



ON THE FRONT COVER

TERRI-LYNN WILLIAMS-DAVIDSON

By Michael Jackson, Q.C.

One of the enduring and recurring pleasures of being a law professor is observing and celebrating your students' accomplishments in their chosen career paths. Accepting the *Advocate's* invitation to write this cover story on Terri-Lynn Williams-Davidson has, however, become an occasion to go beyond the usual trajectory of student to distinguished counsel, to Law Society presidency and judge, or some combination or variation thereof. It has instead offered a place both to recognize individual accomplishment and to reflect and acknowledge the special and distinctive contributions that aboriginal members of the bar, as aboriginal citizens, can bring to the practice of law and a just society.

Born in Skidegate, Haida Gwaii, Terri-Lynn is a citizen of the Haida Nation. She began singing Haida songs and co-founded a children's dance group at a time when there were few Haida singers practising this musical tradition. As a young girl, she was drawn to the songs her great-grandmother and grandmother sang, and sought out more of the music, which she subsequently helped rescue from obscurity. Long before she thought of going to UBC law school, she had determined that an important part of her life's work and passion was to preserve the Haida songs of her culture. However, it was through this passion that the pathway to law school became clear. As she has written,

Learning the Haida language through Haida songs led to an interest in ceremonies, medicines, and other cultural knowledge. I learned that the songs come from the land, and are a reflection of the land. From this basis, I was inspired to become a lawyer to protect the land. All are connected.

In 2000, Terri-Lynn founded the Haida Gwaii Singers Society with other veteran Haida singers, including her husband, one of Canada's most distinguished artists, Robert Davidson. As executive producer, fundraiser, project

coordinator, writer and researcher for the project, she was instrumental in producing archival and new recordings of over 450 traditional Haida songs. The two CD collections, *Songs of Haida Gwaii: Haida Gwaii Singers Anthology* (contemporary recordings) and *Songs of Haida Gwaii: Archival Anthology*, are now part of museum and school collections and preserve songs that might otherwise have been lost. For her work, which has spanned over 30 years and has helped bring renewal to Haida songs, she received a “Keeper of Traditions” Canadian Aboriginal Music Award in 2008.

But it is not only songs that have animated Terri-Lynn’s Haida spirit. Since 1996, she has been a member of the Rainbow Creek Dancers, a Haida dance group that performs traditional Haida dances and songs in Haida regalia in Haida Gwaii and internationally. As both a dancer and singer, Terri-Lynn has graced ceremonies and conferences throughout B.C. and other locations, including Indonesia, Italy, Holland and the United States. And if this was not enough, she also creates ceremonial regalia, including Ravenstail weaving, which she began studying in 1998. She dreams of finding time to complete a Ravenstail Robe.

Terri-Lynn’s legal career has mirrored her passion and commitment to have indigenous laws and legal traditions, as with indigenous music, song and dance, become understood and acknowledged as a vital part of the fabric of legal and cultural pluralism. After graduating from UBC law school in 1995, she was the founding executive director of the charity EAGLE (Environmental-Aboriginal Guardianship through Law and Education), an organization that played a significant role in advancing the cause of sustainable development. Terri-Lynn has also published and regularly lectures internationally in aboriginal law, particularly as it relates to cultural heritage and environmental protection.

As part of the ongoing struggle to protect the old-growth forests of Haida Gwaii, Terri-Lynn was co-counsel for the Haida Nation in the Haida TFL39 case (*Council of the Haida Nation and Guujaaw v. Ministry of Forests*), in which the Supreme Court of Canada in 2004 affirmed the Crown’s duty to consult and accommodate aboriginal rights and title claims prior to their full proof and articulation in court judgments or treaties. In the minds of many practitioners, *Haida Nation* has changed the legal landscape more than any other piece of aboriginal rights litigation in the last ten years. Through her firm, White Raven Law, Terri-Lynn is general counsel for the Haida Nation.

Terri-Lynn’s participation in the *Haida Nation* case most clearly reveals the distinctive manner in which aboriginal counsel can challenge the legal profession and the judiciary to understand aboriginal law within an aboriginal perspective. This is how Haida counsel Terri-Lynn Williams-Davidson, who introduced herself by her Haida name, *gid7ahl gudslaay*—the name held by

her maternal great-grandmother—explained the Haida perspective on the rights at stake to the Supreme Court of Canada:

This inextricable relationship between Haida culture and cedar is embodied in the Haida belief that the cedar tree is a “Sister”, providing for and sustaining our existence. This ancient sister lies at the root of Haida culture. She permeates every facet of Haida life, beginning in the cradle and continuing to the grave and finally ending at the memorial potlatch and raising of memorial totem poles to commemorate and celebrate one’s life and contributions to the community.

A worldview where the Cedar Tree is a Sister dramatically changes how we interact with the forests. This worldview has guided millennia of sustainable Haida management of the use of forests of Haida Gwaii—beginning with the nurturing of the first trees to Haida Gwaii and continuing into the present day. In fact, each time we take the bark from a cedar tree, Haida law requires that we speak first to the tree to learn how much of the cedar bark we may take. And each time we would test the cedar to see whether it was suitable for construction of canoes or totem poles, we completed a ceremony which we called T’suuaay ‘Kiinga, which translates literally as “feeling into the heart of the Cedar”.

