigenous economic development is overwhelmingly critical on two accounts. First, scholars critique the effects of resource development on the environment and the relationship between Indigenous culture and the environment. Second, scholars critique the rapprochement of western neoliberal capitalism with Indigenous cultures as a threat to traditional forms of Indigenous sovereignty. Throughout this paper I aim to demonstrate, through the use of Tsawwassen First Nation as a case study, that these two historiographical criticisms are not applicable to all Indigenous nations or all treaties, agreements, and economic projects.

Scholars of the first major critique link Aboriginal economic development to resource extraction, thus threatening the relationship between Indigenous peoples and the natural landscape. Nuu-Chah-Nulth scholar Clifford Atleo argues that resource development is counter-intuitive to the cultural goals of the Nuu-Chah-Nulth peoples. Atleo is offering a unique perspective on his own community, in which he condemns the resource development of his nation as destroying Nuu-Chah-Nulth cultural practices, saying that hunting for economic development is the Nuu-Chah-Nulth "selling their relatives" (Atleo, 2010: 66). Atleo also notes that when his community attempts to undergo sustainable resource development they are overwhelmed by the demands of corporations, thus threatening the agency of his nation. Jeff Corntassel argues that western conceptions of economic development threaten Indigenous attachment to the land, as well as Indigenous attribution of objects, sites, and regions as culturally important for their nation (Corntassel, 2008: 108). Despite his criticisms, Corntassel does make recommendations for ways in which Indigenous nations can use economic development in coexistence with their cultural and environmental traditions, as I will discuss later in this paper.

The second major scholarly critique of Indigenous economic development focuses on the negative effects of neoliberal capitalism on the legal and social structures of the Coast Salish. Neoliberalism, a policy that emerged in the last decades of the 20th century, emphasizes private ownership, deregulation of economic affairs and a reduction of government spending on social welfare programs. Clifford Atleo uses the neoliberal argument to criticize the effects of economic development on Indigenous culture and resurgence, arguing that neoliberal attitudes and conventions enforce individualism among Indigenous groups, thus threatening the traditionally collective ways of living of Coast Salish peoples (Atleo, 2009: 5). Atleo also notes that through economic development the binary of "modern" and "primitive" continues to dominate discourses of Indigenous sovereignty, thus continuing problematic colonial rhetoric around Indigenous nations and the use of their land (Atleo,

2009: 3). Along with Atleo, Glen Coulthard's *White Skin Red Masks* argues that a second wave of colonialism began in the 1970s and 1980s in which oppression was replaced by the politics of recognition, which, in his opinion, is simply an extension of previous colonial policies and a reiteration of problematic colonial rhetoric (Coulthard, 2014: 4). Coulthard continues, arguing that Indigenous peoples search for governmental recognition of their rights by illustrating their nationhood through economic development, rather than, as Coulthard recommends, achieving an internal respect and recognition of their rights as nations and communities (Coulthard, 2014: 6). Coulthard and Atleo both argue that Indigenous economic development undermines the cultural beliefs and values of the Coast Salish and other Indigenous groups; however, these views fail to credit the adaptability and malleability of Indigenous culture, thus undermining nations' ability to have economic development projects that coexist with cultural traditions and revitalization, as can be seen through an analysis of the Tsawwassen First Nation.

Tsawwassen First Nation's treaty and economic development projects are, countering to the scholarly critique, in line with the historical goals of TFN and the principles of Coast Salish law. Both of these alignments illustrate Tsawwassen's economic development as coexisting with their traditional cultural values, principles, and ways of living. The effects of colonialism on TFN, both on their culture and on their economic opportunities, cannot be underestimated. However, I argue that through post-treaty economic development projects TFN is able to re-assert their traditional role over their land in a way that coincides with the wishes of their ancestors and with Coast Salish legal traditions.

