

# **Land and Resources Conflict: The BC Southern Interior Example**

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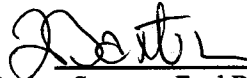
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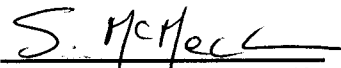
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## **Abstract**

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The area of British Columbia south of Prince George, between the Coast Range and the Monashee Mountains, is known as the southern interior. Here, government of British Columbia representatives in the Ministry of Forests, aboriginal people, and forest industry licence-holders are in conflict over control of land and natural resources.

The objective of this paper is to investigate this conflict by viewing the current situation through the lens of internationally based conflict theory. Examination of the matter in a broad context may create a new perspective on what has become a personal issue for some of those people involved in building a new, collaborative future for British Columbia.

Community leaders from First Nations, the forest industry, and the Ministry of Forests were interviewed to focus investigations on the research question: "Is the conflict over land and resources in the southern interior of BC an identity based, protracted social conflict that is moving toward intractability?"

Research results lead to a recommendation that identity and interest-based issues be separated. Identity issues, hinging on land ownership questions, will best be settled by courts, and will require strategic guidance from government. Interest-based issues can be approached at the community level, within current legislation, through a form of two-track diplomacy, followed by facilitated, interactive, conflict resolutions sessions.

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# Chapter One - Background

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## 1.0 Introduction

Unresolved differences relating to land title, with their genesis in the eighteenth century, are having an increasingly debilitating effect on forest-dependent businesses that require secure access to Crown lands in British Columbia. This paper focuses on the southern interior of BC, the area south of Prince George between the Coast Range and the Monashee Mountains, where no treaties between government and aboriginal people exist.

In 1997, the Supreme Court Delgamuukw decision told us that aboriginal title exists in British Columbia and is a constitutionally-protected right to exclusive occupation of land, and a burden on Crown title (BCTC 1999). The court decision threatens current deployment of Crown Land assets, now controlled by forest company licences issued by the provincial government.

Relationships established over the last fifty years among the forest industry, the Ministry of Forests, and First Nation communities are now uncertain. Aboriginal rights issues cannot be addressed adequately in the short term to the satisfaction of First Nations, and this results in exacerbated symptoms of conflict in their relationships with others. Significant amounts of energy are being spent by all parties in addressing short-term problems, but the affected groups lack a functional, co-operative mechanism for achieving results.

Eventually, the larger issue of aboriginal title may be addressed through Court decisions, individual negotiations with each First Nation, or through an evolving alternative to the treaty

process. However, no solution to legal issues is expected in the immediate short term. In the meantime, all sectors would benefit from even an incremental movement toward economic or political security in the near future. First Nations want to address issues of certainty of title, co-management of resources, revenue sharing, and compensation. The Ministry of Forests, as the main representative of government, is struggling to maintain economic order and satisfy their mandate. The forest industry seeks to secure a supply of raw material for its manufacturing facilities, and gain ongoing community support for corporate access to public lands.

In this study, I research individual, shared and divergent group interests. I explore the evolution of the conflict from the viewpoint of the various group representatives, and identify perceived root causes of the dispute. Then I address how the conflict is affecting relationships among the groups, and investigate the steps being taken by those involved to resolve the conflict while ensuring that their interests are respected. I have sought ideas on approaches to conflict mitigation, and timing and elements of resolution are identified from the viewpoint of those involved.

Through the analysis, I link the research results with theory to identify whether or not the conflict is identity based, whether or not it is protracted, and whether or not it is moving toward intractability. Based on this analysis and the responses from participants, recommendations for approaches to resolution are presented.

## 1.1 Parties to the dispute

The number of individual participants in this conflict is huge, and, in some ways could be considered to be the entire population of the southern interior (approximately 550,000 people).

The parties to the dispute in the southern interior include:

### a. *First Nations*

- Sixty Indian bands
- The Interior Alliance, a voice for the Southern Carrier, Stl'atl'imx, Secwepemc, Nlaka'pamux and Okanagan Nations. Their spokesman is Arthur Manual, Chief of Neskonlith, and Chairman of the Shuswap Nation Tribal Council.
- Six Tribal Councils: The Shuswap Nation Tribal Council, the Nicola Tribal Association, the Nlaka'pamux Nation Tribal Council, the Okanagan Nation Alliance, the Lillooet Tribal Council, and the Cariboo Tribal Council. Tribal Councils do not always represent all Bands in a geographic area, and may represent members from more than one Nation.
- The Union of BC Indian Chiefs, the oldest aboriginal agency in British Columbia, represented by President Stewart Phillip, Chief of the Penticton Band.

### b. *Forest Industry*

- Approximately one hundred forest licensees with operating areas covering most accessible forest land in the southern interior.
- Two industry associations: the Interior Lumber Manufacturer's Association, and the Cariboo Lumber Manufacturer's Association.

- Secondary parties, not included in the study, but affected by outcomes: logging contractor associations and labour groups, as well as other groups all with significant self-interest, political powers and positions on solutions to the dilemma.

c. *Government*

- Federal government representatives: These were not part of the study, although they still carry the bulk of legal powers over First Nation's activities through the *Indian Act*. The Federal government is also dealing with Specific Claims, outside the jurisdiction of the Province, and outside the scope of this report.
- Seven provincial government ministries heavily involved in First Nation's issues, and sometimes having conflicting mandates. There is an evident lack of a coordinated strategy between them, although the Ministry of Forests leads short-term issues management, and the Ministry of Aboriginal Affairs leads longer-term approaches. The Ministry of Forests is taken as the local government representative for the purposes of this study.
- Secondary government associated participants, not included in the study, but often influencing visible actions: political parties, and the Union of BC Municipalities, an influential group representing third-order governments are most influential.

d. *Other influencing parties not directly involved in this study*

- The BC Treaty Commission (BCTC)
- The public, who are involved through government led planning processes and consultation efforts associated with the BCTC

## 1.2 Summary

In the next chapter, I will consider the conflict through applied conflict theory, group dynamics, and identity theory, by reviewing the pertinent literature. Chapter 3 will explore the history of the dilemma in Canada, which sets the stage for the current scenario in British Columbia. A description of the research method in Chapter 4 and the presentation of research results in Chapter 5 are followed by analysis and conclusions in Chapter 6.

## Chapter Two: Review of Supporting Literature

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### 2.0 Introduction

Ongoing conflict resolution work involving new arrivals and aboriginal people in British Columbia would benefit from a larger perspective. Too often in British Columbia, we consider our issues to start at the Pacific Ocean, and end somewhere near the Rocky Mountains.

The following literature review draws from authors and issues around the world, and focuses on the research question: "Is the conflict over land and resources in the southern interior of British Columbia an identity based, protracted social conflict that is moving toward intractability?"

### 2.1 The properties of conflict

*The Functions of Social Conflict*, (Coser 1956) defines conflict as “a struggle over values and claims to scarce status, power, and resources, in which the aims of the opponents are to neutralize, injure, or eliminate their rivals.” Rubin, Pruitt and Kim (1994) provide a softer definition that they claim can be applied widely across cultural settings: “conflict means perceived divergence of interest, or a belief that parties’ current aspirations cannot be achieved simultaneously” (1994: 5). Rubin and Levinger (1995) have studied ranges of conflict from the interpersonal to international, and find that similarities in response to and common properties of conflicts exist at every level. All conflicts:

- derive from a perceived conflict of interest;
- can be addressed in a relatively small number of ways;
- contain a mixture of motives;
- can be ended through either behaviour or attitude change;

- lead to outcomes that range from purely destructive to purely constructive;
- stem from a broad variety of causal antecedents.

(adapted from Rubin and Levinger, 1995)

Whether the reference points are opponents, rivals, or parties, social conflicts are normally expressed through group, rather than individual expression. Coser (1956: 38) observes that groups often form around a conflict, and are strengthened by it. Conflicts with other groups contribute to the establishment and reaffirmation of the identity of individual parties and maintain boundaries against the surrounding social world. Group affiliation and the desire to be accepted have been shown to influence collaborative and competitive behaviours (Stagner and Rosen 1965).

J. Lewis Rasmussen, in his study of contemporary conflicts, maintains that at the heart of conflicts are basic disputes over the control of resources, the declaration of identity, and the need for security (Rasmussen 1997). LeBaron (1997a) agrees in principle, and assigns concentrations of divergence into socio-economic factors, ethnic identity, and cultural differences. Slim and Saunders present the issues as identity, governance, and self-determination (1996: 32).

An additional factor, identified by Rasmussen (1997: 32), is the unintended exacerbation of conflicts by the failure of political, economic and social institutions to pay sufficient attention to the stated grievances and needs of minority groups within their populations. Especially in western-based dominator societies (Eisler 1988), the influence of groups functioning through partnership and collaboration is eclipsed by the individualistic behaviour ingrained in the dominant culture. Minority rights are often subject to the self-interest of the dominant group, and political or

legislative power is sometimes used to deny or limit these rights (Holmes 1997). Over time, resentment towards this injustice builds.

## 2.2 Conflict and identity

Conflicts frequently emerge slowly, as disadvantaged groups become aware of inequities in rights and privileges. As Coser (1956) observes, before a social conflict between negatively and positively privileged groups can take place, the negatively privileged group must first develop a collective awareness that it is, indeed, negatively privileged. Time may be required to raise this awareness, and to develop rejection of justifications for the existing distribution of rights and privileges (1956: 37). LeBaron (1997a: 315) points out that those who have privilege, members of one or more dominant groups, tend consistently to perceive fewer problems and anticipate lower-intensity conflict, whereas those without privilege are more likely to see conditions near crisis. This division relates directly to cultural differences and dominance, as LeBaron later observed (1997b). Those with less power also tend to be more aware of their own culture, because they must struggle for legitimacy and the preservation of their cultural identity (1997b: 36).

