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FACULTY OF GRADUATE STUDIES

1991-01-23

DEAN

DATE ABORIGINAL PEOPLE, ABORIGINAL RIGHTS, AND PROTECTED
AREAS: An Investigation of the Relationship Between the Nuu-chah-nulth
People and Pacific Rim National Park Reserve

by

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A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF ARTS

in the Department of Geography

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ABSTRACT

Protected areas such as national parks and nature reserves have commonly been created on lands traditionally used by aboriginal peoples. Often, these protected areas have been established without input from the aboriginal peoples living in the regions affected. The policy of establishing protected areas without regard for the needs of aboriginal people has sometimes adversely affected both the aboriginal societies and protected area conservation initiatives.

This thesis examines the relationship between seven different Indian bands and Pacific Rim National Park Reserve. The West Coast Trail unit of the Park Reserve traverses reserve lands of the Nuu-Chah-Nulth Indians. Likewise, these people have enclave reserves contained in the Long Beach and Broken Group Islands units of the park. In total, there are twenty-eight Indian reserves belonging to seven different Indian bands, either adjacent to the park or enclosed within its boundaries. The park is part of a larger area traditionally used by the Nuu-chah-nulth people, and it is fully encompassed by their comprehensive land claim.

A variety of research methods were utilized for the thesis, including interviews with band councillors and park managers, participant observation, and "respondent consultation". The philosophy of *pragmatism*, within a broadly humanistic framework, forms the philosophical underpinning for the thesis.

Because there are so many different bands with lands in the park, it is difficult to characterize relations between the Nuu-chah-nulth and Pacific

Rim National Park Reserve. It is best described as falling on a spectrum of views, ranging from "good relations" to "poor relations". Park managers believe the relationship falls nearer the positive end of the spectrum, while most band councillors believe the relationship lies on the other, negative portion of the spectrum.

There are a number of issues which can be addressed by park managers and Nuu-chah-nulth people to improve relations. A cooperative management regime, such as that planned for South Moresby National Park Reserve is posited as an appropriate means to improve relations. The relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve will not be completely satisfactory, however, until the federal and provincial governments acknowledge the Nuu-chah-nulth people's aboriginal title to the west coast of Vancouver Island.

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ACKNOWLEDGEMENTS

I would like to thank those people who helped supervise this thesis: Dr. Philip Dearden, Dr. J. Douglas Porteous, Dr. Donald H. Mitchell, and Dr. Colin J.B. Wood. In particular, I wish to acknowledge my gratitude to Dr. Philip Dearden, who despite his very busy schedule, always found time to provide me with just the right amount of guidance, direction, and motivation to find the answers to my questions. I am especially indebted to Dr. Dearden for providing me with partial funding for this research through a grant from the Social Sciences and Humanities Research Council of Canada. I also owe a great deal to Dr. J. Douglas Porteous, who introduced me to the numerous methodological and philosophical issues facing geographers, and who could always be counted on to provide me with an alternative perspective on problems. I am very grateful to Dr. Donald H. Mitchell: no matter how involved he was in his own research, he always took time to explain the answers to numerous questions I had regarding northwest coast Indian people. Thanks are due to Dr. Wood for agreeing to examine this thesis in place of Dr. Porteous, who was on leave from the department of Geography.

I also wish to express my appreciation to the University of Victoria for providing me with a University of Victoria Fellowship, which helped fund a portion of this research. In addition, I am grateful to my fellow graduate students for their moral support, particularly Bruce McDougall, Nina Redding, and Nicholas Vance who all provided me with a better understanding of the true role of geographers in society. Dr. David Duffus also played a great role in helping me understand some of the difficult

methodological questions which graduate students must answer--to him I owe a special note of thanks and a "wee bit 'o The Macallan."

There are many other people to whom I am also indebted: Dr. Julia Gardner of Westwater Research directed me to numerous papers about national parks and indigenous peoples; Dr. Richard Inglis and Dr. James Haggarty from the Royal British Columbia Museum provided me with invaluable access to historical information pertaining to British Columbia's aboriginal peoples; and Ken Josephson and Ole Heggen of the department of Geography, Technical Services, took valuable time from their schedules to provide helpful comments on the maps within.

I also want to thank my partner Mary, who helped edit much of my work and who took on a greater proportion of responsibility for our daughter Morgan, so that I could focus on writing. Finally, I wish to acknowledge those Nuu-chah-nulth people and park managers who agreed to be interviewed for this research; without their cooperation this thesis would not be possible.

DEDICATION

*to the Nuu-chah-nulth people
and to my daughter, Morgan Clare Berg*

1. INTRODUCTION

"The History of Canada's Indians is a shameful chronicle of the white man's disinterest, his deliberate trampling of Indian rights and his repeated betrayal of our trust."

Harold Cardinal (1969)

1.1 BACKGROUND

Protected areas such as national parks and nature reserves have commonly been created on lands traditionally used by aboriginal peoples. Often, these protected areas have been established without input from the aboriginal peoples living in the regions affected. Moreover, in many instances, the aboriginal people have been forcibly removed from regions in which protected areas were established (Dasmann 1976, 1984; Harmon 1987).

The policy of establishing protected areas without regard for the needs of aboriginal people has sometimes adversely affected both the aboriginal societies and protected area conservation initiatives. Displacement of aboriginal people for example, often disrupts traditional social and economic systems and results in serious social problems such as increased malnutrition and loss of cultural identity (see e.g. Gomm 1974; Dasmann 1976; Mishra 1982, 1984; Machlis and Tichnell 1985; Nowicki 1985). In extreme cases, aboriginal cultures have been pushed to near-extinction (see e.g. Calhoun 1972; Turnbull 1972; Pallemmaerts 1986). At the very least, such negative impacts may reduce popular support, among aboriginal peoples, for protected areas. A survey by the African Wildlife Foundation for example, found that a majority of a sample of Tanzanian school children had negative attitudes towards parks, believing that parks presently take

up too much land (Abrahamson 1983). Consequently, the effectiveness of protected area conservation has been compromised because of poaching, clandestine exploitation of resources, or other forms of non-compliance with protected area regulations (see e.g. Myers 1972; Meganck and Goebel 1979; Afolayan 1980; Crush 1980; Halffter 1981; Lusigi 1981; Mishra 1982, 1984; Marks 1984; White 1986).

