

UNITING TREATY TALKS WITH FIRST NATIONS WILL REMOVE BARRIERS

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Chief Leah George-Wilson hopes the federal and provincial governments' decision to consider a unified set of treaty talks with First Nations on contentious issues like lands and taxation will remove some of the barriers to achieving reconciliation in British Columbia.

The elected three-term leader of the North Vancouver-based Tsleil-Waututh Nation is part of a working group of First Nations negotiators that aims to propose at the next First Nations Summit meeting in March how a common negotiating table might proceed. Once her fellow chiefs approve a plan, it will be presented to Ottawa and the province.

In a telephone interview, George-Wilson, cochair of the summit—which represents the 58 First Nations and tribal councils in the B.C. treaty process—said a common table, with backing from the highest levels of government, is sorely needed because many First Nations are having trouble swallowing the positions governments put forth on key issues, including fisheries, governance, and the comanagement of traditional territories.

“Government negotiators have positions that they come forward with that they aren’t willing to move on or don’t have the mandate to move on,” George-Wilson told the Georgia Straight.

Which issues a common table would tackle—as well as how many First Nations would participate, and whether the feds would reconsider any of their positions—remain up in the air, said Anita Boscariol, executive director of the Federal Treaty Negotiation Office in Vancouver.

“It’s still an idea in its inception stages,” Boscariol said. “The hope is that it’ll bring us all to a common direction, help us conclude more treaties, potentially and, what we hope for is, faster.”

The idea of a common table has been discussed by First Nations for a decade, according to George-Wilson. In late 2006 and early 2007, more than 50 bands signed a Unity Protocol and called for governments to offer more treaty options. Then, last November, the B.C. Supreme Court ruled that the Tsilhqot’in Nation had proved it holds aboriginal title to about 200,000 hectares of the Interior—the latest ruling buttressing First Nations’ right to the land in their territories.

On December 18, federal Minister of Indian Affairs Chuck Strahl and B.C. Aboriginal Relations Minister Mike de Jong met with First Nations Summit executives and agreed to pursue the possibility of a common table. The B.C. Treaty Commission, which facilitates negotiations, is providing \$400,000 to help lay the groundwork.

Among the options First Nations are urging governments to put on the table are alternatives to provisions in the first two final agreements reached in the treaty process that establish the status of treaty lands and phase out tax exemptions. When their treaties are implemented as early as next year, the Tsawwassen and the Maa-nulth First Nations will own lands in fee simple—a common form of real estate familiar to

homeowners—and their citizens will lose sales-tax and income-tax immunity in eight and 12 years, respectively.

Robert Morales, chief negotiator for the Hul'qumi'num Treaty Group and chair of the summit's chief negotiators forum, said the poverty in his communities on Vancouver Island and the Gulf Islands makes an "arbitrary" schedule for removing tax exemptions—one not tied to social indicators—simply unacceptable.

"If we cannot make progress at the common table, I think that there is a very dark cloud over the treaty process," said Morales, who spearheaded the Unity Protocol.

Speaking from the Prince George Airport, Liberal MLA Lorne Mayencourt, chair of the legislature's select standing committee on aboriginal affairs, said the province is open to negotiating "different treaties for different nations based on what those individual nations' needs are".

But Belcarra mayor Ralph Drew, chair of the Lower Mainland Treaty Advisory Committee, called some proposals—such as keeping treaty lands under federal jurisdiction—"unrealistic". Local governments are "not 100-percent happy" but "can live with" the Tsawwassen treaty, he said.

Meanwhile, critics outside the treaty process argue that although a common table would be good for First Nations in talks, it won't fix a process that's been fundamentally flawed since it began in 1992.

"We would engage a process that takes direction from the myriad of Supreme Court decisions that instruct the governments to, in fact, recognize title, to accommodate our aboriginal-title interests, and to reconcile those interests with existing interests," said Grand Chief Stewart Phillip, president of the Union of B.C. Indian Chiefs. "Clearly, the B.C. treaty process does not do that."

Taiaiake Alfred, director of indigenous governance programs at the University of Victoria, said what is being negotiated is First Nations' entry into Canada and B.C. through surrender, whereas the question should be how can governments respect First Nations' land ownership, nationhood, and rights.

"So I don't know if changing the mechanism by which First Nations negotiate bad agreements is actually a good thing," the professor said. "So if they're able to better negotiate, fine. But let's not lose sight of what is being negotiated."

Despite its failings, the Tsleil-Waututh's George-Wilson said she's never considered leaving the treaty process. Her 444-member band has been in negotiations for 12 years.

"I think there's always cause for optimism. Why would I be in this process if I didn't think there was a possible solution? Why would we? We've been at the table since 1995, and we've not wavered in that," she said.

"We're really interested in seeing what it is that the federal government and provincial government will put on the table, and then our communities will decide is this what we want."