First, the TFN treaty and economic development projects coincide with the historical goals of Tsawwassen First Nation. These goals include self-government, control over their rights and resources, and, most significantly in the aim of this paper, the importance of economic independence to assert sovereignty over TFN land. In 1914 The Royal Commission on Indian Affairs visited the Tsawwassen band, represented by Chief Harry Joe, and the meeting was transcribed for the use of the Province in their goals to remove and reallocate land from Indian Reserves. The commission report discusses various issues, including the size of the Tsawwassen reserve, their cattle and agricultural holdings, and how Tsawwassen was making use of the land (Royal Commission on Indian Affairs for the Province of British Columbia [RCIAPBC], 1914). Commissioner Shaw referenced that Chief Joe demanded that TFN have "title to the lands themselves" (RCIAPBC, 1914: 6). Shaw then asked if they "would like to have the land to [themselves] so that they could [sell] it at any time," to which Chief Joe responded: "in that regard, we could decide afterward" (RCIAPBC, 1914: 7). Later on in the interview Chief Joe is asked whether or not, once he has title, he would lease or sell his land to whites, to which the chief responded: "that is something that we can talk about afterwards" (RCIAPBC, 1914: 8). Chief Joe's responses to the questions of Commissioner Shaw clearly have one goal: to achieve title over their land in order to then make decisions about the use of their land themselves. Although Chief Joe is not alluding that TFN will undergo economic development on their land, he is demonstrating TFN understanding of their agency and power being tied to their right to occupy their traditional territory and use it as they wish. On the TFN website a timeline explains their history, and under the section labelled "1914 Royal Commission on Indian Affairs" there is a commentary that links Chief Joe's demands with those of 21st century TFN community members:

For the first half of the 20th century, Tsawwassen was largely ignored by everybody, except for a few bureaucrats. All of this would change starting in the 1950's as commercial development and public infrastructure occurred. Ironically, this provided the

basis for the development of a people with strong and committed leaders and a determination to overcome the many obstacles put in our way. (Tsawwassen First Nation website)

Chief Joe was emphasizing the importance of having title to their land in order to maintain their power over traditional territories and resources. The timeline on the TFN website illustrates how Chief Joe was beginning a long process that enabled TFN to continuously understand the value of their land, both culturally and economically, for themselves and the settler nations. This continued understanding of power being held in their right to their land drove the treaty negotiations and fuelled economic plans after the signing of the treaty. Economic development would become the catalyst for the treaty negotiations as well as the largest result of the treaty, thus aligning 21st century TFN with Chief Joe's knowledge a hundred years prior. Chief Joe's goals are also mirrored in Chief Kim Baird's words in 2009:

Historically, a complex socio-economic system played an important role within our community and in cooperation with neighbouring tribes. Accumulation of wealth was attributed to spirit powers. Wealth was important for subsistence, trade, gifts and to *qe'wet (pay for services)*. In the past, practices to re-distribute wealth were based on traditional sharing principles and collective responsibility to ensure all the People thrived. These principles are re-erected in the Economic Development Act, the Financial Administration Act and the Property Taxation Act. (Chief Kim Baird, et al., 2009)

Baird is clearly linking the wealth acquisition and sharing traditions of TFN to the modern agreements between TFN and the Canadian government, highlighting the continuances and consistencies between the goals of TFN in 2009 and those of Chief Harry Joe a hundred years prior.

Second, in addition to coinciding with the goals of their ancestors, TFN economic development coexists with Coast Salish legal traditions. Although Coast Salish legal structures are complex and vastly differing, certain legal principles are more prominent and thus can be analyzed in the context of TFN. Anthropological legal scholar Bruce Miller discusses the role of Coast Salish legal traditions in modern treaty nations. Miller argues that colonialism removed the traditional economic pattern of the Coast Salish, thus threatening their legal structures and livelihoods (Miller, 2001: 3). He continues to discuss the revitalization of Indigenous legal traditions after the signing of treaties in the late 20th and early 21st centuries; however, he remains skeptical:

Coast Salish communities have historically used measures to restore community order that included sanctioned violent recriminations in addition to more pacifistic methods of feasting together with others to end disputes and difficulties. Today, in common with other communities, the Coast Salish communities face difficult problems in treating the contemporary issues of violent crime and inter-family conflict. These issues are not easily resolved by reference to reconciliation and restoration or by emphasis on community harmony. (Miller, 2001: 6)