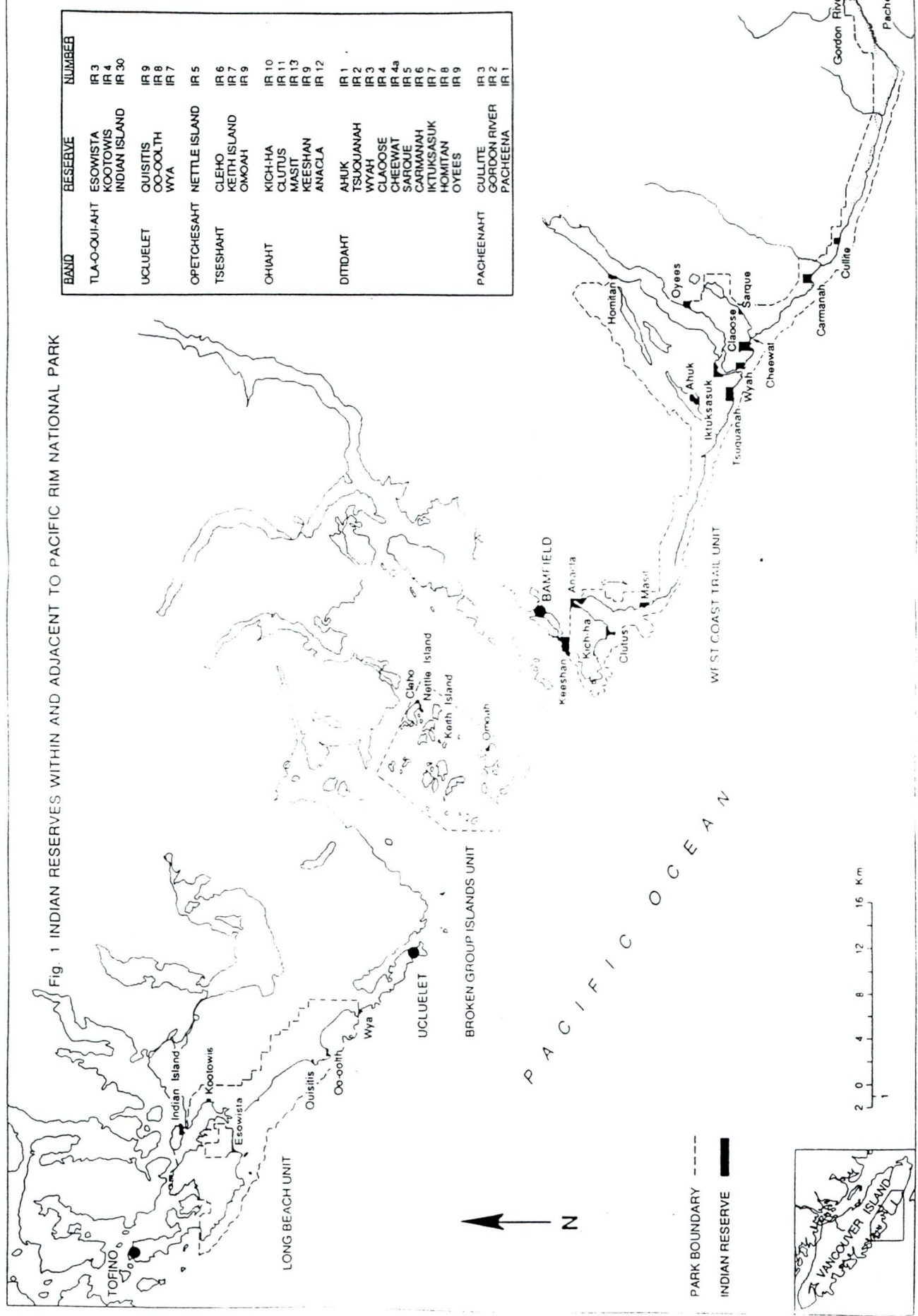
The relationship between aboriginal people and national parks is thus an important area of concern for protected area managers and social scientists world-wide (see e.g. Machlis and Tichnell 1984; McNeely and Miller 1984), and is of special interest to those who study and manage Canadian national parks. Indeed, aboriginal peoples in northern Canada have played a role in national park planning and development (Kovacs 1984). Northern national parks have been established in conjunction with aboriginal land-claim settlements, while park reserves await claims settlement before attaining full park status (Gardner and Nelson 1980; Kovacs 1984; Bayly 1985; Fenge 1986). The relationship between aboriginal peoples and national parks has been identified as an important management issue by the Canadian Assembly on National Parks and Protected Areas (Nelson *et al* 1985), and the Minister of Environment's Task Force on Park Establishment (Task Force on Park Establishment 1987). Recently, the relationship between aboriginal people and national parks has become an area of interest to social scientists concerned with social justice (see e.g. Eilers 1985; Pallemmaerts 1986) and resources management (see e.g. Gardner and Nelson 1981; Dasmann 1984); the

combination of these two scholarly areas is ideally suited to geographical enquiry.

1.2 THE ISSUE

Recent literature emphasizes the need to involve aboriginal people in protected area planning and management, and further, to allow exploitation of protected area resources for subsistence purposes (e.g. Gardner 1979; Afolayan 1980; Gardner and Nelson 1981; Lusigi 1981, 1984; Johannes 1982; Atmosoedarjo *et al* 1984; Blower 1984; Marks 1984; Newby 1984; Nietschmann 1984; World National Parks Congress 1984; Klee 1985; Kermani and Khan 1986; Indigenous Survival International 1986; Meeker 1986; Task Force 1987; Hough 1988; Levy 1988). However, these recommendations are based primarily on experiences from lesser-developed nations (see e.g. Myers 1972; Halffter 1981; Marks 1984; Brownrigg 1985; Levy 1988), or from hinterland regions of the more highly developed nations (see e.g. Gardner and Nelson 1981; Ovington 1984; Hill 1985; Yapp 1987). Thus, while they might reflect the reality of park management needs in northern Canada, they may have little application in the more developed regions in southern Canada. To date, no published empirical study has been found which examines the relationship between aboriginal people and protected areas in southern Canada.

