

Good politics, bad politics

By Doug Donaldson

AS THE CHANCE for a peaceful resolution to the troubles in Northern Ireland plunged last week, journalists in Britain wrote about a saying used during the Irish Home Rule campaign more than 100 years ago: good English politics make bad Irish politics.

For First Nations the same saying can be applied to events leading up to last weekend's NDP leadership campaign.

What NDP strategists think makes for good politics for them in B.C. has created bad politics for two First Nations — the Nisga'a and the Gitksan — and bodes ill for all those concerned with achieving quick, effective resolutions to aboriginal rights and title issues.

The NDP was elected more than four years ago partly because of their policy of "negotiation over litigation" in dealing with First Nations. The results were increased provincial government attention to the Nisga'a treaty talks and a 1994 agreement with the Gitksan setting aside the Delgam Uukw court action to the Supreme Court of Canada for up to 18 months in favor of negotiations on land title and rights.

But what NDP strategists saw in the last two years was a surge in Reform and Liberal Party support fueled in part by a backlash against treaty negotiations.

Going into the leadership convention the party needed to shore up support from those still backing a negotiation policy and make a grab for voters holding the "get tough" approach.

Two First Nations from the northwest provided the perfect opportunity to execute this tactic. As news of a pending agreement-in-principle with the Nisga'a began to pick up steam in January, the Gitksan were hearing rumors the province was out to "toast" their negotiating table.

On Feb. 1 the Gitksan were notified by Minister of Aboriginal Affairs John Cashore that the province was walking away from negotiations citing lack of progress at the table. The hard line approach was satisfied.

Eleven days later, after frantic bargaining sessions, the province had their deal with the Nisga'a. The negotiation line was fulfilled.

For the Nisga'a it must have been a troublesome situation. After two decades they knew they were on the verge of a historic agreement. But because of the Gitksan decision, they also knew the province was willing to walk away from the table. They had

bargained in good faith for years and now the province was suddenly pushing to get an agreement in days before the leadership convention. Nisga'a negotiators reached the best deal they could under the circumstances but their own leaders say they gave up a lot and the agreement is not all they hoped for when the process began in 1976. Other First Nation leaders share the Nisga'a concerns. They worry about the Nisga'a giving up 92 per cent of their traditional territory and speculate whether inherent rights were extinguished in the agreement-in-principle.

Meanwhile, the Gitksan must fight the bad-boy image the provincial spin doctors are trying to lay on them and use as many levers as possible to get B.C. back to the negotiating table.

The repercussions of the NDP's fundamental policy shift will be felt throughout the province. It is unlikely Canada will want to continue treaty talks with any First Nation while the direct question of inherent rights is before the Supreme Court of Canada in the form of the Delgam Uukw case. On the provincial side, how candid can provincial negotiators be in discussions on aboriginal rights at the treaty table when B.C. may be pursuing the same question in the Supreme Court?

At best the political decision to pull out of treaty talks with the Gitksan will bring the entire treaty process to a standstill; at worst it will lead to the collapse of the B.C. Treaty Commission initiative.

The recent strategy of the provincial government isn't good for anyone in B.C., said Gitksan chief negotiator Mas Gak (Don Ryan).

"The NDP had a policy of negotiation over litigation," said Mas Gak. "They've now pulled the plug on that policy. It doesn't make any sense politically for the interests of the public in B.C. to have their government walk away from the table."

The Gitksan were set to table an offer to Canada and B.C. this month. It is an alternative to the land selection model used in the Nisga'a agreement-in-principle. Instead of a transfer of land, it involves negotiating joint jurisdictional arrangements over 100 per cent of the Gitksan's traditional territory. No land transfer means Canada would not have to pay B.C. cash for the alienation of land and resources. The savings for the Canadian taxpayer could be immense but the provincial government must be at the table in order to be part of the offer.

If they show up they'll see that good First Nation politics can make good B.C. politics after all.

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