The Haida perspective of the forests, proper land use management principles and rights at stake embodies the Haida worldview which acknowledges the living spirit or power, of all beings, both animate and inanimate; and respects these beings for giving their life to sustain us. In the Haida worldview, we see Supernatural Beings, called *sgaanagwaay*, blanketing the entire landscape, waters and ocean. The beings that inhabit the in-land forests and mountains are called the *hlkyaans xaadagaay*, or “forest people”. Special female supernatural beings, called “Creek Woman”, guard the salmon people in every watershed. So these Supernatural beings begin in the forests and mountains, and extend out into the points and rocky bluffs of the shoreline, and through to the ocean’s beings.

This perspective brings a holistic and respectful use and view of the forests—beginning at the roots of the trees, continuing up the tree to include the bark and the pitch, and through to the species nesting in the gloriously dense canopy of the old-growth trees; extending out to the streams filled with five species of salmon and trout. This perspective also embraces the berries, medicines and the 150 forest species that sustain Haida culture, and acknowledges the inter-relationship between the forests and the rest of the land and the ocean.

And so these ancient Sisters, the Red Cedar trees, played, and continue to play, a central role in Haida culture.

The rights at issue in this case are Aboriginal Title and the right to choose how the lands and forests are used, and the right to harvest old-growth forests and cedar, which includes the right to leave cedar standing. The issues in this case are before the court at a particularly significant juncture in Haida history as the limits of sustainability are being critically tested. Haida people consider Cedar stands, and especially Culturally Modified Trees, as “Sacred Workplaces of our Ancestors”—places where we may learn more about our ancestors’ relationship and use of the forests and perpetuate this knowledge with future generations.

It was an unforgettable performance. As one of Terri-Lynn/*gid7ahl gud-sllaay*’s non-aboriginal co-counsel, I could not have written or spoken these

words. It is not just their lyricism, but the way in which they represent a distinctively Haida conception of the Haida's relationship to the forests of Haida Gwaii, a relationship reflected in an accommodation framework grounded in a millennium-long cedar stewardship plan.

There is a wide gulf between "cedar as sister", subject to the stewardship of an aboriginal people who would harvest her resources for future generations of Haida over the next millennium in co-operation with their non-aboriginal neighbours on Haida Gwaii, and the multinational corporate perspective of "cedar as capital", administered for institutional investors located far away to generate higher income streams. The reconciliation that the Supreme Court jurisprudence on aboriginal rights and title in *Delgamuukw* and *Haida Nation* is intended to promote requires practitioners from both bar and bench who can build the necessary bridges of accommodation between different legal conceptions of rights and responsibilities. There are already many practitioners who well understand cedar as common law capital; far fewer who, like Terri-Lynn, comprehend cedar as sister within the contemplation of aboriginal law

Paralleling and reinforcing her legal work in sustaining a culture of respect for aboriginal rights, Terri-Lynn has pursued an award-winning artistic journey as a Canadian diva. One of the CDs from her contemporary box set featuring Terri-Lynn as a solo singer—*Lalaxaaygans: Beautiful Sound*—received the "Best Female Traditional/Cultural Roots" award at the 2009 Canadian Aboriginal Music Awards (CAMA). In June 2011, Terri-Lynn released her first solo CD with original compositions, *New Journeys*, a collaboration with renowned classical composer Bruce Ruddell. Adding instrumentation to songs sung in the Haida language is a new and ground-breaking concept introduced on this CD, intended to build a bridge for a wider audience to appreciate the beauty of the Haida language and musical traditions. The CD received nominations for two Aboriginal Peoples Choice Music Awards, three Canadian Aboriginal Music Awards and two Canadian Folk Music Awards. In November, Terri-Lynn was awarded Best Female Artist at the Canadian Aboriginal Music Awards in Toronto for this work.

I was honoured to be invited to the premiere of *New Journeys*, held in the Great Hall of the Museum of Anthropology at UBC in June 2011. Against the backdrop of a setting sun over Howe Sound, surrounded by the totem poles of the Haida and other First Nations in a building designed by Arthur Erickson, one of Canada's most respected contemporary architects but inspired by monumental First Nations architecture, Terri-Lynn's wonderful Haida voice soared to the accompaniment of Haida drummers and dancers who represented the best in indigenous musical traditions and musicians who traversed a soundscape of piano, guitar, percussion and strings, repre-

senting the best in western musical traditions. It was a magnificent and unforgettable performance in the celebration of the human spirit.

The inspiration for *New Journeys* is directly linked to Terri-Lynn's work in the law. As she has explained:

Creating a CD that bridges two cultures and helps people of different backgrounds to connect with each other reflects the current need in Canadian society to reach reconciliation with Aboriginal Peoples. This step is part of a larger movement to work together respectfully and reach long-lasting reconciliation of Canada's history with Aboriginal Peoples. Great trust is required for this to occur, on all sides! Art is a beautiful arena to work together, with great potential to build lasting bridges of reconciliation between us. I hope this is the first step of many together.

It has been my great privilege, as professor and counsel, to have been a mentor and now to be guided by this most elegant and exceptionally talented diva of the worlds of music and law, which—as she has so eloquently demonstrated—have lessons to share in our journeys to a just, sustainable and fulfilling life together.



**Want your private
business or personal
affairs to stay private?**

Choose Mediation or Arbitration



**BRITISH COLUMBIA
ARBITRATION AND
MEDIATION INSTITUTE**
510 – 700 West Pender St.,
Vancouver, BC V6C 1G8

604-736-6614

Fax: 604-736-6611 • Toll Free in BC: 1-877-332-2264
info@bcami.com • www.bcami.com