In general, the existing literature also implicitly examines the relationship between protected areas and aboriginal peoples from a perspective which is sympathetic to the needs of protected area management, but usually fails to obtain a full understanding of the true needs of aboriginal peoples. Indeed, there is an implicit notion in the



BAND	RESERVE	NUMBER
TLA-OQUI-AHT	ESOWISTA	IR 3
	KOOTOWIS	IR 4
	INDIAN ISLAND	IR 30
UCLUELET	OUISITIS	IR 9
	O-OOLTH	IR 8
	WYA	IR 7
OPETCHESAHT	NETTLE ISLAND	IR 5
	CLEHO	IR 6
	KEITH ISLAND	IR 7
TSESHAHT	OMOAH	IR 9
	KICH-HA	IR 10
	CLUTUS	IR 11
OHUAHT	MASIT	IR 13
	KEESHAN	IR 9
	ANACLA	IR 12
DITDAHT	AHUK	IR 1
	TSUQUANAH	IR 2
	WYAH	IR 3
PACHEENAHT	CLAOSE	IR 4
	CHEEWAT	IR 4a
	SARQUE	IR 5
CULLITE	CARMANAH	IR 6
	IKTUKSASUK	IR 7
	HOMITAN	IR 8
GORDON RIVER	OYEES	IR 9
	GORDON RIVER	IR 3
	PACHEENA	IR 2
		IR 1

literature that protected area managers are always working for the "public interest", which includes the interests of aboriginal people, and when such people are opposed to park initiatives, it is only because they do not understand the benevolent nature of parks.

This thesis, which examines the interaction between seven different Indian bands¹ and Pacific Rim National Park Reserve², attempts to provide a basis for understanding the relationship between aboriginal people and a national park in southern Canada. Furthermore, it attempts to provide a greater understanding of an aboriginal people's perspective towards the national park idea as embodied in Pacific Rim National Park Reserve.

1.3 THE STUDY AREA

Pacific Rim National Park Reserve, located on the west coast of Vancouver Island, B.C. (Figure 1), provides an excellent case study of interaction between aboriginal people and a national park within southern Canada. The West Coast Trail Unit of the Park Reserve traverses reserve lands of the Nuu-chah-nulth Indians. Likewise, these people have enclave reserves contained in the Long Beach and Broken Group Islands Units of

-
1. "Indian band" is a legal term used by the Government of Canada to describe a group of Indians for whose use and benefit lands or moneys have been set apart by the federal government, or which has been declared to be an Indian band by the Governor in Council.
 2. Although the area has been called a national park and managed as one since 1970, it has yet to be gazetted and therefore does not yet have legal status as such. The "park" will first be gazetted as a National Park Reserve, pending final negotiation of the Nuu-chah-nulth comprehensive land claim. However, because the region is already generally referred to and managed as a "national Park Reserve," it is referred to as such in this thesis. The background to this situation is explained more fully in chapter five (see § 5.2.2).

