

New Treaties Raise Hope But Process Still Has Harsh Critics

ROD MICKLEBURGH

Globe and Mail

August 2, 2007

VANCOUVER -- The family of Chief Bill Cranmer and members of the Namgis First Nation know first hand the damage done by the way things were.

In the days when British Columbia's indigenous people were considered fit only for assimilation, governments stripped away their land, virtually wiped out their language by shunting them to hated residential schools, and devastated their long, rich culture by outlawing the potlatch and carting off their treasured masks and artifacts to far-away museums and private collectors.

In 1926, to avoid being sent to prison for ignoring the potlatch ban, Mr. Cranmer's father, also a chief, was forced to renounce the ceremony, promising never to hold one again.

That long-ago humiliation still festers, and the Namgis continue to seek compensation for a loss that the younger Mr. Cranmer says "disrupted the whole economic structure of our people."

But now, according to the veteran native leader, it's a new era. It's time for the Namgis to stand up. And the way to do that is through a negotiated treaty.

"After all these years, a treaty will allow us to be a distinct people again within our traditional territory," Mr. Cranmer said. "No longer will we be under the Indian Act."

In fact, few seemed more enthusiastic at the historic urban treaty ratified last week by the Tsawwassen First Nation than the 68-year old chief of a people hundreds of kilometres away on the remote northwest shores of Vancouver Island.

"Their courage and vision is an inspiration to other first nations all across British Columbia," Mr. Cranmer declared.

Yet, for all his zeal, the chief remains a minority among B.C. native leaders.

Despite the mini-momentum of successful treaty ratifications by the Tsawwassen and Huu-ay-aht First Nations within days of each other, a large number of native bands in the province remain soured over the 14-year, billion-dollar process.

In addition to 45 aboriginal groups that have boycotted treaty talks from the beginning, 60 other bands still at the table have signed a sweeping "unity protocol" that there will be no deals unless governments change their negotiating tune.

Specifically, they want governments to end their insistence that all treaties must include the ceding of further aboriginal rights and land claims, an agreement to pay government taxes and a switch of native land ownership to the provincial system of fee simple.

For a growing number of native bands, these factors are non-starters, says Robert Morales, lead organizer of the unity protocol and chief negotiator for the Hul'qumi'num Treaty Group on Vancouver Island.

"The Crown still wants to control the agenda, while our resources disappear," Mr. Morales said. "They continue to deny that aboriginal title and rights exist."

These pivotal issues need to be hammered out at a huge policy forum, attended by both government and native leaders, he said.

"So many of us have the same concerns that it's time for the key players to discuss whether there is any way to move forward. There needs to be a breath of life to the process."

The Union of B.C. Indian Chiefs, meanwhile, has spurned the treaty process since it was launched, arguing that treaties cut into aboriginal title already recognized by the Supreme Court of Canada.

Nonetheless, UBCIC president Stewart Phillip has thrown his weight behind the unity protocol.

"The governments are seeking extinguishment of our rights. ...They're saying: 'Here's a bag of cash and a bit of land. Now get lost,' "he said."The entire process is fundamentally flawed."

So far, the provincial and federal governments have rejected all calls for common negotiations at a big table, and Mr. Phillip predicts no more than a handful of treaties - if that - will be reached in the next year or so.

But that kind of talk doesn't deter Mr. Cranmer and the 1,800-member Namgis band. They are determined to reach an agreement-in-principle within the next few months. The longer it takes, the more resources disappear from their traditional territory, he said.

"You've got to be realistic in this day and age. Non-natives are here to stay and they're going to increase. If we wait and wait and wait, it's going to be even harder to negotiate a treaty," he said. "I don't think there's any other time in recent history when both governments have agreed to negotiate our land claims."

Governments can only hope that Mr. Cranmer's treaty enthusiasm is catching. As one federal negotiator put it: "Having spent all that money, with these first two treaties, are governments finally starting to collect the fruit, or are they flukes?"

At the moment, a process that caught the country's imagination early on for its bold goal to negotiate treaties in a modern age has precious little to show.