

TREATY PROCESS

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'Our people are frustrated and angry,' chief says of never-ending negotiations

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VANCOUVER -- Without a dramatic change in government attitudes, British Columbia's tottering, billion-dollar treaty process to settle land claims throughout the province may be on its last legs, according to native leaders.

"Our people are frustrated and angry," said Judith Sayers, chief of the Hupacasath First Nation, which has been at the treaty negotiating table off and on since 1994.

"Enough is enough. We need an alternative process. One that works," Chief Sayers declared.

Chief Edward John of the treaty-oriented First Nations Summit, meanwhile, said yesterday that he has become increasingly pessimistic about positions taken by government negotiators.

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"I don't think they are negotiating in good faith at any of the [treaty] tables," said Chief John. "They set certain preconditions they won't deviate from . . . and they completely reject the idea of having a common table for common issues.

"They want to keep us apart, pick us off one by one. Well, it's not going to work," he said.

Added a source close to treaty negotiations for many years: "It just can't work the way it is. I think it's going down."

The comments were prompted by last weekend's stunning rejection by Lheidli T'enneh members of the first tentative deal to be reached under the province's treaty process since it began in the mid-1990s.

The vote was not close to the 70-per-cent approval local leaders required for the treaty to be ratified. In fact, a majority of band members actually voted against a proposed

package that would have provided nearly \$50-million in cash, 4,275 hectares of land, fishing rights and self-government.

"It was quite unexpected. When the results started coming in, you could just feel the room deflating," said Rick Krehbiel, director of treaty policy and research for the Lheidli T'enneh, who had been involved in the treaty talks for nearly 13 years.

"It's very sad. It's a tragic situation. The treaty, itself, is now gone, and all the opportunities that went along with it."

Mr. Krehbiel said he was mystified by the vote, noting that there had been very little public opposition to the treaty.

He speculated that band members, having spent so long under the dependency of the Indian Act, may have been loathe to embrace an uncertain future.

"It could have been cold feet, after more than a century of dependence under the Indian Act," he said. "I hate you, but don't leave' me sort of thing."

But native leaders painted a picture of more fundamental problems, calling into question whether any of the 47 First Nations currently involved in treaty talks will ever achieve a final deal despite years of negotiations and more than \$1-billion in total costs.

For example, the proposed treaty contained hundreds of pages of complicated jargon on a myriad of key issues. How are ordinary band members to come to grips with such a document, wondered Chief Sayers, particularly when there is no turning back once the deal is sealed?

"It's probably the biggest decision they will ever have to make," she said. "It will impact on them for the rest of their lives and their children's lives. That's a lot of pressure."

Chief Sayers, also an executive member of the First Nations Summit, suggested that individual issues be voted on as they are settled, rather than having everything lumped together in one all-or-nothing vote.

More importantly, she said governments must rethink their inflexible attitudes in a number of areas.

She mentioned the constitutional status of treaty lands, an insistence that natives give up their tax exemptions without compensation, and a demand that treaties represent a final settlement of aboriginal title.

The next vote on a proposed treaty -- the province's first urban treaty -- takes place among Tsawwassen First Nation members July 25.

Observers believe there is a good chance it will pass, but the Tsawwassen treaty could wind up as the only success in B.C.'s long, tortured process of negotiating modern-day treaties.

The future may well reside in so-called "interim measures" or side deals on specific resource issues between governments and native groups, rather than comprehensive treaties.

As if to underscore that approach, native leaders from across B.C. this week mapped out a draft First Nations energy plan to present to the government once it is ratified.

"We want to be involved in any discussions about energy in this province, and we also want to be part of the government's Green Plan," said spokesman Dave Porter.