Culture has been defined as “a fundamental feature of human consciousness, held to be constitutive of human reality, including such behavioural manifestations of that reality as ‘conflict’” (Avruch and Black 1993: 132). Groups with low internal cultural awareness (such as government bureaucracies) have their decision methodologies influenced by their culture, especially in how they respond to crisis, bringing their accepted ways forward as a major factor in their approach to localized conflicts (LeBaron 1997b: 36).

In his study of conflict world wide, Azar (1990: 2) finds that religious, cultural or ethnic community identity has fueled most conflicts since the end of World War II. Terrell Northrup (1989: 55) defines identity as “an abiding sense of self and of the relationship of self to the world.” Using this definition, nearly two-thirds of the ongoing international conflicts in 1993 could be defined as identity based (Regehr 1993: 1), with most constituting a direct challenge to existing state authority as their salient characteristic (Wallensteen and Sollenberg 1995: 347).

Rothman (1997: 11) observes that identity conflicts are often hard to distinguish, as they are usually misrepresented as disputes over tangible resources. These disputes often mask deeper identity concerns, such as control of destiny, participation in decision-making, and group efficacy. Identity conflicts are deeply rooted in the underlying individual human needs and values that constitute social identities, especially with regard to group affiliation, loyalties, and solidarity. Patterns have emerged worldwide showing that ethnic groups, feeling disregarded by the dominant group, commonly react by aggressively seeking autonomy (1997: 5).

Azar and Farah (1981) also find that where needs relating to a distinct identity, wider social recognition of that identity, and the need to participate as an equal partner in negotiations are not recognized, conflicts become resistant to resolution. Azar later notes that these conflicts are not easily suppressed, and are pursued in the long term by all means available to the disenfranchised group. This may result in long-term, low intensity warfare. “Mutually incompatible goals among parties, amidst a lack of resolution mechanism, cause communal cleavages to become petrified, and the prospects for cooperative interaction progressively more poor” (1990: 16). In these protracted social conflicts, war may become “not simply an act of violence, but an allocation mechanism” (Vaquez 1993: 47), where prolonged frustration has brought a community to the point of acting irrationally.

### 2.3 Protracted conflicts

Protracted social conflicts have also been termed ethnonational conflicts (Connor 1994), deep-rooted conflicts (Burton 1987), and enduring rivalry (Goertz and Diehl 1993). They are often transformed into intractable social conflicts (Kriesberg 1993) that defy traditional negotiation and mediation efforts (Azar 1990; Burton 1990).

Deutsch (1973) typifies this evolution of disputes as a “malignant social process” where competition breeds, the conflict becomes more costly as time passes, and the parties see no way of extricating themselves without costly losses. The typical evolution of these disputes includes the development of “deeply ingrained stereotypes, misperceptions of intentions, and a high degree of cognitive rigidity” (Slim and Saunders 1996). The evolution of these factors allows self-fulfilling prophecies to fuel the escalation process. The taking of public positions, fear of losing face, efforts to prevail through domination, and the difficulty of getting reliable information about counterparts also cause escalation of the conflict (Rubin and Levinger 1995). “Many resolution resistant conflicts involve public policy issues with win lose elements, such as moral differences, distributional questions of resources and dollars, and social hierarchy issues” (Burgess and Burgess 1996: 305).

The international arena is increasingly used as an alternative to the formal, domestic complaint mechanism where protracted conflicts occur (Azar 1990), with modern communication networks being used to link with international interest groups and like-minded lobby groups. Termed the “mobilization of shame” (Dorough 1997: 240), outside exposure can elevate domestic concerns into international forums, where double standards or hypocrisy exists in addressing cultural and identity issues at home.

## 2.4 Intractable conflicts

A study by Rouhana and Bar-Tal (1998) determines the characteristics of intractable ethnonational conflicts. These include totality, where everyone is involved and the conflict affects political and cultural life. Many people are preoccupied with the hostility, and it is central to daily business. The conflict will be protracted, existing for at least a generation. Violence or civil disobedience is present, as is an intense animosity, and perception of irreconcilability. Each side perceives satisfaction of its own goals as essential for survival. No integrative solutions are being developed, and the public focus is on the justness or rightness of positions, bolstered by biased information and inflammatory elaboration of details of the conflict.

Rubin and Levinger (1995) establish that there are limited ways to interrupt these conflicts. Certain of these (domination, capitulation, and withdrawal) are unacceptable where long-term settlement is desired. Negotiation and third-party intervention may result in the ability to influence the direction of the outcome. Conflict outcomes may be either settlement based (where behaviour or allocations have changed) or resolution oriented (when attitudes have changed as well). Some conflicts are highly resistant to even the best dispute resolution processes. Where there are unavoidable win/lose elements involving basic differences, “people get caught up in an increasing cycle of escalation, distrust, and misunderstanding that becomes so severe that a one-stop, settlement-oriented approach to dispute resolution provides only a Band-Aid over a gaping wound” (Burgess and Burgess 1996: 306). In severe cases, the settlement mechanism offered is rejected, and victory is pursued over compromise.

John Burton (1990) maintains that protracted conflicts involving basic needs, or fundamental

principles of justice, need to be separated from those focused on tangible, resource-based interests. Where this is necessary and not done, forced or coerced agreements result in short term, unsatisfactory settlements. To obtain a clear understanding of the issues requires cleaving of items requiring conflict resolution from those requiring interest-based dispute mechanisms.

Rothman (1997) agrees with Burton, and maintains that we must differentiate identity-based conflicts from those rooted primarily in interests. Compromise-based approaches to handling disputes may be counter-productive to addressing people's actual needs and values, and often serve only to fuel identity conflicts. Rothman points out that traditional approaches to negotiation and conflict management focus essentially on interests—the very tangible, practical resources over which people often compete. The western culture of negotiation has developed on that foundation, with the law being the most representative mechanism for dealing with interest-based conflicts. We win some, lose some, and compromise on others.

Slim and Saunders (1996) postulate that the persistence of protracted social conflicts around the world has demonstrated the limits of traditional conflict-resolution methods, including consensus-based processes. Although it is popular in western societies, putting forward a panacea based on harmonious collectives built through the consistent application of consensus-based conflict resolution processes may have the potential to do everyone a disservice. Slim and Saunders show instances where these forums raise expectations that cannot be met and ignore the disparities that have contributed materially to conflict in the past. LeBaron (1997a) agrees, and states that consensus-based processes do nothing to address the root causes of the ongoing conflict (LeBaron 1997a: 315).

These postulations assume the common practice of a controlled-change mechanism, where ground rules for the process are provided by the dominant culture, and embody, to a certain degree, a preconceived process and outcome. Where true consensus-based principles are observed, including voluntary participation, self-design, flexibility, and equal opportunity (access to resources), consensus processes are extremely successful. (Cormick et al, 1996: 5)

## 2.5 Working with Protracted Social Conflicts

Many studies have attempted to determine how these protracted social conflicts can be channelled to enhance group identity and positive intergroup relations rather than provoke antagonism, domination, or even war.

Research and conflict intervention focusing on the expression and reconciliation of identity needs can begin to reverse the cycle of conflict intractability (Burton 1979; Kriesberg, Northrup 1989; Kelman 1993). On the basis of Maslow's (1970) needs hierarchy, various theorists of conflict resolution focussed on international relations suggest that these basic human needs cannot be negotiated or suppressed. Unless these needs are satisfied, the conflict cannot be successfully resolved (Azar 1990; Burton 1987; Mitchell 1973; Rubenstein 1990). A settlement that neglects to address the parties' needs completely will not bring a permanent, peaceful end to the conflict. Also, a genuine resolution has to satisfy the needs of all parties engaged in the conflict in a way that is acceptable to the majority of the involved societies. Fortunately, even the most bitter of adversaries share common human needs. Intractable conflicts can be creatively transformed when adversaries come to learn, ironically perhaps, that they may fulfil their deepest needs and aspirations only with the cooperation of those who most vigorously oppose them (Rothman 1997).

Attempts to resolve deep-rooted conflicts peacefully requires the consideration of psychological foundations and the use of psychological principles in the process of its resolution (Rouhana and Bar-Tal 1998: 767). This assertion has been supported over time by numerous social psychologists, many of whom have outlined principles of negotiation that are designed to peacefully resolve differences in protracted conflicts (Deutsch 1973; Rubin and Brown 1975; Pruitt and Carnavale 1993; Burgess and Burgess 1996; Slim and Saunders 1996).

Burgess and Burgess (1996) recommend a focus on a constructive process, rather than striving immediately for resolution, using a combination of empowerment, and involving the recognition of the needs of the other parties. An incremental, cyclical approach can build “constructive transformation of conflictual relationships” (1996: 319). This is supported by Slim and Saunders (1996: 32) who suggest a two-stage, interrelated strategy where an unofficial dialogue process supports official negotiations. Other psychologists have discussed the importance of third-party intervention, which can fulfil various roles and functions in an effort to reconcile the differences of the adversaries in conflict (Rubin 1991; Dukes 1996; Fisher 1990). In this process, “a responsible and independent third party cannot be an advocate for any party, not for any particular outcome. Rather, an independent third party specifically advocates for processes seeking certain qualities of outcome, including fairness, openness, inclusiveness, and endurance” (Dukes 1996: 175). As Fisher (1997: 143) points out, the third-party intervener must be a tremendously skilled and well-trained practitioner, in order to ensure that outcomes are satisfactory for all concerned.

## **2.6 Living with intractable conflicts**

Without the consideration of interactive conflict resolution, protracted social conflicts can be

suppressed for an undetermined amount of time. Racial and ethnic groups can live in apparent peace, when enforced power relationships make it clear who dominates whom (Burgess and Burgess, 1996; Rasmussen 1997). Where governments are not willing to share control over the process, or accept that resolution of the issue may not occur exactly as envisioned, they hesitate to enter a collaborative problem-solving exercise (SPIDR 1997: 5). This unstable system can be subject to massive breakdowns in power relationships as trigger events occur and are communicated by sectoral leaders, setting off new waves of bitter confrontations (Burgess and Burgess 1996).