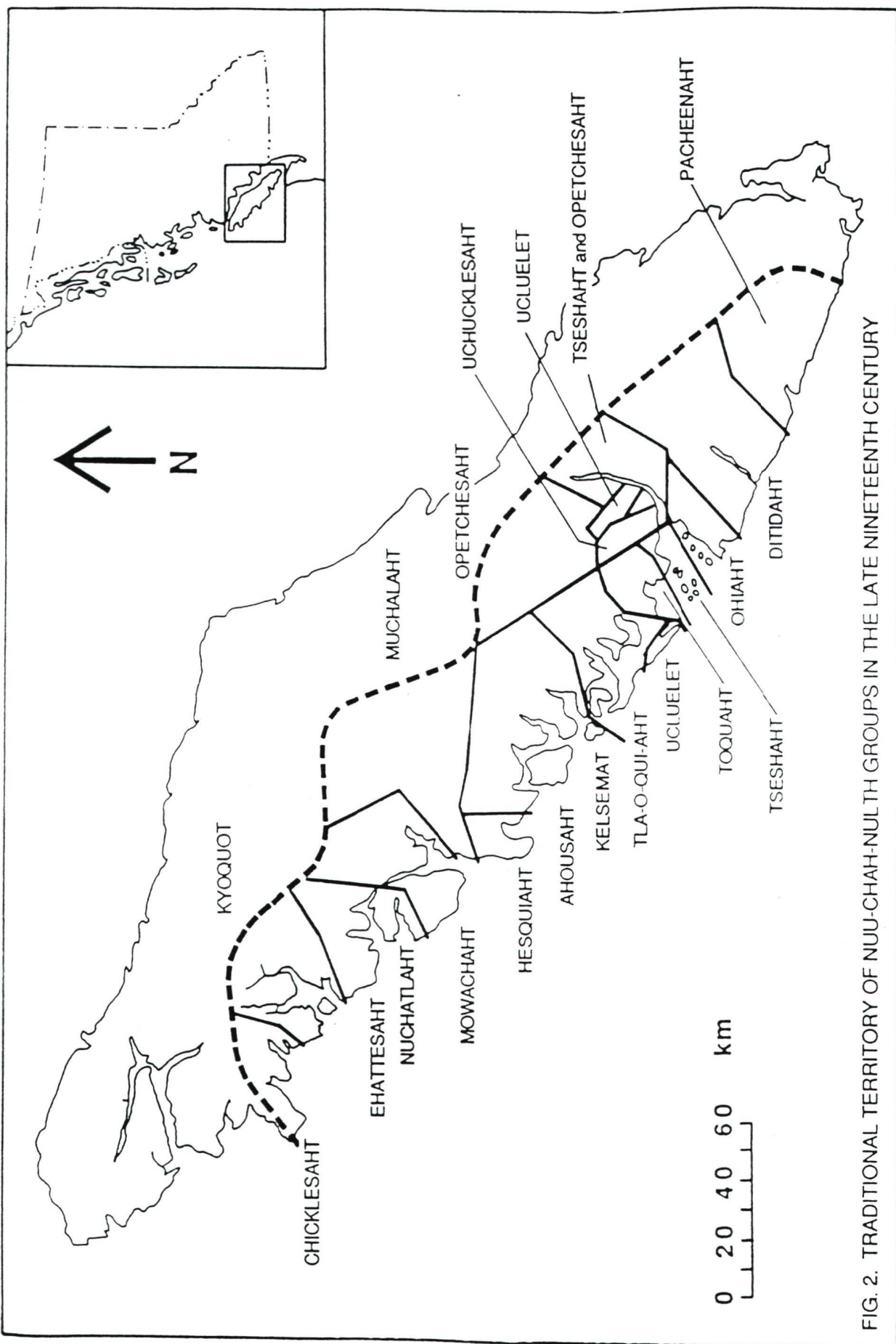


FIG. 2. TRADITIONAL TERRITORY OF NUJU-CHAH-NULTH GROUPS IN THE LATE NINETEENTH CENTURY

the park. In total, there are twenty-eight Indian reserves belonging to seven different Indian bands, either adjacent to the park or enclosed within its boundaries (Figure 1). There are also two hundred and eighty-nine recorded archaeological sites "that relate to the native history within Pacific Rim National Park" (Inglis and Haggarty 1986: 256). The park is part of a larger area traditionally used by the Nuu-chah-nulth people (Figure 2), and it is fully encompassed by their comprehensive land claim³ (Figure 3). Only a few understandings have evolved between different bands and park management, guiding the interaction between such lands and the park, and they have had varying degrees of success. Concern over these relationships has been expressed in the literature (e.g. Buffinga 1985; Stiven and Downie 1985) and is an ongoing challenge for park management (W.J. Masyk, Park Superintendent, pers. comm.).⁴

1.4 THESIS OUTLINE

The thesis is structured in the following manner. Chapter Two briefly reviews the literature relating to interaction between aboriginal peoples and national parks. The chapter begins with a description of the rationale behind national parks, and their management objectives. This is followed by a discussion of the relationship between aboriginal peoples and parks in the less-industrialized nations and a discussion focussing on the same relationship in the more-industrialized nations. Recommendations found in the literature for improving these relations are then outlined,

3. The land claim was accepted for negotiation by the federal government in 1983.

4. W.J. Masyk was park superintendent at the time work for this thesis was completed. The current superintendent is Mr. Tom Heggie.

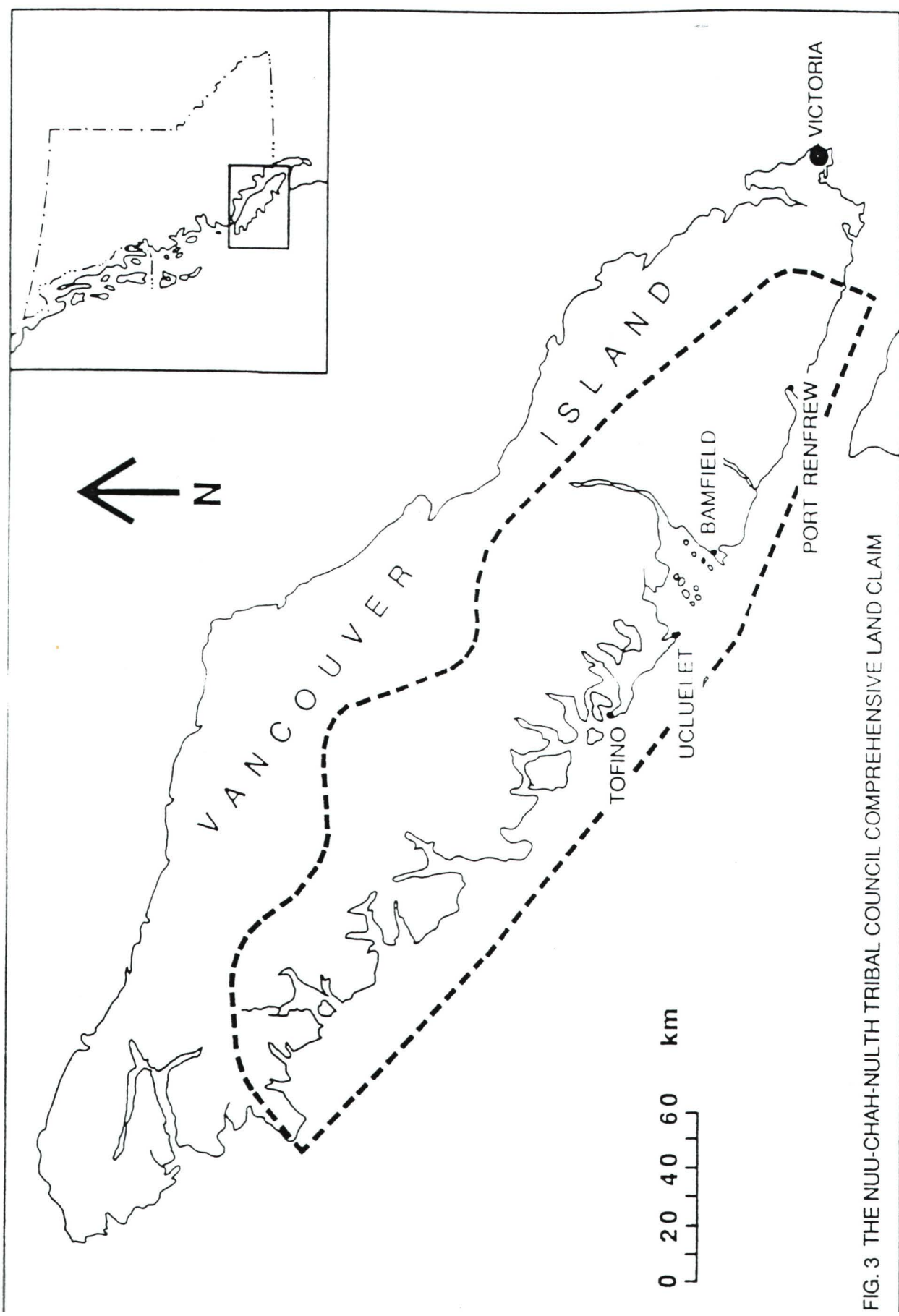


FIG. 3 THE NUU-CHAH-NULTH TRIBAL COUNCIL COMPREHENSIVE LAND CLAIM

followed by the results of implementation of these recommendations.

