

Ladysmith Chronicle article

New era begins in Tsawwassen

By Tom Fletcher
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VICTORIA – Even a 70 per cent approval by Tsawwassen First Nation voters didn't slow down the critics of B.C.'s treaty process.

"Fourteen years and a billion dollars later, the B.C. Treaty Commission has limped past its first treaty ratification vote," said Grand Chief Stewart Phillip of the treaty holdout Union of B.C. Indian Chiefs, in a statement sent out within minutes of the result last week.

Maverick Conservative MP John Cummins said in a weekend radio interview that the Tsawwassen vote was swung by the inclusion of off-reserve members who have no more stake in the fate of the small community next to the ferry terminal. They voted yes to get a \$15,000 up-front payment, leaving the community with an expanded container port in their back yard, and up to 17 railroad tracks in their front.

"What it means to be a Tsawwassen Indian is going to be lost," he said.

Memo to John Cummins: If you're speaking historically, that was lost long before the Deltaport expansion plan and this treaty were created. The non-native settlement, the industrial farming and (ahem) fishing, the coal port and the ferry terminal took care of that, along with more than a century of Indian Affairs assistance.

And it's funny, but I don't recall anyone complaining about the inclusion of off-reserve voters in the Lheidli T'enneh referendum in March, which rejected a similar treaty settlement for reasons that are still a mystery.

In a lengthy letter to federal and provincial officials, Phillip reiterated his demand that the treaty commission start from scratch. No more conversion of reserves to fee-simple ownership of land. Turn over mineral rights awarded to others, not just on Crown lands, as the Supreme Court of Canada has indicated.

Well, the court has also indicated that these things should be negotiated. Phillip's demands, however well grounded legally, will be achieved about the time the rest of us decide to move back to Europe.

Other critics pointed out that the B.C. government paid for a delegation from Tsawwassen to visit New Aiyansh and see the Nisga'a Lisims government's achievements in northwestern B.C. since their treaty was enacted in 2001.

Much has been made of Premier Gordon Campbell's transformation since he led opposition to the Nisga'a deal. Lately though, it's the NDP's conversion to a wet dishrag on the issue that has been in the news.

NDP leader Carole James called a news conference last week to announce that the party supports the Tsawwassen treaty, despite its removal of land from the party's cherished agricultural reserve. Media attention focused on her premature endorsement of the Maa-nulth treaty on Vancouver Island, which began a series of votes this past weekend. Oops, she said, I should have waited until after they voted to announce our support.

This diplomatic tap dance wasn't such a hot idea even before James tripped over her own feet. The NDP could have been taking credit for its significant role in getting this far on B.C.'s biggest political issue, but instead the party comes across as indecisive at best. At worst, they look as if they were waiting for another failure to blame on the government.

Now there will be a basis for comparison. There will be those B.C. aboriginal communities that choose to continue with endless court actions and protests as "wards of the federal government," as Mike Harcourt refers to Indian Act status. And there will be those who take a cash and land settlement, retain access to their traditional territories, and move on.

Then all will be able to see who made the better choice.

New voices heard

Treaty critics tend to be the most vocal, but one who spoke up in favour of the B.C. effort is Bill Cranmer, chief of the 'Namgis people on northern Vancouver Island.

While Phillip dismissed the Tsawwassen deal as the product of a small, surrounded urban community with few land options, Cranmer said the new treaty offers hope for communities like his, where the traditional territory is mainly undeveloped Crown land.

"In spite of the differences the Tsawwassen have demonstrated it is possible for a First Nation in B.C. to negotiate a treaty that provides tools for prosperity, for a stable community and a strong culture," Cranmer said. "Historically, this treaty is about 150 years late, but in the end every member of the Tsawwassen Nation can hold their head high and be proud of the legacy they just negotiated for future generations."

The 'Namgis are among more than 50 B.C. aboriginal groups working towards their own treaty.

Huu-ay-aht say yes

It's only the first of five votes, but the largest community covered by the Maa-nulth treaty voted 90 per cent approval of their treaty settlement on the weekend. The other four votes are scheduled for October.

The agreement includes \$73.1 million capital transfer, \$1.2 million a year in resource royalty payments for 25 years, and expansion of reserves to fee-simple ownership of nearly 25,000 hectares in the spectacular Tofino-Ucluelet region.

Grand Chief Phillip toned down his criticism when that result was announced, considering his earlier argument about the B.C. treaty process being suitable only for urban communities had just been loudly contradicted.

"What is worrisome is government will attempt to enforce the minimalist nature of these agreements as a basic template of treaty-making," he said.

Minimalist? These are generous settlements, as results are starting to show