## 2.7 Conclusion

The growing body of knowledge in this field, and the realization of similarities between what were formerly thought to be localized disputes and those endured in the international arena, has increased the predictability of dispute development where qualified conflict practitioners become involved.

## Chapter Three - History

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### 3.0 Connections

To understand what is happening in British Columbia today requires an understanding of the history of European contact with aboriginal people in Canada. The current conflict is a result of not only the prevailing political and business climate, but of historical actions of long-dead military and political leaders.

### 3.1 The last 300 years

Before contact with Europeans, independent aboriginal societies flourished in abundant diversity across North America. These societies varied in their systems of hierarchy, in their choice of a matrilineal or patrilineal rule of descent and in the functioning of their inter-tribal agreements. The shared pattern was their adaptation to the physical environment, and its significant role in influencing cultural and social organization. (Cruikshank, 1996). These variations were considered important by incoming Europeans only where local systems needed to be understood to meet short-term European goals.

The culture of the colonialists emphasized expansion of sovereignty, a system of commerce based on production for profit, and the use of land for economic, rather than subsistence and spiritual purposes. The “dominator” culture of incoming economic and religious institutions was characterized by rigid hierarchies and authoritarian structures, and by a high degree of tension in its interactions with others (Eisler, 1994).

Interventionist contact with First Nations was first formalized through the Hudson's Bay Charter of 1670, whereby King Charles II of England granted lands adjoining all rivers flowing into Hudson Bay to a group of merchants and investors. One hundred years later, after the victory of England over France in the Seven Years' War, King George III declared the Royal Proclamation of 1763. Although primarily a declaration of interest in the North American territory, the proclamation provided guidelines for dealings with aboriginal people. This Statute ensures:

*That the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.*

*(Royal Proclamation, 1763)*

The Proclamation limits this assertion, however, to “all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company,” thereby retaining and reinforcing the power of the Crown to provide dispensation of lands despite a First Nations presence.

The Proclamation thus established a social categorization of First Nations people in Canada, creating identification of and opposition to peoples of differing origins (Folger et al. 1997). The proviso also initiated a standard “we-they” polarization, fuelled by the economic opportunism of the evolving fur trade, and set up a system of resource use still in dispute 237 years later. In effect, the Proclamation straddled contradictory aspirations of the Crown and the various First Nations

by recognizing aboriginal rights to the land in the same document that outlined a policy intended to extinguish those rights.

Another document significant to the evolution of culture and group dynamics in Canada was the Niagara Treaty of 1764. Having participated in the French-English wars, the First Nations in what is now Eastern Canada were battle-hardened and highly respected. Aboriginal power in the relationship was gained from the English acceptance of the legitimacy of the First Nation's strength, and knowledge of their ability to use it (Folger 1997). As respected equals, the 2,000 Chiefs who assembled at Niagara exchanged gifts with the colonial Government, including a two-row wampum belt, which signifies a First Nation-Crown relationship founded on peace, friendship, and respect. The parallel lines of beads in the wampum belt signify that parallel paths are to be respected, and that neither Nation will interfere in the internal affairs of the other. (Borrows 1994). Recent interpretations of this undertaking (e.g. Slattery 2000: 6.4) describe the gift of the wampum belt as a physical manifestation of the oral agreement between the Chiefs and the Crown. The written records from Niagara, however, do not recognize the significance of the wampum belt and record only the understanding of the English parties.

It is clear now that the Colonial government retained an accurate understanding neither of the meaning of the two-row wampum belt, nor of the significance of their acceptance of the gift. The intended long-term trust relationship, based on a mutual understanding of predictability, dependability, and faith leading to mutual attachment (Rubin and Levinger 1995) was lost over time.

A significant European cultural influence in British Columbia began with the expansion of the fur trade towards the end of the eighteenth century dates. The population of First Nations in British Columbia at that time was between 80,000 and 125,000, in nine language groups. (Duff 1965) This was an unusually high geographic concentration in North America and represented approximately 40 percent of all First Nations in what later became Canada.

At first, non-aboriginals came only as seasonal visitors, trading from their ships and rarely stepping ashore. After the initial novelty of the visitors wore off, and trading patterns were set up using traditional routes into the southern interior of British Columbia, competition between the groups developed, often with bloody results. (Duff 1965). A similar pattern evolved around competition for resources during the gold rush of the 1850s. These types of adversarial interactions are indicative of group boundary establishment and protection (Folger 1997), in this case driven by economic competition.

In the period prior to the incorporation of the Province of British Columbia in 1871, the governor of the Colony respected British law, and attempted to extinguish aboriginal title through treaty. Fourteen treaties were signed on Vancouver Island during this time. In the few years around 1860, when the resident Governor in the province of British Columbia, James Douglas, was interested in pursuing additional agreements with aboriginal people, the Dominion Government refused to allocate funds for treaty settlement. This was a turning point in relationships between aboriginals and non-aboriginals in the region that became known as British Columbia, and frustrations began to grow.

After Confederation, in 1871, British Columbia was deemed by Canada to own all land in the province, and expected to allocate land for Indian Reserves, transferring responsibility back to Ottawa for management. Successive governors maintained a stingy approach, even reducing the size of previously allocated reserves in some cases, which then reverted to provincial ownership. The allocation of new reserve lands continued under the Joint Committee on Indian Reserves and operated for approximately 30 years (Duff 1965). The final settlement of land transfers between the federal and provincial governments occurred by Order in Council in 1938.

The First Nations have never accepted this process. In 1888, at a presentation to the Royal Commission of Inquiry, the Nisga'a Land Committee stated,

*What we don't like about the Government is their saying this, 'We will give you this much land.' How can they give it when it is our own? We cannot understand it. They have never bought it from us or our grandfathers. They have never fought and conquered our people and taken the land that way, and yet they say now that they will give us so much land—our own land.* (Royal Commission of Inquiry 1888)

Between 1900 and 1910, native delegates resisted the allotment of Reserves through a series of joint petitions to various levels of government and several trips to Ottawa and London. The Chiefs of the Shuswap, Okanagan, and Thompson together presented, in 1910, what came to be known as the Laurier Memorial, a document that focussed on the same principles that are at the forefront today— those of aboriginal title, rights, and sovereignty. (Shuswap Nation Tribal Council 1989).

One hundred and thirty years later, on April 13, 2000, the Nisga'a received Royal Assent for their treaty, the first new agreement in British Columbia since Treaty 8 of 1899. The BC Treaty Commission is now facilitating talks with 37 First Nations (BC Treaty Commission, 1999), but cautions that much time will be required to complete talks.

In the southern interior, most Bands have refused to be involved in the treaty process, citing their objections to entering into a process they say is mandatory, preconceived and does not meet their needs. Very little activity is evidenced by any of the parties in moving toward long-term resolution of southern interior issues.

### **3.2 The Evolution of Power in BC**

In the late 1800s and early 1900s in British Columbia, the focus of the provincial government was clearly on economic expansion through resource development and was mainly concentrated in the forest sector. Although it was recognized that First Nations concerns were important in finalizing land dispositions, First Nations people had little economic sway, and their objections to dispensation were overruled. First Nations populations were decimated by disease and integration, and government priorities lay initially in finishing the reserve system, and, with later administrations, in decreasing the size of reserves in response to concerns from settlers and cutting back land allocations to match the numbers of aboriginals still in their communities.

In 1910, the Royal Commission of Inquiry on Timber and Forestry (The Fulton Commission) was struck in British Columbia, and resulted in the creation of the Ministry of Forests in 1912. This began a period of land administration that focussed on allocating short-term access rights to timber

harvest and collection of revenues. Land ownership remained with the province. Management or later 'stewardship' of that land became the core function of the provincial Ministry of Forests.

Currently, as defined in the Forest Act, the purposes and functions of the Ministry of Forests are to:

- encourage maximum productivity of the forest and range resources in British Columbia;
- manage, protect and conserve the forest and range resources of the government, having regard to the immediate and long term economic and social benefits they may confer on British Columbia;
- plan the use of the forest and range resources of the government, so that the production of timber and forage, the harvesting of timber, the grazing of livestock and the realization of fisheries, wildlife, water, outdoor recreation and other natural resource values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the government and with the private sector;
- encourage a vigorous, efficient and world-competitive timber processing industry in British Columbia;
- assert the financial interest of the government in its forest and range resources in a systematic and equitable manner.

Every Ministry of the province has a fiduciary duty under the Canadian constitution to consult First Nations. This obligation is embraced through internal policy, where not included in legislation.

In 1945, the second provincial Royal Commission of Inquiry into forest policy returned its report recommending further, longer term placement of harvesting rights into forest company licences, in

order to encourage resource development through establishment of major processing facilities. This allowed the evolution of a business culture in British Columbia, which is maintained today. Some of the prevailing aspects of business culture are as follows:

- All parties are motivated by self-interest.
- The actuality or perception of vulnerability by an outside party is to be avoided.
- Trust is undesirable, as it can engender vulnerability.
- The objective in most exercises is to 'win', to preserve dominance and power.
- Exclusivity in the market place is desired and protected.
- People and organizations are either for or against your interests.
- Information is a commodity to be owned and controlled.
- Emotion does not enter into business dealings, as business is about money.

(adapted from Chornenki, 1997)

These general North American business principles are modified by individual companies, as their leaders evolve individual corporate cultures (Schein, 1992: 5). A review of the public statements of the major forest-products companies operating in the southern interior show a consistent, core focus on supporting the people that work for them, their customers, and on the production of a high-quality product. This predictable business focus is augmented by value statements in company literature, which encompass principles such as respect for people, honesty, integrity, open communication, and a progressive approach. The willingness of leaders to espouse these principles demonstrates some potential for opening discussions with First Nations, where core company business values are not perceived to be threatened.

