

Progress Slow on Treaty Talks, Negotiators Say

By Greg Joyce

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VANCOUVER -- 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 its 13th annual report, released Wednesday, the B.C. Treaty Commission said up to seven treaties are expected soon for first nations groups in areas including Prince George, Tsawwassen and Port Alberni.

But Mr. Thom said "those [treaty] tables [that have made 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 several key categories: how to allocate fish and land; the status of the right to further claims after a treaty is signed; how to co-manage resources with other parties; and taxation issues.

For example, Mr. 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 them to decisions 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 negotiated a final agreement, and none has reached the implementation stage.

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

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, chief commissioner of the treaty commission, agreed that the agreement process is 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."

B.C.'s Minister of Aboriginal Relations Mike de Jong was not immediately available to comment.

Dan Smith, chief negotiator for the Hamatla Treaty Society 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," Mr. Smith said.

He cited the land question as an example. Federal negotiators want B.C. to have jurisdiction over the land and the authority to tax first nations. Mr. 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.