

**The
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Canada's First Nations More pow than wow

Glacial talks about land rights

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UNLIKE many other parts of Canada, in British Columbia native groups never surrendered ownership of their land. They still lay claim to much of the province. Twenty years ago, the federal and provincial governments on one side, and the First Nations (as the natives like to be called) on the other, agreed to negotiate a settlement to land claims that cover a territory that is as large as France, Germany and the Netherlands combined and includes some of the province's main towns.

In July the Tla'amin, a small tribe on the Sunshine Coast north of Vancouver, approved a deal granting them 8,322 hectares (20,564 acres) of land, a C\$30m (\$30.5m) cash payment, self-government, loans for economic development and a share of natural-resource revenue. But it was approved by only 52% of the tribe in a contentious vote, marked by opponents' blockades and threats of court action.

The Tla'amin are only the fourth nation, after the Tsawwassen, the Maa-nulth and the Yale, to sign a treaty. (In addition, the more numerous Nisga'a had agitated since colonial days for a treaty and achieved it in 1998 after 24 years of talks.)

That is not much of a return on 20 years of endless meetings. The British Columbia Treaty Commission, which oversees talks, says that only 40 of the 60



First Nations involved are now doing any negotiating. Many others, representing about 40% of the province's 130,000 natives, boycotted the process from the start, saying they would use the courts to uphold their rights. In some cases that is because they worry about the cost: the treaty commission has handed out a total of C\$447m in loans and C\$118m in grants to more than 50 groups to fund the negotiations. Native leaders fear that the mounting loans will take a big bite of, or even exceed, any final cash payment.

All three parties share the blame for the lack of progress. The First Nations have been slow to sort out overlapping claims. But critics of the process single out the federal government for its lack of flexibility and commitment.

The impasse has not significantly deterred investment. Energy, mines and tourist projects worth C\$100 billion are going ahead in the province, according to Jock Finlayson of the Business Council of British Columbia. Companies and the provincial government have reached revenue-sharing agreements with the First Nations, "The lack of treaties is a challenge but it is not an insuperable obstacle," he says.

Some fear it could become one. Tribes in the north of British Columbia are threatening court action to block Northern Gateway, a planned oil pipeline. Since the principle of "aboriginal title" over traditional territories is affirmed in the constitution and in case law, they might well win. Better, says Grand Chief Edward John of the First Nations Summit, for all concerned to get out their pens and sign.

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