In 1998, the forest sector contributed \$4 billion to provincial revenues, and supported 275,000 jobs in BC (COFI 1999). Government and industry benefit from institutional power in British Columbia through provincial law, and the parties understand this reciprocal relationship very well. Industry shapes government, and government shapes industry. First Nation reminders of unresolved title issues is putting demands on this effective timber-to-wealth conversion system, threatening the entire fabric of how business has been run in the Province for the past 100 years.

Historically, aboriginal objections to the allocation of resources in British Columbia were marginalized through administrative means and cultural controls such as the banning of the potlatch, changes to the criminal code disallowing the bringing forward of land claims, the use of work and travel visas to restrict movement, and denial of the Provincial vote. As Merkel et al. (1994: 85) stated in their submission to the Royal Commission on Aboriginal Peoples:

*As the forest industry and both Federal and provincial governments prospered with the wealth generated by forests, Aboriginal communities became poorer and more alienated from their traditional dependence on forest lands.*

Some small measure of recognition was granted to First Nations' concerns about their lack of ability to enter the forest industry after changes to the Forest Act in 1978. Reserve land, formerly denied status by the Province as it was seen to be owned by the Federal Government, was permitted to qualify as Schedule "A" Lands under the Woodlot Licence Program. A number of Bands took advantage of this provision.

In 1988, after the formation of the first Ministry of Native Affairs in British Columbia, Bands were given greater consideration when new tenures were being granted. In the shadow of

Oka<sup>1</sup> in 1990, and the signing of the BC Treaty Commission Agreement in 1992, small allocations to Bands occurred more regularly, though still within the existing framework. No allocations have yet been made based on either rights or title. The costs of doing so would be measured in billions of dollars, because of the need for government to purchase forest company licences and redistribute wealth-creating capacity. A more cost-effective approach might include giving notice on existing licences to allow their terms to conclude, while dedicating the system to work toward interim solutions based on alternate dispute resolution principles and partnership.

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<sup>1</sup> The Oka Crisis refers to a 78-day confrontation between armed natives and authorities in Oka, Quebec in the summer of 1990.

## Chapter Four: Methodology

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### 4.0 Purpose

The purpose of this research project is to address the question: Is the conflict over land and resources in the southern interior of BC an identity based, protracted social conflict that is moving toward intractability? In order to do this, categories of questions were devised and posed to individual leaders in the aboriginal, corporate and government communities for the following purposes:

1. To establish the common and divergent interests of the individual groups;
2. To explore the evolution of the conflict, and to establish whether the conflict has been present for a protracted period of time, whether it is increasing in intensity, whether it involves identity issues, and whether it is affecting relationships;
3. To look for indicators that will suggest whether the conflict is moving toward an intractable state;
4. To note ideas on potential approaches for management of the conflict.

### 4.1 Research Method

Research was completed through use of an action research strategy as defined by Argyis et al. (1985: 237), who state “action scientists engage with participants in a collaborative process of critical inquiry into problems of social practice in a learning context.” This method of inquiry is particularly suited to the work of Royal Roads University Masters candidates, who by definition are mid-career professionals, with established and ongoing interactions in their fields of study. Action science is directly applicable to their communities of practice.

A qualitative research methodology was employed in order to allow an inductive approach to data presentation, where separate views of participants are combined and used as evidence to support general statements (Maxwell, 1996). Qualitative approaches also allow room to understand and provide a means of discussing the processes that led to the outcomes evidenced by replies (Maxwell 1996: 20).

Action science calls for “basic research and theory building that is intimately related to social intervention” (Argyris et al. 1985: 4). The cyclical conduct of action research encourages an iterative process of building upon information as it is learned through interaction with participants. In this case, examination of literature that deals with the evolution of protracted, identity-based conflict, in an international context, has allowed testing of this application in the southern interior of BC, with the knowledge and consent of the participants. This collaborative approach allows recognition of the changing perspectives the participants may experience during discussions, by allowing participation with the researcher in a safe and reflective environment.

This approach has risks. Argyris et al. (1985) identify three distinct areas requiring careful planning by the researcher. The first relates to outcomes, or actions, which is an ambiguous concept; the participants need to be very explicit in their explanations, and the researcher needs to respect the differences expressed in the summary stages and to be inclusive of differences while making recommendations. Secondly, there is a need to recognize the magnitude of changes that individuals may experience, both personally and organizationally. Experience has shown that internal defences could threaten the clarity of research results through avoidance, exclusion, or minimizing of issues.

Thirdly, there needs to be an acknowledgement that variables are too numerous, complex, and varied to control, and an acceptance that any recommended outcomes must tie to existing theory.

## 4.2 Data Gathering

Questionnaires are often chosen as a research vehicle, because they can be formulated as a logical extension of the research question and they answer the need to collect specific data in a consistent fashion (deVaus 1985). In this case, the questionnaire was implemented to support the case for local application of international findings relating to identity based, protracted social conflicts.

Questionnaires can be administered through a mail or telephone survey, or through a personal interview. The personal interview was chosen here, for the following reasons:

1. Given the complexity of the issue, and the need to establish detailed base information before moving through the issue in a formative way, a lengthy conversation was required.
2. A fast pace, possible refusal to answer questions, or early termination of open-ended questions characterizes telephone interviews. Factors limiting positive results are time (15 minutes is considered a long call), uncontrolled interruptions, and the propensity to truncate responses to open-ended questions (deVaus 1985).
3. Influence was needed over who supplied the survey information, both to ensure validity of results and to allow the targeting of a specific group of well-informed leaders from the three identified groups. In many instances, phone inquiries are fielded by assistants, and it is difficult to secure an uninterrupted length of telephone time with the intended participant. Leaders are a reflection of their societies and cultures, and have the potential to facilitate the evolution of their group cultures through participative learning (Schein 1992).

4. Respondents are more likely to answer all the questions in a face-to-face situation, as interviewers can transcend confusion and restate questions if necessary (Gray and Guppy, 1994).
5. Personal interviews allow complex topics to be explored in detail. (deVaus 1985). In this case, where interview times ranged from one to 2.5 hours, the participant was able to set the pace and talk as little or give as much detail as desired. Participant control is an important aspect of action science, in allowing “collaborative approach to critical inquiry” (Argyris et al. 1985: 237).
6. Action scientists believe that talk is an important source of social action (Argyris et al.1985).

In confirming my list of potential interviewees, first contact was made by telephone. Personal knowledge guided me in the decision to secure a prior third party introduction from a mutually known, trusted associate in those instances where I did not know the potential respondent personally. The purpose of the call was to explain my current status of a student at Royal Roads University, talk a little about the Conflict and Management Program, and to explain my research question. Respondents confirmed interest in the subject matter, and we then discussed my approach.

I described the propensity of conflicts on an international scale to be protracted, identity based, and involving identifiable groups. I then stated that I had selected them as leaders in their various communities, based on my personal and professional knowledge of the dynamics of the southern interior, with choices confirmed by my sponsor. I explained how it was necessary to show, through research, that the situation in southern BC possesses shared characteristics with international conflicts, and if that were to be recognized, perhaps we could search the world for resolution options, with some confidence. After this discussion, I asked the potential respondents for permission to interview them. Acceptance was universal. Confidentiality for participants was confirmed, and a date, time and place for the interview determined.

Each interview was conducted at a place of the respondents' choosing, most often their workplace. This was conducive to a sense of comfort and personal space for the interviewee, and allowed me to achieve a sense of context for the discussion. As noted in Guba and Lincoln (1981: 174), "Qualitative research has been characterized as emphasizing the importance of conducting research in a natural setting, as assuming the importance of understanding participant' perspectives, and as assuming that it is important for researchers to subjectively and emphatically to know the perspectives of the participants."

Interview meetings were started with a review of confidentiality, through the assertion, "If matters come up that are sensitive to you, please be assured that your anonymity will be protected. Any statements coming from interview results will be general in nature. Quotes will only be attributed to you with your full, informed, and prior consent. Your participation is entirely voluntary." An overview of the interview questions was then given, and an *Informed Consent to Interview* document was presented for signing by the participant.

I reviewed the interview questions (see below) to remind and relate once again to the participant the purpose of satisfying the research question. I had organized the questions in a logical way to facilitate discussion, although no attempt was made to force the participants to stay within the confines of the questions. Flexibility was maintained throughout the interview and an atmosphere of "a conversation with a purpose" (Guba and Lincoln, 1985: 268) was achieved through selective use of handwritten notes, and by allowing the respondent to set the pace. I also tried to achieve the "sense of equality" between the researcher and informant that is stated as desirable by Kirby and McKenna (1989), who claim that "a combination of a set format with preformed questions and more interactive, spontaneously developed questioning is optimal." (1989: 67)

The questions themselves were devised through an iterative process over the course of many months, and were based on my growing understanding of existing theory. An effort was made to link the questions to the natural flow of the literature review, and to use the questions to confirm or deny apparent indicators of group formation, a protracted conflict, identity-based issues, and indicators of intractability. As a natural extension of the discussion, I appended questions to explore potential approaches to resolution of the situation, and to describe what resolution looked like. Fifteen question areas were posed, as follows:

1. What are the interests of your group? (Interests defined, group named)
2. How would you describe the interests of the other groups?
3. What are the interests you share?
4. What are the divergent interests?
5. I would like you to describe in general the conflict over land and resources in southern British Columbia. How would you describe this conflict five years ago? Two years ago? Now?
6. What do you see as the root causes of the conflict?
7. In what ways has this conflict affected your relationship with the other parties?
8. What steps is your group taking to resolve the conflict?
9. What is the best-case scenario for a positive outcome?
10. What is the worst-case scenario?
11. What steps is your group taking to ensure your interests will be met?
12. How do you think this multi-party conflict should be approached?
13. What would constitute resolution, from your point of view? From the other parties' point of view?
14. When would be a good time to start working toward resolution?
15. What essential elements must be present for resolution to be lasting?

