



## EMBRACING CHANGE IN FIRST NATIONS RELATIONSHIPS

By Robin Brunet

If getting the message across means anything, then the “Embracing Change in First Nations Relationships” panel at January’s TLA convention, co-hosted by the BC First Nations Forestry Council and featuring four speakers familiar to the logging community, was an unqualified success.

The panel was of particular interest to those concerned about what direction forestry will take in the future, given the number of outstanding land claims as well as legal challenges stemming from the Supreme Court of Canada decision in 2014 declaring Aboriginal title to 1,700-square-kilometres of traditional land outside of the Tsilhqot’in Nation reserve.

And yet, some of the speakers couldn’t shake the suspicion that their opinions, while embraced by the audience, are still considered idealistic in a province focused on global trade and in an industry focused on economic revival.

Douglas White, Director, Centre for Pre-Confederation Treaties and Reconciliation at Vancouver Island University, explains, “Shortly after the convention, I was negotiating with a provincial forestry bureaucrat, who told me the province disagreed with my opinions expressed at the convention that the Tsilhqot’in decision will fundamentally change the way business is conducted in BC—which was my main point as a panel speaker.”

White adds, “If Victoria continues to fail to recognize the impact of the Aboriginal title decision, and begins to engage with First Nations and industry in a meaningful way to find solutions, we will inevitably find ourselves in patterns of deepening conflict and uncertainty.”

Matt Wealick, a forester for Probyn Log, a TLA member, and a TLA Director who chairs the Aboriginal Affairs Committee, agrees that delegates who attend the “Embracing Change” panel were very supportive of the message to

work together; but the fear associated with losing control of authority is still present amongst decision-makers.

Robert Phillips, task group member for the First Nations Summit, agrees that fear is the biggest hurdle in transitioning from traditional tenure parameters to an industry where First Nations play a decision-making role. “I’ve been confronted with the emotion many times and have heard all the remarks about why the status quo will never change. Fortunately, I didn’t experience this at the TLA convention, but that’s an exception to the rule.”

If there was an element of frustration to ‘Embracing Change’, it was that the speakers, including British Columbia First Nations Forestry Council CEO Keith Atkinson, were in some ways preaching to the converted. Compared to other industries, forestry has distinguished itself with sustained efforts made to employ and train Aboriginal

people, partner in developing harvestable lands and push the boundaries of the existing forestry model in preparation for a possible recognition of Aboriginal title.

Indeed, real-time online polling conducted during the TLA convention showed that of 136 delegates polled, 107 (79 per cent) had engaged with First Nations businesses or in First Nations capacity building over the past few years, and 13 (10 per cent) planned to. Atkinson remarks, “We enjoy a great partnership with the Truck Loggers and its members, and what I get from the logging community overall—from the boots on the ground, so to speak—is people want to see us gain true equal footing in all matters.

“So the situation is good on a grass roots level, which is where the TLA presides. But the grass root level tends to get overlooked by government and corporations that are taking more and more of our resources away from us.”

Anyone fearing the prospect of First Nations authority in land matters might have been surprised by the upbeat tone expressed by Atkinson, Wealick, Phillips, and White during “Embracing



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Several delegates asked questions to learn more about First Nations relations.

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The speakers (left to right) Douglas White, Matt Wealick, Robert Phillips and Keith Atkinson each gave their own perspective on what direction forestry will take in the future, given the number of outstanding land claims as well as legal challenges stemming from the Supreme Court of Canada decision in 2014.

Change.” Their core message was three-fold. One, shared decision-making is the key to industry recovery and economic prosperity. Two, the first step in achieving this outcome is talking candidly with First Nations groups. Three, forging productive relationships might be easier

than expected, considering Aboriginals and non-Aboriginals both want to generate revenue, develop capacity and access more forest tenure.

None of the speakers pretended that policy or mindset changes would happen overnight. “We’ve had commit-

ments from the provincial government to discuss building capacity in the forestry sector as far back as the 2005 New Relationship, repeated in the 2009 Roundtable Recommendations, and so far nothing substantial has happened,” Atkinson said, adding that his organiza-



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tion has spent the last 10 years acting as a First Nations advisory to government, struggling to turn aboriginal values into best practices. “The input has not transformed the sector in a way that supports or acknowledges aboriginal governance or the basics that need to be acknowledged for a healthy relationship.”