Miller is speaking of the complex issues of how Indigenous nations manage conflict in the 21st century. Despite his scepticism, we can see through an analysis of TFN laws that Indigenous nations with treaties are attempting to use their own legal structure to limit conflict in their communities. The TFN *Community Safety Act*, in its Preamble, details how TFN is "committed to taking comprehensive measures to protect the Tsawwassen Lands, the health and safety of residents of Tsawwassen Lands and the peace and order of the TFN." The act also notes that "activity involving prohibited substances on Tsawwassen Lands poses a seri-

ous threat to the health and safety of residents of Tsawwassen Lands,” as the various detailed clauses of the act aim to address. Although Miller is skeptical about Indigenous nations using pacifistic legal structures, it is clear that TFN is taking measures to assert justice and peace into the legal structure of their community, including their constitution and affiliated acts. Although the efficacy of anti-drug legislation in TFN is unclear, Tsawwassen is attempting not to use reconciliation and restoration to repair the community, as Miller criticizes, but is using legal structures and economic development in order to diminish social tensions, possibly circumventing the issues Miller suggests and enabling them to build peace through prosperity both economically and culturally, as will be discussed later.

In addition to being in tune with their legal structures and historical goals the Tsawwassen First Nation’s treaty and economic development plan support TFN’s relationship with the natural environment. Many scholars criticize the effects of economic development on Indigenous connections to the natural environment, including water, trees, animals, fish, and subsurface resources. The treaty, and accompanying documents, suggest that TFN are ensuring the protection of their land and environmental resources.

The TFN treaty contains statements that aim to protect both the natural environment and culturally significant objects and artifacts from development on Tsawwassen land. Chapter 15 lays out TFN’s rights to

make laws applicable on Tsawwassen Lands to manage, protect, preserve and conserve the Environment including laws in respect of:

- a. the prevention, mitigation and remediation of pollution and the degradation of the Environment;
- b. waste management, including solid wastes and wastewater;
- c. protection of local air quality, but such laws will include standards that meet or exceed the standards set by the Greater Vancouver Regional District in bylaws in respect of the protection of local air quality; and
- d. response to an Environmental Emergency.

(*Tsawwassen First Nation Final Agreement Act*, S.C. 2008, c. 32, Chapter 15.1)

These provisions clearly outline Tsawwassen’s ability to regulate its own environmental restrictions, thus granting TFN control over the environment which they have inhabited since time immemorial. The Tsawwassen Final Agreement, under Chapters 3.5, 9.2, 10.2, also outlines TFN’s ability to regulate fish conservation (within the federal laws), protect culturally modified trees among other trees, and protect wildlife, within federal limitations. Although a great deal of these clauses include limitations set by the Federal and Provincial governments, it is important to note that these limitations simply state that TFN cannot violate Federal environmental laws, which, as is illustrated through the detrimental environmental effects of colonialism, have vastly lower standards than those of TFN.

The economic development of TFN is not resource based, thus allowing it to be a unique case that is often outside of critical historiography; moreover, TFN promotes its connection to the natural environment through the use of funds from the TFN Economic Development Corporation towards environmental protection programs. As Grand Chief Ronald Derrickson discusses, after Indigenous nations have full power of their land their “revenue, finally, will come from the wealth of the land” (Manuel & Grand Chief Derrickson, 2015: 232). For Grand Chief Derrickson, Indigenous nations must have full control over their environment and resources in order to enter into economic negotiations with other governments and corporations, thus enabling them to regain control of their economic, and thus cultural, sovereignty (Manuel & Grand Chief Derrickson, 2015: 233). Arthur Manuel also promotes

Indigenous economic development, for “as long as development respects the integrity of the land and minimizes its impacts, [Indigenous peoples] must take advantage of opportunities to build diversified economies” (Manuel & Grand Chief Derrickson, 2015: 51). To revisit Jeff Corntassel’s work, he argues that “in order for indigenous self-determination to be meaningful, it should be economically, environmentally, and culturally viable and inextricably linked to indigenous relationships to the natural world” (Corntassel, 2008: 108). TFN economic development projects are not linked to resources in the same way as other Indigenous nations’ projects; moreover, through ensuring that their policies and laws protect their land while also protecting their capital interests they are linking all fields, as Corntassel recommends. TFN has land that is incredibly valuable to colonial society, thus allowing TFN to understand and exploit the needs of the Delta Port and other corporations. The leases made by TFN Economic Development Corporation are opportunistic and intelligent for TFN, for they exclude all subsurface resources (TFN, *Economic Development Act*, 2009, Clause 12). This not only illustrates that TFN intelligently limits the rights of those leasing their land, it simultaneously protects the potential ancestral sites and burial grounds that are found in the subsurface, thus protecting cultural connections to the environment.