Follow-up discussions were often most informative, and where the 'real' sharing occurred. Much of this was a restatement of earlier testimony, but with a greater clarity of purpose.

### 4.3 Data Grouping

During the individual interviews, handwritten notes were taken on an expanded interview form. These notes were transcribed as soon as possible into electronic format, thus allowing the maximum extent of detail recall, and building what Glaser (1978: 5) termed "theoretical sensitivity" in performing future interviews.

Before, during, and after interviews, confidentiality was raised as an issue. To allay concerns, an undertaking was made with participants to combine individual comments into a group list (First Nations, forest industry, Ministry of Forests), before comparisons were made between groups. In this way, anonymity was guaranteed, except in cases where permission was received to quote.

During the transcription, duplicate comments from individuals were eliminated, and responses grouped to interview theme. This grouping facilitated the later assembly of data within and between interview questions, and aided in the analysis using a contextualizing strategy (Maxwell 1996). This method allowed me to look for relationships between statements, and within that context, to bring the responses together into a coherent whole. Connections between the categories (interview questions) and themes were identifiable, which enabled me to relate my subsequent analysis to theory (*ibid*: 79).

In preparing for the analysis, comments from each of the three groups were presented in a discussion

style format, and organized under the following headings: *Stated interests of the parties and comparative views, Evolution of the conflict, Effects on relationships, Current initiatives, and Approaches to resolution.*

## Chapter Five: Results

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### 5.0 Study Findings

For the summary of findings, I have followed the outline provided by the interview form, where interests are first reviewed, then compared, and divergent views identified. Next, I discuss the history and root causes of the conflict from each party's viewpoint, and identify what each of the groups is doing to resolve the conflict. A comparison of the best- and worst-case scenarios for outcomes follows, and then a discussion of the approach each party feels should be taken. Elements that constitute potential approaches to resolution of the conflict are presented, accompanied by a discussion about factors that would ensure a lasting resolution.

In order to preserve complete anonymity, specific comments could not be attributed to sources, except where permission to quote was secured. All findings presented are, however, authentic representations of interview results.

### 5.1 Stated Interests of the Parties and Comparative Views

For the interests section, details of responses were grouped within the three common elements of contemporary conflicts: political considerations, economic drivers, and identity issues (Rasmussen 1997; LeBaron 1997a; Slim and Saunders 1996). For individual group sections on interests, the core message comes from the individual group, and then other views are drawn in.

#### 5.1.1 Interests of First Nations

Political interests of First Nations relate to the just resolution of the land question, where title and

ownership are recognized and respected as directed in the law and Constitution of Canada. Aboriginal title is defined as “a collective, proprietary interest in the land” (Arthur Manual, June 2000, p.c.). The resolution of competing title will allow establishment of independent social, economic, and political institutions.

Leaders desire a future of abundance for their people. For First Nations leaders, a legal means of enjoying the benefits of the wealth of traditional territories is needed. In order to get the legal interests in the land back, aboriginal rights to use that land will have to be fully recognised. This in turn will bring revenue and jobs.

There is a strong desire also to protect and defend aboriginal title and rights in First Nations’ traditional territory. Because it is homeland, leaders want aboriginal values incorporated into how the land is managed, developed, or reserved. They believe that co-management would see aboriginal values embedded through legislation, where forests are seen part of the larger ecosystem, and holistic management occurs.

Forest industry and Ministry of Forests’ respondents understand and recognize the First Nations’ desire to manage the land as mother earth. They also understand the approach as being different from their own.

### **5.1.2 Interests of the Forest Industry**

The industry is looking for well-understood roles and responsibilities, and a known and respected place in the ‘system’, to carry out their lawful business. “We want to be part of the solution. If the

solution were better defined, we could do our part more effectively, and help others to do theirs” (Nick Arkle, June 2000, p.c.). They suggested that this larger ‘system’, and the forest industry’s place in it, should be understood and respected by the public, and be responsive and fair to the participants.

Accepted practices and known roles and responsibilities would reduce uncertainty and bring peace to the woods, and would help sustain a healthy, competitive industry. To the forest industry, landlord definition is less important than a secure land base to work from, with a secure, competitively priced log supply. Raw material would flow to production facilities at known times, and be of known quality and quantities.

Industry respondents predict that security of raw material supply would generate benefits for the Province, allowing British Columbians to maintain their standard of living, and companies to enjoy a reasonable return on investment, while maintaining high investment manufacturing facilities.

The forest industry participants demonstrated a sincere desire to work with communities, and to maintain their social obligations to all who live there, including loggers, First Nations, and environmentalists. “Our hope is to continue working with communities for the best use of their resources” (Nick Arkle, June 2000, p.c.). The forest industry does not see the political arena as their realm, although there is a demonstrated willingness to participate as a third party, and provide influence where possible.

The Ministry of Forests respondents acknowledge the social contract that the forest industry feels to be in place with communities, but First Nations do not. From the aboriginal point of view,

companies do the minimum required, and will only make changes in the community if their bottom line, not their social conscience, is threatened.

### 5.1.3 Ministry of Forests

The Ministry of Forests (MOF) respondents see themselves as the community representatives of government in the conflict over land and resources in the southern interior, with political, economic, and identity-based interests. On the political level, MOF managers carry out the government mandate described in Provincial law, and implement government policy direction at the local level. General government objectives are fulfilled on behalf of the forest industry and the citizens of British Columbia. The MOF works with the forest industry to meet contractual obligations to provide fibre while maximizing revenue for the Crown. At the same time, the MOF attempts to meet the needs of all other stakeholders consistently.

Finding balance involves increasing the involvement of First Nations in the economy. Achieving that balance, with a healthy forest industry and healthy resource-based communities, while protecting and managing resources within a sustainable environment, is a difficult and complex assignment. The altruistic attitude of Ministry of Forests representatives is complicated by their direct participation in the forest economy through the Small Business Forest Enterprise Program, which is on average a 15% participant in timber allotments.

Representatives of the forest industry see the MOF as local government representatives of central authority, with policies toward aboriginal involvement guided somewhat by political perception and opinion.

From the aboriginal point of view, government interest in the land is seen as more of a landlord identity, rather than in a stewardship role, as MOF representatives see themselves.

#### **5.1.4 Common interests**

Converging interests fall mainly into the political and economic grouping areas. All three parties are looking for sectoral control of land and resources, although the forest industry describes this only as a need for certainty of land disposition, not total ownership.

Recognition that proper use of the land will bring financial benefits is common. The ability to profit from endeavours, and to have money flow into a group interest area to support jobs, community, and infrastructure is an acknowledged common objective. “Profit is not a bad word. We have been traders for generations” (David Walkem, June 2000, p.c.). Most respondents mentioned improving health care, education, and the lives of children.

Being good stewards of the land is also a common theme, as is a common wish to manage for sustainability, although the definitions of how this should be achieved vary.

#### **5.1.5 Divergent interests**

Dividing the responses into similar groupings of political, economic and identity issues revealed divergent issues in all areas.

Political differences included the perception of resolution of the land question. According to aboriginal respondents, the government says that it has an interest in settling this question, but in

fact is doing little. The ‘colonial’ approach is perceived to continue, even in the face of Court precedents, with the government refusing to recognize aboriginal title. While aboriginal respondents say the current land management system shows no respect for either rights or title, MOF participants claim that consultation procedures followed under provincial law satisfy all requirements. Aboriginal respondents see the courts as a way out of this dilemma.

There is a divergence of opinion about where revenues from land-based resources should flow, and how. Respondents feel that some of the provincially based resistance to change is related to the need to preserve the status quo, where dollars from resources use flow to support larger government requirements relevant to provincial infrastructure and social needs. At the same time, there is recognition of ‘haves’ and ‘have-nots’ in our economy, and the need to equalize this imbalance. Respondents pointed out that achieving economic goals in industry and government should not be at the cost of marginalizing First Nations.

Identity issues regarding how people do business, and how they feel about the land may be the most divergent, both practically and philosophically. Different cultures lead to different views of how the land should be managed, shared, and what constitutes sustainability. Ideas about rates and limits of development vary with different goals, and different measures of value. Understanding differences between measuring in cash and measuring in spiritual fulfilment, are fundamental to understanding the divergence. “Tell me more, help me to understand the ‘church without doors’ concept. It is a genuine need of mine to help build the bridge” (Ron Racine, June 2000, p.c.).

There is also a notable difference in the definition of time, with First Nations talking in terms of seven generations into the future, while the forest industry must make a profit today. This basic

difference influences most tasks and relationships, and creates misunderstandings when none were intended.

## **5.2 Evolution of the conflict**

Interviews in the southern interior showed that there was a reasonably good understanding of the origins of the conflict being manifested today in a conflict over land and resources. The evolution of the conflict over time was less well understood, but there was general agreement on major points. The last ten years of evolution are particularly well recognized in their importance to today's reality. The current conflict is seen differently, depending upon the respective respondent's membership, but differences make for a broader understanding of the issues, through being explored from various viewpoints.

Observations of those interviewed confirmed knowledge that conflicting title exists in British Columbia, because of our colonial history and lack of early resolution of the land question. There was also recognition of the concept of 'Terra Nullus' (no one owns the land) and the ongoing refusal to recognize aboriginal ownership and the resulting development of a two-tiered economic, educational, and health system.

Respondents identified many points of importance in the evolution of the conflict, including the establishment of small, unsustainable reserves and the advent of government financial assistance, along with highly controlled levels of movement, economic, educational and health care choices. Conflicts have consistently centred on land and resources for both First Nations and government,

the direct result of making the pressing of land claims illegal in British Columbia from 1927 until 1951. Other limitations on participation, such as the inability to vote, were identified.

