

B.C. NDP recognizes aboriginal land title

Minister promises end to 'paternalistic' approach in land-claim negotiations

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VANCOUVER — Reversing more than 100 years of British Columbia history, the recently elected NDP government has recognized the political legitimacy of aboriginal title and the inherent right of aboriginal people to self-government.

Negotiations to settle land claims in the province would not be founded "upon a paternalistic sense of charity or a dispassionate concern for legal uncertainty," Aboriginal Affairs Minister Andrew Petter told representatives of B.C. aboriginal peoples at a private meeting yesterday.

"One hundred years of policies aimed at denying aboriginal peoples their historic rights are at [an] end," Mr. Petter said, according to copies of his speaking notes which were distributed outside the meeting room.

Mr. Petter added that recognition of these rights "concedes" that the First Nations can base their claims on "an honourable foundation."

Squamish Chief Joe Mathias, speaking on behalf of B.C.'s First Nations, later told reporters that the historic reversal of government policy means that they will negotiate on an equal basis with the government.

"What we're talking about is nation-to-nation, government-to-gov-

ernment negotiations. The statement of the government said we have fundamental rights when we come to the negotiating table.

"We're not coming there picking up crumbs on our knees. We're coming there as equals. To us, that's a remarkable statement."

Chief Mathias added that the experience of aboriginal peoples with previous B.C. governments, which refused to recognize aboriginal rights to the land, has been one of either roadblocks or legal challenges in the courts.

"That history must be left behind," he said. "For the first time, we have a government in this prov-

ince who is willing to sit down and commit itself to a process of negotiations."

Mr. Petter announced the government's recognition of aboriginal rights as part of his official response to recommendations from a federal-provincial-First Nations task force on a process for negotiating land claims. Unlike aboriginal peoples in most of Canada, the Indians in B.C. never signed treaties with settlers in the 19th century. More than 20 native groups have made land claims which cover most of the province.

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Mr. Petter said the provincial government endorses the process proposed by the task force but has some concerns about the financing and the role of the treaty commission that is to co-ordinate the negotiations.

Federal Indian Affairs Minister Thomas Siddon has also endorsed the process for negotiations, but he added that the federal and provincial governments must decide who will pay the bill before they start talking to the First Nations. Mr. Petter said a federal-provincial dispute over cost-sharing should not delay land-claims negotiations and could be resolved through a parallel process.

Chief Mathias told reporters the federal government also has to

abandon its policy of extinguishing aboriginal rights in exchange for a land-claims settlement.

"These are treaty negotiations; they are not land-claims negotiations," he said. "What we're talking about here is another order of government with our ownership over lands, jurisdiction over lands and resources based on traditional territories."

Chief Mathias said the First Nations are not entering into negotiations to extinguish aboriginal title. If the federal government insists on extinguishment, then the negotiations will not proceed.

Mr. Petter said later in a brief interview that recognition of the inherent right of self-government means that the government "accepts that aboriginal peoples have certain rights to determine their own destiny within Canada." He also said that

recognizing the political legitimacy of aboriginal title refers to their historic rights with respect to the use and occupancy of the land.

Meanwhile, Premier Michael Harcourt told reporters he has asked Prime Minister Brian Mulroney to tell Mr. Siddon to stop negotiating with the provincial government through the media and by calling the Premier's office. Mr. Siddon should be dealing "minister-to-minister" with Mr. Petter, Mr. Harcourt said.

The federal government has accepted 22 comprehensive land claims from B.C. Indian bands, including one from the Musqueam band which claims thousands of hectares of federal and provincial Crown land in the Vancouver area.

The land claims touch almost every region of the province, excluding an area of southern Vancouver Island and some land in the north-eastern corner of the province.

Both aboriginal peoples and the provincial government have said that privately owned land is not on the table. However the First Nations may expect financial compensation instead of land.

Spokesmen for MacMillan Bloedel Ltd. and the Council of Forest Industries of B.C. were not available yesterday for comment. However, B.C. Liberal Leader Gordon Wilson, who is also the party's critic for aboriginal affairs, raised concerns about the impact on resource industries.

Some aboriginal groups have called for a halt to logging, mining and fishing activities while the claims negotiations on resources are under way, Mr. Wilson said. The government should clarify what will be done while the negotiations continue.

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