The Tsawwassen First Nation uses economic development not only to connect with the environment and reinforce Coast Salish traditions, but also to revitalize Tsawwassen culture and the Hun’qum’i’num language. The TFN constitution illustrates their implementation of laws that promote economic development while supporting their community’s well-being. Three primary aims of the of TFN are highlighted in their constitution. First, TFN government, as is outlined in the constitution, Clause 2.3, strives to “keep the Tsawwassen people together as a people”. Second, under the same clause, TFN and their constitution aim “to protect the lands, waters and resources”, a principle that is developed in further detail later in the document. Third, TFN’s constitution aims to “protect and develop the language, culture and traditions of the Tsawwassen First Nation” (Clause 2.3). Another document, the TFN *Economic Development Act*, Clause 4.0, states that “the purpose of TFN economic development is to transact business of a commercial nature in a responsible manner with the goal of creating long term wealth for the benefit of Tsawwassen First Nation and Tsawwassen Members.” When these two documents are examined in association with each other, it is clear that they have the same goals: to promote the wealth of TFN. Although the *Economic Development Act* speaks of wealth in the sense of money, when read in association with the constitution it is possible to see that the monetary gains made through economic development will thus be put towards three goals of the constitution; therefore, through economic development TFN can and does promote cultural programs for TFN members and future generations. The Tsawwassen Economic Development Corporation, created after the Final Agreement to oversee the use of the economic development funds allocated during the treaty and to build projects for TFN profits, has a vision for TFN that coincides with the importance of Indigenous connection to nature and culture. This corporation is owned and operated by TFN; however, the majority of the business it conducts is with non-Indigenous corporations, thus bringing in criticism from scholars. The TFN Economic Development Corporation’s mandate is to “actively seek partners to create developments that will generate short and long-term lease revenue, build member capacity by providing training and employment, and respect the values of the TFN Community.” This mandate, when read in association with the constitutional values of the TFN community, illustrates that this corporation seeks to protect culture, language, and traditions through economic stability. The TFN’s mandate, as displayed on their website, aims to make “Tsawwassen First

Nation a successful and sustainable economy, and an ideal location to raise a family. As a community, [they] will feel safe on Tsawwassen Lands, [they] will be healthy, and [they] will have every opportunity to achieve [their] dreams. [TFN] will honour [their] culture and practice [their] language. [Their] Government will help [TFN] achieve [their] goals by communicating, being respectful, and taking full advantage of [their] Treaty powers.” Read in association with each other, the mandate of TFN and the mandate of the TFN Economic Development Corporation have overlapping goals: to grow economically in order to benefit the cultural, educational, and communitarian values of TFN.

The economic and cultural needs of TFN do merge after the Final Agreement in 2009, allowing TFN to thrive as a sovereign nation that aims to achieve reconciliation. Chief Kim Baird, on October 15, 2007, gave a speech to the B.C. legislature before the treaty debates would begin. The dense and detailed importance of this speech requires that it be quoted at length:

Today, true reconciliation also means access to financial resources and economic opportunities which will be used for economic development and infrastructure development. True reconciliation will also provide services and programs for Tsawwassen members ... The treaty is a legal document, of course. A framework that ensures we can enter the economic and political mainstream of Canada.... Our treaty is the right fit for our nation.... We now have the tools to operate as a self-governing nation, for the first time in 131 years since the first *Indian Act* was introduced. The Tsawwassen treaty, clause by clause, emphasizes self-reliance, personal responsibility and modern education. It allows us to pursue meaningful employment from the resources of our own territory for our own people. Or in other words, a quality of life comparable to other British Columbians. To everyone, it provides economic and legal certainty and gives us a fighting chance to establish legitimate economic independence — to prosper in common with our non-aboriginal neighbours in a new and proud Canada.