Despite the limitations, respondents observed that there was a higher level of involvement of First Nations in the forest industry forty to fifty years ago than there is today. Over time, as labour became portable, contracts larger, and equipment more expensive, local aboriginal involvement dropped off. This was felt to be a combination of an inability to access capital from chartered financial institutions to purchase equipment and an increasing intolerance of identity-based alternatives to western-based employment standards. For example, the need for native workers to absent themselves in order to fish or attend to family and community events was no longer permissible with high levels of automation.

Respondents from all groups recognized the legislative changes that occurred as a result of the Calder decision of 1973<sup>2</sup>. Shortly thereafter, the first federal Comprehensive Claims Process was set up, and in 1982 the Canadian Constitution was amended to recognize aboriginal rights and title. The Oka crisis of 1990 is recognized as a turning point in the politics, and a rallying point for all First Nations. Aboriginal respondents say that in 1990, the First Nations knew their rights, but prior to Oka no one else was listening.

It is perceived that from 1990 until 1997, there was a lack of government will to deal with substantive issues for fear of setting precedents outside the treaty tables. A government initiative

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<sup>2</sup> In Calder, the Supreme Court of Canada ruled that aboriginal title existed at the time of original contact with Europeans. After 1973, Canada agreed to negotiate treaties to define rights to land and resources.

known as “interim measures,” intended to protect long-term aboriginal interests while claims proceed, was not followed through, leaving First Nations in the southern interior increasingly frustrated. The majority refusal to join the BC Treaty Commission (BCTC) process continues to be defended by aboriginal respondents. Paradoxically, this refusal is government’s defence for not addressing the title issue in the southern interior.

The Delgamuukw decision of December 1997<sup>3</sup> is said to confirm what the elders have always maintained. Aboriginal respondents confirmed that this ruling constitutes a major change point, and has resulted in receipt of more positive responses to requests for aboriginal participation in the forest economy, although the response is still grudging. This slow response is perceived to relate to a lack of leadership and direction from politicians, and a reluctance to implement Delgamuukw findings without a negotiated process. A further articulation of needed change was included in the Royal Commission on Aboriginal Peoples, but has not been acted upon in a meaningful way, according to aboriginal participants, because of the anticipated negative impact on the status quo distribution of resources.

The BCTC is acknowledged to be ‘the only game in town’, but with a general lack of acceptance in the southern interior, it is observed there is a lack of forum for discussion. This has led to localized incidents that crystallize community opposition to resource exploitation, and disagreements over rights that lead to civil disobedience. Forest industry representatives feel exposed and used by the

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<sup>3</sup> The Delgamuukw decision confirmed an aboriginal right to the land itself. When dealing with Crown land, the government must consult with and may have to compensate First Nations whose titles are affected.

government in this scenario. First Nations feel that the government is using the opposition to the treaty process as a window of opportunity to continue to maximize resources benefits to the Crown.

First Nations respondents stated they are looking for open recognition of aboriginal title to the land, and recognition of the existence of that title prior to the arrival of Europeans. Government has stated it will negotiate to reconcile Crown and Aboriginal title, but only through the BCTC process. No money is available for solutions outside the treaty process, hence the lack of a forum for resolution, and the building conflict.

Respondents from all three groups recognized that if government were to allocate new access rights to resources, tension would decrease. For example, in the Merritt area, a potential increase in total timber volume available, combined with favoured status for First Nations in the new allocation, was identified as being helpful in relieving tensions in that community. Government and industry respondents observed that widespread granting of new timber harvesting rights for First Nations will affect previously designated third-party harvesting rights. Aboriginal participants see this reluctance as an arbitrary and inflexible policy designed to continue to deny benefits to First Nations.

A reluctance to pay compensation to third parties is perceived by industry respondents as putting forest companies in the difficult position of being partly 'to blame' if negotiations fail, though these companies have no ability to award rights to First Nations. The small amounts of new allocation being discussed outside Merritt are dismissed as 'tokenism' by aboriginal leaders, and serve mainly to strengthen their resolve to achieve long term goals. Individual respondents from all three groups observed that the government lacks a vision for resolution of this issue in the southern interior, and

therefore is reactive, not proactive. One aboriginal respondent observed ironically that this teaches First Nations they must create a problem to get a solution.

Participants also pointed to aboriginal demographics as being a contributing factor in the dispute. Well-educated aboriginal children have grown up knowing their rights, and knowing that the government is abdicating its responsibilities in dealing with resolution of the issues in a timely manner. The aboriginal population is growing exponentially, with a large percentage of the population between 16 to 25 years old in need of employment, housing and services. “We have not even seen the beginning of the pressure” (Stewart Phillip, June 2000, p.c.). As another respondent noted, accolades for Canada, as number one on the United Nations’ Human Development Index, is further fuelling the discussion. Using the same index, First Nations within Canada receive position number 42.

### 5.3 Effects on Relationships

The government and forest industry respondents were, in general, very positive in terms of how the current conflict is affecting personal relationships. Especially on the personal level, relationships between Chiefs, industry, and government leaders are seen to be improving based on better understanding of the issues. For the forest industry, communication improvements are most notable at the Band level.

Government participants believe that the staff ability to solve problems is improving, with the use of well-trained, interest-based facilitators and interest-based models that allow meetings to focus on

what can be resolved locally. There are also an increasing number of cross-cultural awareness workshops, which improve insights and mutual respect for the parties involved.

At the community level, the conflict sometimes pits groups against one another in destructive ways. The conflict sometimes puts government at loggerheads with companies as an attempt is made to force a solution, and First Nations are sometimes not as cooperative as others might hope. First Nation respondents stated that with a 60 to 70% unemployment rate on reserves, and no stake in the continued economic activity, some hard bargaining understandably occurs.

It is generally acknowledged that as the bigger issues of treaty and title are being worked out, parties want to remain in good relationships. Going to Court over local jurisdictional issues is acknowledged by respondents to harm local relationships, especially when regional papers and radio are used as a forum to defend positions. In some cases, personal attacks have occurred, and disagreements have led to physical fights in schools and in public areas.

#### **5.4 Current Initiatives**

Respondents in all three groups expressed the concern that government has no impetus to resolve the conflict, because of a lack of visionary leadership, a fear of impact on current revenue, and apprehension around setting precedent for other negotiations. All three groups of respondents also recognize the link with the BCTC process, and the consistent position of the government has taken that no serious negotiations will take place apart from treaty negotiations.

In this environment, local resource managers state there is no way to deal with the real issues. Solutions that require funding to implement are not supported in many cases, and are therefore shelved. This philosophy of not funding the capacity to problem solve is perceived by respondents from all three groups as an organized, deliberate constraint to solution building outside the treaty process.

Government interview participants observe that the worries over precedent involve many government agencies, including the Attorney General's office, Aboriginal Affairs, the Aboriginal Affairs Branch of the Ministry of Forests, and the Executive Branch of Government. Industry, too, is cautious of precedent, concerned that a solution in the southern interior may impact their operations elsewhere in the Province. Both industry and government are fearful of giving up the rights and title that the First Nations seek.

It is acknowledged that decisions require strong leadership. However, government is perceived by First Nations and industry to be operating on a public opinion poll style of leadership. In the meantime, First Nations leaders often leave the southern interior to attend meetings in Ottawa with senior leaders in the federal government and aboriginal organizations. Even this "bumping up against the ceiling" (Art Manual, June 2000, p.c.) does not produce tangible dividends, and it is felt that no solution can be found in Canada. Therefore outside pressure is being brought to bear from the United Nations, and through international lumber boycott initiatives. The current objective of the First Nations is to embarrass Canada in an international arena (Art Manual, June 2000, p.c.).

In the southern interior, the provincial government continues to promote the BC Treaty Commission process. Respondents noted recent changes to the process, intended to address the

worst fears of the First Nations, are related to the need to release aboriginal title as a condition of treaty negotiation.

Since all but two Bands in the Southern Interior are non-treaty, however, the real work is being done around what are known as Interim Measures (IM). Although some feel that these are simply a ploy to get people back to the treaty table, others are taking advantage of the government's willingness to work within existing legislation and allocations in order to offer incremental gains to First Nations, while still staying within the mandate. These gains range from small community licences, to Woodlot Licences, to meaningful involvement through creation of new replaceable tenures accumulated from small slices of existing allocations.

In the Okanagan area, government and industry have completed negotiations to reduce harvest volumes under their licences by five percent, and to redirect these cutting rights to the Westbank Indian Band, as an incentive for Westbank to rejoin the treaty process. In the Merritt area, negotiations are nearing completion on a new timber allocation for the Nicola Tribal Association and others Bands.

Although cooperating, forest industry participants are concerned with this direction, as the incremental changes are being made without a defined construct. The concern is that new positions may develop, and industry will continue to pay the cost, while demands increase unabated. Industry also cooperates with direct awards of logging contracts to First Nation communities and other efforts to continue to build goodwill while attempting to maintain its independence from the larger negotiations.

MOF managers lead most interim measure negotiations, but are flexible if another party steps forward. In some cases third-party interveners, hired as process people, keep in touch with everyone, and solve problems through a collective process similar to shuttle diplomacy. This process appears random, but is encouraged nevertheless, and was noted as positive by forest industry respondents as well.

Other initiatives include the establishment of communication groups at the technical and management level. These groups are not political, include third parties, and have as their goal involvement in both the process and the solution, along with the maintenance of personal and professional relationships.

Forest industry respondents assert they have trained employees and contractors in how to deal with confrontation and conflict, and regularly communicate with staff to attempt to diffuse tense situations. Government respect is shown through standing by while First Nations have their day in the media, and observing a principle of no interference without notification.