Wealick addressed the problem of Aboriginal communities and industry

members not knowing what each other wants by telling delegates his committee’s newly-completed “Working Guidelines for Contractors To Use In Developing First Nations Relationships” could be an important guide to establishing bonds between the two parties. (Amongst many other things, the document urges for common interests to be a key part of any relationship.)

Phillips expressed hope that the new federal government will be more proactive in recognizing aboriginal authority than its predecessor. However, he stressed that individuals can best enact change and he urged delegates to “spread this message to schools and to newcomers to the province. It starts with us.”

Presumably, the speech that would have come closest to panicking defenders

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of the status quo was delivered by White. After regaling the audience with an account of his youthful clumsiness working in the woods, he went on to state that despite what critics and even some of his colleagues believe, the Tsilhqot'in decision will lead to Aboriginal title being recognized by all levels of government.

He said, "What was once Crown timber will no longer be Crown timber when Aboriginal title is declared over major parts of BC...projects must get Aboriginal consent once title is declared, and therefore we must rethink our entire forestry regime."

Although White noted that Aboriginal people "won't settle for anything less than this" (a view shared by Atkinson, who told delegates that "we have to acknowledge title if we're going to have relationships"), he later told *Truck LoggerBC* that he is pressing for collaboration, not confrontation. "We don't want blockades or lawsuits. We simply want economic prosperity and the mechanisms to control our own destiny. Frankly, I see tremendous opportunities arising from collaboration. Our industry is already very attuned to local realities and this is a big benefit moving forward."

It may seem simplistic. Could talking candidly to one another be the trigger for equality between all parties? But Wealick points to evidence of it already happening. "The company I work for, Probyn Log Ltd., earned its trustworthy reputation about 10 years ago when it acknowledged the concerns of Aboriginals concerns and gave back a timber sale located in one of our spiritual areas near Chilliwack," he says. "Since then, there has been a great relationship between the company and First Nations, and a true sense that one is looking out for the other."

Wealick adds, "A lot of people tell me they've communicated with First Nations groups until they're blue in the face, only to work together on one project and then nothing after that. But that's because these people bring to the talks an agenda they don't deviate from."

As feel-good as these sentiments may be, an air of intangibility underscores any discussion about First Nations authority over land matters, with more questions than answers coming to mind. How would government be restructured to accommodate Aboriginal author-

ity? How would First Nations reconcile preserving the land base with the realities of international competition? What would the decision-making processes consist of?

White replies, "These are all hugely important questions. This is precisely why we have to get talking, and now."

Pressed to predict what will happen in the coming years, White remarked that "in the short term, I think natives and non-natives are going to have to work around the province in order to make headway. But that still leaves Crown issues to be sorted out."

For his part, Phillips thinks the first tangible indicator of moving forward will be Victoria and industry adopting a working plan currently being fine-tuned by the First Nations Forestry Council, in conjunction with the province. "This joint review of existing policy, shared decision-making, revenue-sharing, and other matters may be adopted as early as this fall," he says. "This would be a huge step forward, and perhaps it could be used in some way to kick start discussions on the larger Crown issues."

Last fall, a BC forest policy analyst requesting anonymity told *Truck LoggerBC* that while the Tsilhqot'in decision isn't a clear win for Aboriginals because they still have to demonstrate use of land and prove exclusive use of land in order to gain title, which "will be very hard to do," the decision has opened the door to a lot of potential give and take: "Frankly, I believe Aboriginal peoples want to give resource investors certainty just as much as we do, simply because as land owners they'll be beneficiaries to any business activity."

The desire for certainty strikes a deep chord with Phillips. In summarizing the "Embracing Change" panel and looking to the future, he says, "Maybe fear of losing control isn't the right phrase to describe the resistance to what we want. It's really fear of uncertainty, which all of us understand."

He continues, "Uncertainty and the unknown are difficult fears to surmount. We get that. But we also can't stop the future from happening. By developing timely and respectful collaboration, we'll end the acrimony of the past and get on with making this industry the best it can be."▲