

Globe and Mail Update

Tsawwassen First Nation accept treaty terms

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VANCOUVER — After spending more than \$1-billion over 15 years, British Columbia's troubled attempts to negotiate treaties with the province's 180,000 aboriginals has its first success.

Members of the small Tsawwassen First Nation voted Wednesday to accept the terms of a proposed treaty that will give them millions of dollars in cash, a share of the annual Fraser River salmon catch and more than 400 hectares of Crown land north of Vancouver.

The deal is significant as the province's first urban treaty and perhaps more important as the first to be reached under B.C.'s long, costly treaty process.

The historic vote was a clear vindication for Tsawwassen First Nation Chief Kim Baird, who negotiated the treaty and then campaigned heavily for months to have it ratified by band members. "This represents our final break from the Indian Act — through self-government not assimilation," said Chief Baird. "We look forward to the real work that lies ahead and implementing our treaty and rebuilding our community."

The treaty must still be approved by the province and the federal government, but this is regarded as a mere formality.

Premier Gordon Campbell, who was quick to congratulate the Tsawwassen First Nation, promised Wednesday night to introduce legislation implementing the agreement over the coming months.

"They have shown tremendous leadership by taking this historic step forward and ratifying the final agreement," Premier Campbell said in a statement.

As Tsawwassen Natives voted, the eyes of British Columbia — from aboriginal leaders to politicians to ordinary taxpayers — had been focused on their small chunk of hemmed in land.

Many considered the vote pivotal to the future of native land claims in B.C., where, unlike other provinces, only a handful of treaties were ever signed to strip natives of their traditional territory.

A negative vote would almost certainly plunge the treaty process into an abyss from which it would be unlikely to emerge without major changes in government policies.

"It would [have been] a body blow;Ka serious, serious setback. No doubt about it," said Michael Prince, professor of human and social development at the University of Victoria.

On the Tsawwassen reserve, sandwiched between a bustling ferry terminal and a large coal port south of Vancouver, few early voters were anxious to say how they cast their ballots.

Those that did were mostly in favour.

"It will move us away from the Indian Act and give us more opportunity to do our own thing," said one pro-treaty voter.

Said another: "I had mixed feelings before, but now I totally support the treaty. It's about long-term economic development."

A third hedged his bets. "I think the result will be very close. We have to decide whether we want to move forward with change, or stay with the present."

The proposed \$120-million deal will more than double the size of the pocket reserve, adding more than 400 hectares of crown land to its existing 290 hectares.

As an illustration of the complexity of forging a treaty on the edge of the Lower Mainland's urban sprawl, however, much of the new land is protected farmland within the Agricultural Land Reserve.

The provincial government has promised to remove more than 200 hectares from the ALR for the local band to develop as a storage site for shipping containers.

In addition, the treaty provides \$16 million in cash, a guaranteed share of the Fraser River salmon run, and \$36.6 million in funding for various other programs.

In return for defined treaty rights, the Tsawwassen First Nation agrees to abandon further land claims, while members will eventually lose their tax-free status, a big concession to many on the reserve.

Even elder Ruth Adams, a strong treaty supporter, found it tough to think about paying taxes.

"It's a scary thing," she said this week. "Not paying taxes was the only thing that still showed we had a special status in Canada. It's a huge thing to be giving up."

Some native leaders are also uneasy by what they call "extinguishment," ceding traditional aboriginal title in favour of a specified treaty.

"They take our lands, then they package some of it to give back," complained Grand Chief Ed John of the First Nations Summit. "But they don't offer any compensation for what we have lost. It's not on the table."

But Chief John said he will support whatever choice the Tsawwassen natives make.

"Their situation is pretty unique. They are a small community with not a lot of people, and their traditional land has been taken up by cities, towns and regional districts," he said.

"Under this agreement, they will secure some of their lands, with an opportunity for economic and business development. That's important for them."

Supporters of the treaty process, particularly the provincial government, were even more anxious over the Tsawwassen vote since members of the Lheidli T'enneh First Nation surprisingly rejected a previous proposed treaty earlier this year.

They will also be watching another treaty ratification on Saturday, when the Huu-ay-aht First Nation, on Vancouver Island vote on terms of their proposed deal with the federal and provincial governments.

However, some say that even if the two tentative treaties are approved this week, the treaty process is still in serious trouble, given the overall lack of progress at dozens of other negotiating tables.

The Canadian Taxpayers Federation has called for the process to be replaced by providing money and land ownership rights to individual natives.

"The lack of results after more than 15 years of treaty negotiations show the treaty process isn't working," Maureen Bader, B.C. director of the CTF, said in a statement recently.