The humanistic philosophy and research methods used in this study are outlined in Chapter Three. The chapter begins with a brief review of humanism in geography then moves on to present a short outline of the philosophy of pragmatism, which forms the philosophical underpinning of the thesis. It concludes with an in-depth description of the research methods used in the thesis.

Chapter Four introduces the reader to the Nuu-chah-nulth people as well as a history of the British Columbia "Indian Land Question." The first section describes the Nuu-chah-nulth people and their 4,000 year habitation of the west coast of Vancouver Island. It is not possible to understand the relationship between Nuu-chah-nulth people and Pacific Rim National Park Reserve without knowledge of the struggle towards recognition of aboriginal land rights. This history is outlined in the second section of Chapter Four.

A description of Pacific Rim National Park Reserve, including its physical environment and historical background, is presented in Chapter Five. It is important to understand that since Pacific Rim National Park Reserve has yet to be officially gazetted, park managers face unique problems in their attempts to manage the park without the benefit of the *National Park Act* and regulations. Chapter Five concludes with a brief outline of the legislation and policy which reflect the *ad hoc* approach that the Canadian Parks Service has taken towards relations with aboriginal people.

Chapter Six outlines the type of relationship which has developed between Pacific Rim National Park Reserve and the Nuu-chah-nulth people as a result of one such *ad hoc* approach. It is here that the various understandings between Indian bands and the park are outlined. The opinions about the relationship held by the primary actors of the parties involved--park managers and band councillors--are also presented in this chapter.

A draft of the thesis was presented to those groups participating in the research, and they were asked for their comments. This approach helped provide a more accurate picture of the relationship between the park and Indian people, as the research respondents were given the opportunity to clarify issues which the researcher may have misinterpreted. Comments collected as part of this process are incorporated in the thesis and they are outlined in various footnotes throughout the thesis and at the conclusion of Chapter Six.

Chapter Seven discusses the significance of the research findings, utilizing the philosophy of pragmatism as a basis to explain the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve. A summary of the thesis is presented prior to discussing the significance of the research findings.

A number of important events relating to aboriginal rights in British Columbia transpired in the period following that when park managers and band councillors were interviewed, but preceding completion of this thesis. These events include the landmark Supreme Court Ruling in the Sparrow case and the decision by the government of British Columbia to begin

negotiating the land question with aboriginal people. To maintain the "chronological integrity" of this thesis,⁵ these events, and their implications for the relationship between Nuu-chah-nulth people and Pacific Rim National Park Reserve, are discussed in the epilogue which follows Chapter Seven.

5. These events could have a significant impact on the responses of the respondents had they occurred prior to their interviews. Accordingly, it was felt most appropriate to include them after the interviews were discussed.

2. PRESENT KNOWLEDGE ABOUT THE RELATIONSHIP BETWEEN ABORIGINAL PEOPLES AND NATIONAL PARKS

"I don't want a park either. The land is suitable for our needs the way it is now. We are making a livelihood on it as it now exists. We don't want people from the south to come and make plans for our land."

Zepp Cassaway
an elder of the Dene Nation
Speaking on the proposed National Park
on the East Arm of Great Slave Lake
(As cited by Griffith 1987: 30)

2.1 THE NATIONAL PARK IDEA

While a number of definitions for national parks have been put forward over the years, that of the International Union for the Conservation of Nature and Natural Resources (IUCN) is the most commonly accepted definition today (Machlis and Tichnell 1985). The following excerpts outline the IUCN definition of national parks:

Management Objectives. To protect natural and scenic areas of national or international significance for scientific, educational, and recreational use....

Criteria for Selection and Management. National parks are relatively large areas which contain representative samples of major natural regions, features or scenery where plant and animal species, geomorphological sites, and habitats are of special scientific, educational, and recreational interest.... The highest competent authority of the country having jurisdiction over the area has taken steps to prevent or eliminate as soon as possible exploitation or occupation in the area.... The area is managed in a natural or near-natural state.... sport hunting is not a compatible use, but culling for management purposes sometimes is required. (IUCN 1984: 49-50)

Thus, national parks are designated to protect representative samples of nationally significant landscapes; they are managed by the national

government;⁶ and, key to this discussion, *habitation and resource exploitation by indigenous peoples are not acceptable.*

Numerous authors have acknowledged that the concept of national parks as we know it today, originated in the United States (see e.g. Nash 1970; Dasmann 1976; Harmon 1987). Nash (1970) asserts that the origins of the national park idea can be traced precisely to the year 1832. At that time, he observes, the artist-explorer George Catlin called for the creation of a "nation's park" to protect the Indians and the wild animals of the American plains (also see Dasmann 1976; Machlis and Tichnell 1985). The institution proposed by Catlin differs very little from the essentials of the national park concept as it exists today. Perhaps ironically, the one significant difference was Catlin's proposal that Indian people be part of "...the [life] in the preserve." (Nash 1970:730). On March 1, 1872, over two million acres (810,000 ha.) of northwestern Wyoming were designated as the world's first national park--Yellowstone.

Nash (1970: 726) observes that the national park idea arose in the United States because of the presence of four unique factors:

In the first place there is the nation's unique experience with nature in general and wilderness in particular. Yet without the existence of a democratic ideology, the second factor, the national park idea would have been inconceivable. A third necessity was the existence of a sizable amount of undeveloped land at the moment when the first two influences combined to produce a desire for its protection. Finally, American civilization has remained sufficiently affluent to afford the luxury of preserving nature for its non-utilitarian values.