Chief Baird’s speech outlines various key goals and aspirations of TFN after the signing of their treaty in 2007. It is through economic development that Chief Baird believes reconciliation will be achieved for TFN. Prosperity and independence, as Baird argues, will allow TFN to practise self-reliance, personal responsibility, and higher education, as is outlined in the treaty. Personal responsibility is often highlighted by scholars as foundational for Indigenous sovereignty. Greg Poelzer’s *From Treaty Peoples to Treaty Nation* discusses the development of Canada’s third government: Indigenous nations. Poelzer argues that until Indigenous nations are free from the cycle of the welfare system they will be unable to self-govern (Poelzer & Coates, 2015). Poelzer, however, does offer a solution:

One is to eliminate welfare, with its “shame” foundations, and replace it with community-based responsibility. At present, funding is fragmented into a variety of programs and dispersed to individuals. That funding could instead be allocated, as block grants, to regional or local Aboriginal governments. It could then be earmarked for community building ... These jobs could include repairing roads, clearing brush, and helping with community development projects. They could also include cutting wood for elders, gathering country food, collecting elders’ stories, working as cultural resource people in schools, taking lessons from elders in traditional cultural or harvesting practices, and providing cultural or social services to the community. (Poelzer & Coates, 2015: 240)

By removing the cycle of the welfare system Poelzer believes that Indigenous nations can thrive off their own community-based economic programs. What is key here is that the funding for these programs must be managed by the nations themselves, rather than the federal or provincial government. The TFN Final Agreement allocates \$1,055,000 for the establish-

ment of an Economic Development Capital Fund (*First Nation Final Agreement Act*, S.C. 2008, c. 32, Chapter 4, Clause 107). This money will be administered by TFN in order to promote economic development in their community, and as Kim Baird declared, this money would then be invested in the cultural, educational, and infrastructural integrity of TFN, thus being in accordance with Poelzer's recommendations. Arthur Manuel, however, disagrees with Poelzer and critiques Tsawwassen acceptance of a 'land for cash agreement.' Manuel challenges the BC Treaty Commission process as being a tool of the government to extinguish Aboriginal title. Manuel believes that Tsawwassen had been given 400 hectares of land and \$16 million in exchange for the extinguishment of their Aboriginal rights under Section 35 (Manuel & Grand Chief Derrickson, 2015: 200). Manuel, among others who criticize the BCTC process, highlights the vastly diminished territory of TFN after the treaty. Despite Manuel's criticism, it is clear through Baird's speech and the overwhelming majority of TFN members that voted for the treaty that Tsawwassen believes that the value of their land is enough to sustain TFN for generations to come while funding programs of cultural revitalization, working towards achieving reconciliation.

Tsawwassen First Nation controversially signed a BCTC treaty in 2007, becoming the first British Columbian nation to successfully navigate the lengthy process. As Arthur Manuel argues, a great many of BCTC agreements signed after Tsawwassen were problematic, for they gave large amounts of money in return for the loss of Aboriginal title (Manuel & Grand Chief Derrickson, 2015: 199). Although the BCTC process is largely criticized, even Manuel himself agrees that economic development is a viable way in which Indigenous nations can assert their sovereignty, as was discussed earlier. Tsawwassen's success, however, is partly due to their location and economic opportunities. Other, more rural nations would not have the same corporate and developmental opportunities as TFN, thus forcing them to undergo resource development and potentially damaging their environment, as many critical scholars note. Despite the advantageous location of TFN, the brilliance of the TFN Economic Development Corporation cannot be underestimated, as it works towards gaining self-sustaining long-term income for TFN in order to support cultural programs and uplift the overall living standard of TFN members. TFN and all Coast Salish peoples have hunted, fished, traded and negotiated with each other for thousands of years, and the TFN economic development of the 21st century must be seen not as an extinguishment of these relationships but as a continuation, emphasizing the ability of Indigenous nations to adapt while remaining always in tune with their cultural traditions and sovereignty.

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