

Many Treaty Tables in B.C. have Talks at a Stalemate, Says Negotiator

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VANCOUVER (CP) -- An aboriginal negotiator says most treaty negotiations in British Columbia are stalled, despite a report this week that found some progress is being made.

"There are 47 tables and as far as I can see only about five to seven of those tables are willing to move forward on the mandates that the (B.C. and federal) governments are bringing forward," said Brian Thom, a negotiator for six years with the Hul'qumi'num Treaty Group in the Duncan area of Vancouver Island.

In releasing its 13th annual report, the B.C. Treaty Commission said as many as seven treaties are expected soon for First Nations groups, including in the Prince George, Tsawwassen and Port Alberni areas.

But Thom said "those (treaty) tables (with progress) are all small communities."

Talks involving treaty groups with populations of 5,000 to 6,000 aboriginals are stalling because of "the problematic mandates" of the federal and provincial negotiators.

The sticking points fall into a handful of key categories:

- How to allocate fish.
- How to allocate land.
- The status of the right to further claims after a treaty is signed.
- How to co-manage resources with other parties.
- Taxation issues.

As an example, Thom said the federal and provincial governments have a "model" on salmon allocation, but "the bulk of the First Nations in the treaty process aren't moving forward on that basis."

He said "breakthroughs" on these key issues are occurring mainly at the tables involving small First Nations.

Federal negotiators are asking First Nations to "back away" from decision-making powers throughout their traditional territories, limiting the First Nations to decision-making on "essentially expanded reserve lands."

The Hul'qumi'num represent six First Nations in the heavily populated area north of Victoria.

They are at stage four -- negotiating an agreement-in-principle -- of a six-stage treaty process, as are 39 other First Nations.

Only seven have reached stage five -- negotiating a final agreement. None has reached the final stage of implementation.

"Our agreement-in-principle is huge and there is lots of agreement but the high-level issues are stalemated," said Thom.

Brian Martin, director of treaties for the federal government's treaty negotiation office, said the "important thing to note is that we are making progress at several tables across the province."

He conceded the tables are at "varying stages of moving forward . . . but we are making progress on several."

"The issues are challenging and complicated and require compromises by all parties."

Steven Point, the treaty commission's chief commissioner, didn't disagree that agreements are slow.

The commission has urged the governments to assign more negotiators.

"It's been frustrating for those other groups that don't have chief negotiators," he said. "They don't have the same emphasis as the so-called lead tables and so there is a perception that resources are being applied to a select group."

Thom said the provincial government is more flexible and less bureaucratic than the federal government.

But while he lauded Premier Gordon Campbell for his recent talk about forging a "new relationship" with First Nations in terms of co-management of resources, he said those words are not reflected in the treaty table negotiations.

Mike de Jong, B.C.'s minister of aboriginal relations, said the treaty settlement process is not necessarily easier for smaller tables.

"There are a variety of circumstances and experiences," said de Jong. "My hope, and that of many of the leaders, is that when those final agreements are before the public -- and I hope the first of those is in the public domain in a matter of weeks -- that we'll start to see some breakthroughs at other tables."

De Jong said the negotiations are complex and there are "many cases where there are unique local circumstances to take into account and no single treaty represents an absolute model for the next table."

Dan Smith, chief negotiator for Hamatla treaty group in the Campbell River area, also expressed frustration at the lack of progress.

"The mandate of governments is limited to negotiators who don't have the flexibility to consider what we are suggesting," said Smith.

He cited the land question as an example.

Federal negotiators want B.C. to have jurisdiction over the land and to be able to tax the First Nations. Smith said the Hamatla group wants its own taxation authority.

Both governments want the First Nations to give up aboriginal title on the traditional territories and have it apply to treaty settlement lands. First Nations are balking.

There are about 200 First Nations in British Columbia and less than 20 have signed treaties, most of those dating back a century.

The only modern-day treaty was signed in the late 1990s with the Nisga'a aboriginals of northwest B.C., who negotiated with various Canadian governments in an on-again, off-again process that lasted more than 100 years.