6. On reviewing the draft thesis, a park manager noted that parks are also managed by international organizations.

Alfred Runte (1979), writing on the history of the U.S. national parks, asserts that the national park idea arose out of the American people's "cultural insecurity," which saw them put forth monumental examples of nature to compensate for their lack of human-made monuments such as those the Europeans had. Harmon (1987:149) argues that "in either interpretation, the parks are a phenomenon of affluent culture."

In spite of the fact that the national park idea was a product of the affluent North American culture, it soon spread throughout the world. Indeed, since the first two parks were established in the United States during the 1870's, "...2611 new areas have been created which are of sufficient status to be included on the *United Nations List of National Parks and Equivalent Reserves*." (Harrison *et al* 1984). The greatest expansion to the world-wide system of parks has occurred since 1930 (Machlis and Tichnell 1985). A majority of Africa's national parks, for example, were set up in the 40 years prior to 1972 (Myers 1972). Furthermore, in the decade between 1972 and 1982 the total number of parks and protected areas has increased by 47 percent, while their area rose by 82 percent (Miller 1984). It is instructive to examine how well the national park idea has been adapted to its new host cultures.⁷

2.2 INTERACTION BETWEEN ABORIGINAL PEOPLE AND PARKS IN THE LESS-INDUSTRIALIZED NATIONS

The world-wide spread of the national park idea has not been without problems, especially in developing regions of the world (see e.g. Machlis

7. On reviewing the draft thesis, a park manager noted that the term "host culture" was a "subtle comparison of parks to parasites" which he/she felt might not be valid.

and Tichnell 1985). One major problem has been the displacement of aboriginal peoples by national parks, resulting in negative effects upon both the people and the parks. The people suffer because their traditional subsistence systems are disrupted, resulting in poorer nutrition, increased energy expenditure to obtain subsistence needs, and in some cases, loss of cultural identity. Parks in turn, suffer from a loss of popular support for conservation initiatives and an increase in poaching by aboriginal peoples. Problems such as these arise because the national park idea, the product of wealthy societies, has been transplanted directly into less affluent societies with no acknowledgement of the short-term subsistence needs of the aboriginal peoples (Halffter 1981; Lusigi 1981,1984; Marks 1984; Machlis and Tichnell 1985; Harmon 1987). About national parks in Africa for example, it has been said that they are "...an outside idea serving outside interests." (Marks 1984: 130; for a similar view see Crush 1980). By the early 1970's, however, a number of authors had begun to identify the interdependent relationship between aboriginal people and national parks.

Myers (1972), and later, Lusigi (1981) have argued that the success of many protected areas is dependent upon their ability to integrate with the needs of aboriginal peoples. Commenting on the policy of excluding aboriginal people from national parks in Africa, Myers (1972) observed that there is "...little hope of resolving this central problem of park rationale--namely, man's role--until it is recognized that man is a component, if not the dominant component, of most ecosystems in Africa." (Myers 1972: 1258). This would appear to be the case, not just in Africa, but in other regions of the world as well. Indeed, many traditional societies have long occupied

ecological niches in local ecosystems (Dasmann 1976; Machlis and Tichnell 1985); in some instances, aboriginal people have inhabited regions for thousands of years (see e.g. Western 1982, 1984; Fox 1983; Hill 1983, 1985; Mascarenhas 1983; Ovington 1984; Levy 1988).

Dasmann (1974, as cited in Dasmann 1976) postulated the existence of two types of people in the world, *biosphere people* and *ecosystem people* (also see Dasmann 1984). Biosphere people are those members of modern cultures tied into the global economy and technology system. They draw their support, "...not from the resources of any one ecosystem, but from the entire biosphere." (Dasmann 1976: 165). Conversely, ecosystem people are members of traditional aboriginal societies and those who have been pushed or seceded from technological societies, who are dependent upon a single ecosystem for their survival. "If they persistently violate its ecological rules, they must necessarily perish." (Dasmann 1976: 165). According to Dasmann,

Biosphere people *create* national parks. Ecosystem people have *always* lived in the equivalent of a national park. It is the kind of country that ecosystem people have always protected that biosphere people want to have formally reserved and safeguarded. But, of course, first the ecosystem people must be removed--or at least that has been the prevailing custom. The consequences are almost always destructive to the people affected. (1976: 166; original emphasis)

Numerous case studies exist which lend credence to these assertions.

Turnbull (1972) spent two years living amongst the Ik tribespeople, documenting the disastrous consequences of national park policies upon their culture. When the Kidepo Valley of northeast Uganda was made into a national park in 1962 it displaced the Ik, a tribe of semi-nomadic hunter-

gatherers, from their traditional hunting grounds. The Ik were relocated to crowded villages adjacent to the park where they were forbidden to hunt and instead encouraged to farm. Unfortunately, the Ik were not farmers. To them, hunting was not simply a source of food, it was an integral part of Ik culture which, when successful, often involved the active participation of all members including the elderly and the young (Turnbull 1972; Calhoun 1972). Deprived of this important socio-cultural-economic activity, Ik culture disintegrated into a travesty of humanity. "The Ik have successfully abandoned useless appendages, by which [one] refers to those basic qualities [of humanity] such as family, cooperative sociality, belief, love, hope and so forth...." (Turnbull 1972: 289). In addition, because they were so hard pressed for food, the Ik readily poached game from the park whenever the opportunity arose. Gomm (1974) has discussed similar problems observed amongst the Waliangulu, a hunter-gatherer tribe from South Kenya who specialized in hunting elephant. In 1948 when Tsavo National Park was designated--covering some 8,000 square miles, and most of the Waliangulu hunting grounds--the Waliangulu hunting way of life became illegal overnight. The Waliangulu however, were reliant upon hunting elephant for their subsistence so they were unable to discontinue hunting. They thus became the focus of an intense "anti-poaching" campaign co-ordinated by the Kenyan Game Department. "As an anti-poaching campaign it was highly successful. It was also a highly successful exercise in ethnocide; the anti-poaching campaign destroyed Waliangulu society and culture." (Gomm 1974: 55). The sanction on hunting elephant in the area had a negative impact on the park as well--the

elephant population blossomed and became too great for the carrying capacity of the park (Lusigi 1981; Myers 1972; Gomm 1974).