In some cases, resource workers are placed through joint hiring by industry and First Nations (Lillooet), or by MOF and First Nations (Merritt), to assist in building understanding of the forest industry plans in the community. This assistance with the planning of industry operations is recognized as a cost of doing business in an uncertain environment. Respondents identified this relationship-building mode as a most important step that must occur before moving on to substantive issues.

Some issue-avoidance also occurs when government and forest companies work together to build an inventory of approved operating areas, important if withdrawal is needed to defuse a situation. In this way, companies hope to avoid the political arena, while still operating within their licences. While negotiating Interim Measures and participating in communication forums, all parties maintain a backup position of enforcement or direct action to retreat to when and if they become unhappy with progress or the lack of it.

In an environment of negotiations without limitations or boundaries, industry and government respondents felt that holding to legislated authority is appropriate. Injunctions have been issued against illegal activities, and the MOF has established a military-style incident command system for communication and management of inflammatory incidents. This is not intended to resolve but to manage conflict for corporate and media purposes.

The First Nations, too, have shown some propensity for confrontation where they do not feel heard, with the longest barricade lasting 87 days in 1994 on Green Mountain Road near Penticton<sup>4</sup>. There have been numerous similar incidents of roadblocks and confrontation, with a reported result of subsequent improved communication and understanding.

Creative solutions are encouraged and recognized where conditions are right. In Merritt, the forest companies, First Nations and government have created the Nicola Similkameen Innovative Forest Practices Society. This independent legal entity contracts with Forest Renewal BC, a Crown Corporation, to work in a co-operative manner to attempt to increase timber yields of Crown lands

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<sup>4</sup> This armed confrontation concerned the expansion of the ski resort at Apex Mountain, near Penticton.

in the Merritt area. This society is recognized as the strongest form of co-management allowable under current legislation. Aboriginal values are reflected in the vision statement of the society, as is integration of traditional knowledge through input to wildlife and fisheries planning, and the forest-harvesting planning spectrum. True consultation regarding plans is occurring at the community level, and job-shadowing programs are in place.

Government and forest industry participants recognize that working with First Nations in a meaningful way is about more than jobs. Aboriginal communities need access to resources and economic opportunities, in order to generate their own sources of revenue. In some places this is happening, and in others frustration builds as conservative approaches to the conflict prevail.

#### **5.4.1 Picture of a Positive Outcome**

A collective vision for the future was outlined by respondents through their answer to the question, “What is the best case scenario for a positive outcome to the conflict?” Responses from all three groups were remarkably similar, with clearly distinguishable identity components at the provincial and community levels, and with a third area focussing on a potential new economic order.

On the Provincial level, it is generally envisioned by respondents that ownership of some portion of what is presently Crown lands will change, and that First Nations will have designated lands that they are in control of, as well as other areas where they have influence, and which they manage in partnership with government and industry. First Nations will receive respect in the making of new laws and regulations affecting the lands, with the resulting management system having clearly

defined variables and revenue-sharing arrangements. “Certainty” will have a common definition, and with the land claim issue resolved, the groups will know with whom they are working.

At the community level, co-existence and co-management is envisioned, and peaceful ways will be found to maintain cooperative, collaborative relationships, recognizing interests and rights on all sides. Participants anticipate that aboriginal people will be a valuable and well-trained component of the workforce, with developed capacity to participate in land and business management. It is agreed that industry will have secure fibre access, desired as coming either through more secure tenure arrangements (industry statements), or through fibre supply agreements (First Nation respondents).

There was no common vision regarding the proportional control of timber by the various parties. Industry sees little change in the status quo, with incremental changes directly tied to addition of new timber supplies, while First Nations sees resolution in a higher, and more immediate participation rate. This participation rate varied even among aboriginal respondents, from 100% to 50% to a proportion equal to the aboriginal presence in the local community. It was agreed that co-ownership of business, with a joint stake in outcomes, could serve as an impetus for agreement in the future, and allow easier agreements to address market issues such as product certification.

#### **5.4.2 Worst Case Scenario**

The BC southern interior has seen numerous armed standoffs and skirmishes in the last ten years (for example, Gustafsen Lake, Upper Nicola, Apex Mountain), and interview participants understand very well what a worst-case alternative looks like. Guerrilla warfare, with sabotage, illegal activity, conflicts and turmoil is acknowledged by all parties to be just around the corner.

Respondents recognize that when two governments draw a line between each other, whether over identity issues or tangible resource-based interests, trouble is likely to result.

Complicating matters in the southern interior is the stated, and shared independent nature of rural people, not fond of rules, and with a willingness to fight for perceived rights. Respondents indicated from personal knowledge that some individuals carry firearms in their vehicles when uncertainty resulting from assertion of positions is a current community issue. Aboriginal respondents warned that the memories of results from such altercations will last for generations, and that injustices would be avenged in the future.

Equal concerns were expressed about the possibility of remaining caught in the current environment of uncertainty. Interviews with First Nations respondents identified that the lack of a visible conflict-resolution system, a rising sense of hopelessness in First Nations youth, a perception of declining numbers of game animals and a continued erosion of other traditional resources are working together to increase tensions. From the industry point of view, a poor environment for investment, and increasing operating costs for business are additional factors that were indicated as potentially increasing the risk of a breakdown of accepted norms of community behaviour. Where aboriginal and industry frustrations are increasing, First Nation trust is declining, and local government is scrambling for solutions in an apparently unsupportive environment. Industry is also pondering aloud why it should continue to participate in problem solving with no definite ends in sight.

So far, the continued full recognition of the potential worst case has moved people to keep trying to solve the existing problems. There is also a collective resistance to the initiation of protracted legal

proceedings, where unclear outcomes are the anticipated result. Short-term legal tools such as injunctions are, however, seen to have continued applicability.

### **5.4.3 Maintaining Current Interests in an Uncertain Environment**

In the short term, maintaining economic interests is of paramount concern to the forest industry and government respondents. These groups identified a variety of planning, local involvement, and training initiatives, including:

- Direct discussion with industry, as third party interest-holders, and recognition of their role in continued peace and eventual agreements.
- Increasing the flexibility for forest operators through provision of two years of operating areas (known as standing-timber inventory) approved at all times. This allows movement of logging capacity if an identity issue emerges over activity in a particular area.
- Participating in innovative discussions around resource sharing through a variety of inclusive, community-driven models.
- Developing working agreements with individual Bands where, although no recognition of aboriginal title is given, an open, respectful communication environment allows communities to build business delivery capacity, and to look for shared funding from the Federal government for local projects.
- Being open with people whose livelihood depends on the continued success of the company, and ensuring that employees and contractors understand the history of the conflict.
- Training and educating staff on how to react to confrontational situations and how to ensure that no malicious or adversarial positions are taken.

- Decreasing confrontation with First Nations, and reducing government resistance to forest harvesting, by long-term co-ownership of facilities with First Nations.

To improve economic interests in the short term, First Nations respondents identified programs to improve educational opportunities, skills inventories, and business delivery capacity through initiatives offered, such as woodlot licences.

With a predominant lack of defined process in the Southern Interior, aboriginal respondents identified that larger issues relating to rights and title are being worked on away from local communities. Representatives of the Interior Alliance, supported by the Union of BC Indian Chiefs, have launched a new action plan to put pressure on the government to change its ways of doing business, further to the Supreme Court of Canada Delgamuukw decision of 1997. Through the Delgamuukw Implementation Strategic Committee, participants talked of a six-point action plan to be implemented combining information and education with direct action civil disobedience and lobbying at international levels. Implementation of the action plan is intended to embarrass Canada through allegations of human rights abuses, and to attract the attention of the forest industry through a market campaign identifying unresolved issues in British Columbia. As Garry John, President of the St'at'imc Nation says, "The present government approach to resource management is a systemic form of organized theft of aboriginal property and we want to talk about it." (Garry John, June 2000, p.c.)

## 5.5 Approaches to Resolution

People from all response groups in the southern interior agree that the BC Treaty Commission

process is not working, and that where the process is active it is being used mainly as a negotiating tool to leverage immediate benefits for interior Bands. The process is seen by many respondents to be coercive, in that large-scale benefits are accessible only to those Bands in the process. One aboriginal respondent identified treaty efforts as a preconceived, inflexible process originating with predominantly coastal influence.

The lack of an alternative vision results in a piecemeal approach with continued uncertainty, and does not solve problems. Responses from forest industry and aboriginal respondents showed that decisions reached locally are tentative, with weak, unempowered negotiators from outside the community having to return to higher authorities for acceptance of arrangements.

Respondents agree that it is time for the government to join with the First Nations in providing innovative leadership and in talking about the resolution process, including title, and allowing consideration of additional factors, other than forests, in solutions. It is felt that negotiation, not litigation, following an all-party involvement in a planning process, will best lead to solutions. To present and achieve public support for a plan, an outline of a clear vision with expectations and boundaries for the southern interior, is seen as essential. It is generally accepted that discussions will lead to a form of land reallocation, where First Nations will benefit from additional land rights, and improved access to resources.

Aboriginal participants discussed the need for a panel of experts to look at the Delgamuukw decision, and to map out the basic fundamental changes required to update the 1986 Comprehensive Claims Policy, before this negotiations can happen in BC. This initiative is being promoted through the Interior Alliance. Use of the array of judicial findings since 1973 to back up

needed changes to laws, and then implement them through the provinces, would constitute real leadership in the eyes of First Nations.

Respondents stated that currently, when First Nations meet with Provincial and Federal negotiators, their terms of reference do not match, and negotiations stall. When negotiators all possess the same high-level guiding principles, energy will not be wasted and understandings will have some commonality. Until then, aboriginal respondents expressed their intent to stall new local economic initiatives where they are not a partner, or where adequate consultation does not occur, and to ensure that investors know of the uncertainty in the province of British Columbia.

