

## New treaty negotiations spark cautious optimism

First nations wrap up 12 days of talks with B.C. and federal officials

**Jonathan Fowlie**

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VICTORIA - More than 60 first nations completed a round of discussions on Thursday afternoon that many say could form a new foundation for the future of treaties in British Columbia.

For 12 days, first nations negotiators have been meeting with provincial and federal officials at a so-called common table in hopes of dealing with six key issues that have been standing in the way of negotiations with many first nations.

The new set of discussions marks a departure from the previous approach in that all nations are addressing common issues as a bloc. The talks are seen by many as a crucial step in a process that has dragged on for years with only a few notable successes.

"We've now got to a place where we are sitting down with a fairly large group of first nations who are interested in moving towards final agreements and exploring some additional options about how to get there," Minister of Aboriginal Relations and Reconciliation Mike de Jong said in a recent interview.

"I think it's a big step forward," he said. "It's designed to create some of those options so that perhaps we can see even more dramatic progress next year."

De Jong pointed out that the existing treaty process enjoyed two recent high-profile successes before the common table, with treaties brought forward last year by both the Tsawwassen First Nation and the Maa-nulth First Nations. Both of those agreements have been ratified by the province and sent to Ottawa for final approval.

De Jong said three more treaties are close -- with the Yale First Nation, In-SHUCK-ch Nation and the Sliammon Indian Band -- and could be ready for provincial ratification as early as this fall. However, the majority of first nations are not nearly as far along, with some encountering significant roadblocks.

The common table itself was born out of immense frustration by a group of first nations who last year wrote both Premier Gordon Campbell and Prime Minister Stephen Harper demanding a new approach.

"We cannot accept the current one size fits all approach with inadequate policy/mandates being imposed by your governments' negotiators," wrote a group of then about 50 first nations that called themselves the Unity Protocol.

"The level of anger and frustration is reaching levels of which you have been repeatedly warned -- levels that our leadership may no longer be able to control."

Since the common table began, first nation leaders have been expressing cautious optimism.

"I think we would say from our side of the table that at least we have been able to get our issues on the table and we are pleased that we are at least talking," Robert Morales, chief negotiator for the Hul'qumi'num Treaty Group, said midway through the talks.

"Overall I think we are making progress. How much progress we are going to be able to make -- the jury is still out on that."

On Thursday, Chief Judith Sayers of the Hupacasath First Nation said the common table discussions could help ease some of the significant logjams if given the proper time and political attention.

"It's been pretty powerful bringing us all together and working together and trying to find options," said Sayers, who until recently was part of the First Nations Summit Task Group, which speaks on behalf of the first nations involved in the treaty negotiation process.

"If it does continue we still have hope and we're still working at it," she said,

adding that things could go equally poorly if the common table discussions go off the rails.

"I think you are going to see some pretty drastic moving away from treaties altogether by the first nations at the table if the common table doesn't continue," she said.

When negotiations wrapped up on Thursday, members of the common table agreed to bring the discussion points back to their respective communities, then reconvene late next month to determine next steps.

"It was a good atmosphere on closing the meeting [Thursday afternoon] in terms of optimism," said Jody Wilson, commissioner with the B.C. Treaty Commission.

"Sitting at the table it's been a really positive atmosphere and relationship among the three parties. I view a willingness there to make some movement."

But Grand Chief Stewart Phillip of the Union of B.C. Indian Chiefs said he remains skeptical.

"I stated at the outset that I have no faith in the common table given the fact that the policy underlying the treaty process hasn't changed," he said Thursday, explaining that the federal government is using a 1986 policy he said is outdated in light of several court decisions.

"What we need is a dramatic fundamental structural change in legislation and policy and practice because the status quo is just an impediment to us reaching those goals," he said, adding that he is unsure whether the common table would be able to bring about such drastic change.

De Jong said that while the common table is no doubt important, he stressed that it is not the only avenue being pursued toward reconciliation.

He said he is hopeful that over the next year there will be further progress with reconciliation deals, such as the one recently approved by the Musqueam Indian Band. De Jong said that deal is an example of an approach "designed to build a culture of settlements through negotiation rather than litigation."

jfowlie@png.canwest.com

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