Pallemaerts (1986: 388-389) has observed the displacement of Indian people by national parks in the Brazilian Amazon:

the economic and cultural self-determination of indigenous peoples can be threatened not only by legislation permitting the commercial exploitation of certain resources on Indian lands but also, paradoxically, by government imposed "conservation" measures restricting the access of indigenous peoples to the natural resources on which they depend for their subsistence.

Pico da Neblina National park, for example, covers the territory of several Indian tribes, including the Mandawáka, Karutâna, and Yabaâna. Yet the decree establishing the park makes no acknowledgement of the Indian peoples' traditional occupation of the region (Pallemaerts 1986). Similarly, the Pacaas Novos National Park covers the lands of the Uru-Eu-Wau-Wau people without recognizing their land rights (Pallemaerts 1986)./

Examples of similar displacement can be found in protected areas in other locations as well. Lauca National Park in Chile, encompasses lands of indigenous Andean herders, but management plans have not taken into account indigenous land tenure systems; the people have been "neither heard nor heeded" (Bernhardson 1986: 317). North Luangwa, South Luangwa, and Kafue national parks in Zambia's Luangwa Valley have displaced Bantu tribespeople from traditional hunting areas (Marks 1984). Moreover, the "western" conservation regime which has been imposed on the Bantu people has broken down their aboriginal resource use and management systems with grave cultural consequences (Marks 1984).

People in the less-developed regions of the world often earn low wages and suffer from acute food shortages. Popular support for national parks

in these regions is often highly dependent upon their perceived contribution to socio-economic development (Blower 1984; Machlis and Tichnell 1985). Park policies however, which exclude aboriginal people from habitation of park areas or from subsistence resource use, contribute towards a negative attitude to parks and similar conservation initiatives. This issue has been especially acute in developing regions of Africa (see e.g. Myers 1972; Afolayan 1980; Lusigi 1981; Marks 1984), Asia (see e.g. Mishra 1982, 1984; Saharia 1984), and Latin America (see e.g. Meganck and Goebel 1979; Halffter 1981; Glick and Betancourt 1983; Pallemmaerts 1986; Levy 1988) where a large proportion of the aboriginal population is dependent upon subsistence resource use for their continued survival. In Kenya for example, the combination of game laws and national park policies results in a total ban on hunting. Because this policy ignores the subsistence needs of the aboriginal people, "...the national parks are surrounded by a hostile population which has little sympathy for the park system or for conservation efforts." (Lusigi 1981: 88). Aboriginal Nepalese peoples living adjacent to Royal Chitwan National Park have a negative attitude towards the park because they feel it interferes with their ability to make a living as farmers and herdspeople. Wild animals from the park often come onto the peoples lands, destroying crops, killing livestock, and sometimes even killing villagers (Mishra 1982, 1984).

In the more developed nations, traditional national park policies which exclude local people and prevent resource harvesting for subsistence purposes may be effective in protecting park flora and fauna. In the poorer developing nations however, the situation may be quite different.

Population pressures and scarce resources may force aboriginal peoples to exploit the resources of protected areas because they have no other alternative. In Zambia, for example, 80 percent of the Game Department's staff and time is directed towards the control of poaching (Marks 1984). While it is known that a great deal of the poaching is carried out by large, well organized criminal groups, the largest proportion of those caught and punished for poaching is made up of aboriginal peoples merely trying to obtain meat for food (Marks 1984). The previously discussed cases of the Ik (Turnbull 1972) and Waliangulu (Gomm 1974) are also illustrative of this problem; in both instances the aboriginal people had no choice but to "poach" game to survive. Parks in Latin America and south-east Asia are also under pressure from aboriginal peoples who practice shifting cultivation to survive (see LaBastille 1979; Meganck and Goebel 1979; Vayda *et al* 1985; Houseal *et al* 1985). "Demographic pressure forces landless peasants, whose only chance for survival lies in subsistence agriculture, to occupy protected areas illegally. Hunting is not efficiently controlled, and in many cases it is difficult to see how much control could be exercised" (Halffter 1981: 94).

2.3 INTERACTION BETWEEN ABORIGINAL PEOPLE AND PARKS IN THE MORE-INDUSTRIALIZED NATIONS

At present there is a small, but growing body of literature regarding interaction between aboriginal peoples and national parks in the more-industrialized nations of the world. However, few published empirical studies have been found which examine the interaction between aboriginal peoples and national parks in the developed regions of these industrialized

nations (see Hough 1987 and his undated paper). Indeed, the focus of this literature is not on the developed areas of these nations, but instead upon their less-developed "hinterlands," such as Alaska in the United States (see e.g. Gardner 1979; Gardner and Nelson 1980, 1981; Swem and Cahn 1983; Meeker 1986), the Yukon and Northwest Territories in Canada (see e.g. Gardner 1979; Gardner and Nelson 1980, 1981; Stix 1982; Kovacs 1984; Fenge 1986, 1987; Griffith 1987; Weeres and Hamre 1987), and Australia's Northern Territory (see e.g. Gardner 1979; Gardner and Nelson 1980, 1981; Fox 1983; Hill 1983, 1985; Ovington 1984; Graham 1987; Yapp 1987).

The present relationship between aboriginal peoples and national parks in the industrialized nations is not yet clear; however, it is apparent that this relationship differs from that found in the less-industrialized nations. A number of factors account for this difference. First, while many aboriginal peoples living in the more-industrialized nations are only now beginning to emerge from what has been referred to as an "internal colony,"⁸ they appear to have a greater degree of political power than their counterparts living in the less-industrialized nations who still have not shed their "internal colonial" status. Second, these aboriginal peoples have access to a greater array of technological artifacts, such as snowmobiles, all-terrain-vehicles, and motorboats, all of which put increasing pressures upon the environment and wildlife populations (see e.g. McTaggart-Cowan

8. The essential feature of internal colonialism is the continued subjugation of an indigenous people in a post-colonial independent nation state. The term "internal colony" was first applied to Canadian Indians by Boldt (1980), and expanded upon in another paper one year later (Boldt 1981). Also see Tennant 1982; Frideres 1983, 1988.