All respondents pointed to the need for flexibility in communities while the larger process is happening, allowing local solutions in the absence of a predetermined approach. As respondents do not expect the bigger picture issues to be resolved for between ten and fifty years, resources are needed immediately to address the need to involve First Nations in the planning process, build business expertise, and to encourage training for evolving job opportunities. First Nations do not consider processes such as the Land and Resources Management Plans as an answer, for as owners with no say over the process or even a veto at the table, participation is irrelevant. Aboriginal participants identify the need to work toward “real” solutions and larger scale initiatives, and movement away from the “beads and trinket” mentality of small-scale tenures and minimalist solutions. At this time, First Nations and the forest industry both feel they need to threaten to withdraw from the process to get action from the government.

Aboriginal respondents stressed the need for continued relationship building during the evolution of long-term settlements. Eventual government-to-government treaty making will be easier to

implement when trust and working relationships are in place at the local and regional levels. Local process is also hoped for as a vehicle for incremental change, within mutually agreed boundaries.

### 5.5.1 Resolution - elements and timing

Respondents identified two essential elements necessary to choosing a time to settle – the right time legislatively, and the right time in terms of having resources available for new allocations.

A great deal of relationship building has happened at the local level, through information sharing, joint ventures, the hiring of aboriginal workers, and the sponsoring of students for forestry training. Parties appear poised to do more in the economics and employment areas. Most of the interim solution building is due to successful local and regional negotiation based on necessity, and is not a result of any broad-brush initiative by government. Respondents from government and the forest industry noted the need for milestones and markers in this process, in order to ensure that gains made now will later be recognized in the resolution process.

Despite some legal guidance from Delgamuukw, both the forest industry and the First Nations are expressing their best alternative to a negotiated solution as residing within the court system. All three parties support negotiation as a primary tool, and recognize that time is of the essence in getting started, and in minimizing conflicts in local communities. Timing is related to frustration among First Nations, where the recurring question of why the executive of government has not implemented the findings of the judiciary is manifesting itself in business disruptions for the forest industry. All parties recognize that ease of negotiation completion will be facilitated when new resources are available for distribution, and present interests can be maintained as far as possible.

This will both allow the existing economic infrastructure to remain, and sustain revenue generation for the province.

All parties are in general accord about principles that will guide parties toward resolution of the conflict, with some notable exceptions. Fairness and equity are common themes in the social, political and economic areas. The ability to determine their own citizenship is desired by the First Nations, as is the removal of barriers to entry into the economy based on race. “Canadians need to recognize there is a form of racism being practiced in regard to aboriginal title and ownership.” (Art Manual, June 2000, p.c.)

Recognition exists among respondents that some new form of title will exist, where aboriginal title means a proprietary ownership interest in lands that will coexist with the present Crown title. Revenue sharing and co-management are also commonly shared anticipated outcomes.

The best environment for negotiation is seen to be local tables, and completion is defined as all interests being satisfied. A gradual process, with continued relationship building within a mutually agreed context, and success implemented as capacity to take on new tasks increases, will allow industry and First Nations to lead the government in finding equitable solutions. Courts are seen to be the agency to provide the context, and as an integral fall back position for negotiating parties.

Differences in opinion are evident with respect to the long-term, underlying ownership of lands. Recognition that fee-simple land ownership actually has fewer rights accompanying it than does the present system of Indian Reserves has opened discussion about the need to consider creating a new

category of land ownership in the province. The forest industry is not overly concerned with title details, as long as there can be security of access to fibre, and it only pays for this access once.

There was also differing opinion on the need for certainty in negotiations, and what that means. For industry, access to a specified volume of fibre at a known time and cost is paramount, as is knowing with whom they must deal with to achieve this. For government managers, a similar definition exists, and there is a need to know where their responsibility lies. These managers also recognize that if some flexibility does not exist, an arrangement finalized now may become unsatisfactory over time, and the dissatisfaction with the rigidity of arrangements will manifest itself in the future. As community values change over time, needs may also change and a rigid agreement may last only a short time. Certainty and flexibility are seen to be difficult partners, with good communication through a community discussion forum seen as a potential solution. A means of compensation, when ongoing negotiations affect previously allocated third-party rights, is an additional negotiating factor identified by forest industry respondents.

## Chapter Six – Analysis and Conclusions

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### 6.0 Analysis

The purpose of this chapter is to answer the research question: "Is the conflict over land and resources in the southern interior of British Columbia an identity based, protracted social conflict that is moving toward intractability?"

Currently there is conflict between the forest industry, First Nations, and government in the southern interior of British Columbia. The dispute meets the common properties of conflict, as defined by Rubin and Levinger (1995), and summarized in the definition "conflict means perceived divergence of interest, or a belief that parties' current aspirations cannot be achieved simultaneously" (Rubin et al. 1994: 5). The divergence of interests began more than 300 years ago, with the migration of the rigid hierarchical religious, military and business systems into Canada. Interview respondents show that the divergence continues today, with unresolved dispute over land ownership and related revenue flows, and in disagreements over how the land should be managed over time, and how sustainability is defined.

The conflict has become more evident to the dominant culture in the last 30 years, as supportive Supreme Court decisions and constitutional changes in Canada have confirmed BC First Nations declarations of the last one hundred years. As the aboriginal expression of interests and positions has become more explicit, research has shown group boundaries are firmly identifiable, and cross-cultural workshops have become necessary to build understanding. Evidence of individual group cultures has made it possible to classify this conflict as identity based, where an "abiding sense of self

and relationship of self to the world” (Northrup 1989: 55) effects the approach an individual or a group adopts when approaching conflict.

Interview results demonstrate the BC example of identity-based conflict is consistent with international examples. Identity issues such as control of destiny, the desire to participate in decision-making, and to achieve the desired result for one’s own group (Rothman 1997), are demonstrated for all three parties. The struggle for the MOF and the forest industry is in maintaining or enhancing present benefits and mandate, while accommodating needed change to allow ongoing and future harmony. This struggle captures a common problem in identity conflicts, where the visible manifestation of the conflict is a dispute over tangible resources, while the real issue is in how new provisions can be made to allow for satisfaction of less visible identity issues.

Where no forum is available to serve identity needs, conflicts become resistant to resolution (Azar 1990: 2). “Mutually incompatible goals among parties, amidst a lack of resolution mechanism, cause communal cleavages to become petrified, and the prospects for cooperative interaction progressively more poor” (*ibid* 1990: 16). Respondents from all three groups in this study expressed frustration at the lack of progress toward an effective, long term solution in the southern interior, and, at the same time, the distinct lack of support for locally driven initiatives. Forest industry participants feel used in this scenario, government managers feel unsupported, and aboriginal leaders are looking to international forums for recognition of human rights abuses in Canada, as a way to gain support for their position.

The discord in the southern interior of British Columbia qualifies as a protracted social conflict internationally by derived definitions (Deutsch 1973; Slim and Saunders 1996; Rubin and Levinger

1995). Research has shown that deeply ingrained stereotypes have emerged, that there are misperceived intentions evident, and that a high degree of cognitive rigidity exists. The conflict has been in existence for more than 100 years and has no apparent means of resolution that is acceptable to all parties.

Respondents confirm that the conflict also satisfies recognized criteria for intractable conflicts (Rouhana and Bar-Tal 1998), including:

- Preoccupation – the conflict is central to the daily business of those affected
- Violence and civil disobedience occur, and result in growing animosity
- Satisfaction of individual groups goals is perceived as essential to survival
- No integrative solutions are being developed
- There is a public focus on justness and rightness of positions

Despite evidence of the conflict moving to the intractable, evidence from respondents shows that not all escalation sequences are being satisfied, allowing some hope that the conflict can be contained in the short term, while longer-term solutions are applied. Communication forums are in place, there are attempts to equalize resource distribution within the present legislative framework, conflict resolution and cross-cultural training is occurring, and there is a general desire on the part of all three parties to maintain good relationships. Participants from the Ministry of Forests and the forest industry stated that the conflict had actually improved relationships and understanding among parties.

The explicit answer to the research question, then, is that the conflict is an identity based, protracted social conflict that has the potential of becoming intractable. Timely and strategic use of conflict-

resolution procedures developed for ethno-political conflicts in other jurisdictions may provide a solution in the short term, while longer-term identity and land ownership issues are addressed by the Courts.

## 6.1 Recommendations

To continue to stimulate relationship building at the local level, advice from the international conflict resolution field should be heeded, and issues regarding tangible resources separated from identity-based issues. It is not useful to recommend that full resolution of all issues be determined locally, when aboriginal and forest industry respondents revealed that their best alternative to a negotiated agreement resides with the courts. Negotiations without boundaries are not supported by any of the respondents, and are not trusted to lead to settlement of issues.

A community-based dialogue will allow interest-based issues to be negotiated within current legislation. An accompanying, coordinated, dedicated, and planned approach to increasing First Nation's participation in the forest economy in the areas of infrastructure, education and business development should be endorsed immediately. This will encourage progress in local aboriginal communities while the courts decide land ownership issues.

Elements of these recommendations exist today, to varying degrees, throughout the southern interior. What is lacking is an inclusive, planned approach, with mutually agreed process, boundaries, and implementable measures of success

The introduction of an international technique known as track two diplomacy may be appropriate, to create a climate of conciliation at the local level (Rasmussen, 1997). This set of talks is aimed at gaining a better understanding of issues and need, to facilitate the successful conduct of official relations, and could allow promotion of the concept of third party consultation through informed discussion.

Third-party consultation is a core model of Interactive Conflict Resolution (ICR), most recently articulated by Ronald Fisher (1997). In this process, a skilled and impartial third party leads a problem solving session through group discussions in a neutral setting. Facilitated, diagnostic style discussions with managed interactions, serve to improve attitudes, relationships, and communications among parties, allowing a more realistic approach to relationships. Participants are thus empowered to create shared, innovative alternatives to their current impasses, and to bring forward solutions that can be endorsed and implemented by their respective organizations.

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