1981). Third, more-industrialized nations sometimes have social programs in place which might lessen aboriginal people's dependence upon subsistence activities for their physical survival.⁹ To summarize, these aboriginal people have in most cases, become partially acculturated; thus their actions (like those of the dominant "white" society) may now be more likely to have a greater negative impact upon the environment.¹⁰ They are no longer the "ecosystem people" of Dasmann, and as Sadler (1989) points out, they do not always "walk lightly on the land".

While aboriginal people living in developed nations have become somewhat acculturated into the dominant white society, they have yet to become full and equal participants in society (see e.g. Cardinal 1969; Tennant 1982, 1983; Fudge 1983; Frideres 1988). Their lack of unanimous support for the national park idea may be influenced by this situation. While it is not possible to define a single representative "native response" to national park initiatives, some common themes have arisen in the literature. One such theme is illustrated by the comments of Zepp Cassaway, an elder of the Dene Nation (translated by Joe Tobie, as quoted in Griffith 1987: 30), discussing a proposed national park on the East Arm of Great Slave Lake:

This land has not changed. It continues the same. The animals, birds and fish have been put on the land and it is still that

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9. As Meeker (1986) points out, this does not necessarily lessen their cultural need for subsistence activities.
 10. On reviewing the draft thesis, a park manager noted that he/she strongly agreed with this statement.

way. We are careful in the way we treat the land. We look after the land.

I live on the land. It provides for my needs. I do not want to give away my land. Many people don't want to have a park. They don't want to talk about it.

The official Inuit reaction to national park initiatives is quite similar (Tungavik Federation of Nunavut 1985: 289):

Inuit see protected areas as impediments to hunting. Their presence may restrict access to lands Inuit have traditionally used, limit the resources they may be able to take, impose restrictions on the methods and technologies employed to hunt, and limit the purpose of their hunting to subsistence activities, thereby removing perhaps much needed commercial and sport opportunities. Inuit, of course, are opposed to such restrictions. They need wildlife to live, and view wildlife in economic terms. Thus southern notions of conservation may be inappropriate for the Arctic.

Interestingly, similar anti-park sentiments have also been expressed by "southern" Indians. In this regard, the Acoma people of New Mexico have been protesting inclusion of some of their ancestral lands in the newly formed El Mapais National Monument (Guthrie 1987, 1988). They view it as a further erosion of their land-base (Guthrie 1988).

The relationship between the Gagadju people and Kakadu National Park is considered by a number of authors to be one of the better examples of co-operation between aboriginal people and protected area managers (see e.g. Gardner 1979; Gardner and Nelson 1981; Hill 1985; Weeks 1986).¹¹ Nonetheless, the Gagadju people believe that Kakadu Park impinges on

11. On reviewing the draft thesis, a park manager noted that South Moresby National Park Reserve is another example of cooperation between aboriginal people and park managers.

their autonomy--and this situation may provide some understanding of other aboriginal peoples' resistance to national park initiatives

In July of 1975 the Fox Commission of Inquiry was established to examine the environmental aspects of uranium mining and to consider certain land claims in Australia's Northern Territory (Hill 1985). At the time of the land claim process,

the chances of Aboriginals being granted title to their claimed lands without first agreeing to a park on their land was judged minimal or nonexistent.... (Weaver 1984: 5)

Following the public inquiry, land rights were granted in 1979 to the Gagadju people of the Alligator Rivers Region of Australia's Northern Territory (Ovington 1984; Hill 1985). In return, the Gagadju offered to lease their land to the Australian National Parks and Wildlife Service (ANPWS) for the creation of a national park¹² (Weaver 1984).

Stage one of Kakadu National Park was proclaimed in April, 1979. Under the Management Plan¹³, Gagadju people maintain their

12. There is some disagreement in the literature about the exact reasons why the Gagadju offered their land for lease as a national park. Hill (1985: 58) for example, asserts that "One concern of the claimants was that they would not be able, on their own, to adequately manage and look after the land in the face of growing and competing pressures. They saw a national park establishing a management regime that would safeguard their interests and be sympathetic to their aspirations." This explanation appears to be somewhat paternalistic, if not overly simplistic, especially since the author was employed by the ANPWS. Weaver's (1984) interpretation, that the Gagadju had little choice if they wanted to settle their land claim, may be more plausible.

13. See Commonwealth of Australia, Australian National Parks and Wildlife Service, Kakadu National Park Plan of Management, § 25.5.1 which states that the long-term aims of the park were "to maintain Park values for the Aboriginal people and give special protection to the Aboriginal art sites, sacred sites, and other sites of

inhabitation in the park--indeed, they are encouraged to come to live in the park (Weeks 1986). The Gagadju are advised of any actions which may affect them or their lands, and their input concerning park management is sought (Hill 1985). Park Policy provides for Aboriginal involvement at all levels, including park ranger training, guiding and interpretive services, park management, maintenance of art and sacred sites, fire control, and control of exotic flora and fauna (Weeks 1986). In addition, Policy calls for incorporation of the Aboriginal perspective on Park Resources in the Park education and training programs (Weeks 1986).

The actual level of Aboriginal participation in park management is unclear, as there is no legislative guarantee of meaningful input¹⁴ and there are no guarantees that policy will be converted into practice. The aboriginal people do not have effective co-management of their lands, so that while they may have land ownership, they do not have control. In this instance the aboriginal people have been granted "park lands," effectively removing significant control over their land and resources from them (see Weaver 1984). The Ranger Uranium mine, for example, located partially within the park also came into existence as part of the land claims deal. It

significance; to establish a program of management in which Aboriginals with traditional associations with the land in the Park play a major role." Further long-term aims are spelled out in § 25.5.2: "to facilitate settlement of Aboriginal owners and their involvement in the park; to develop procedures to involve interested groups in the development and implementation of Park management.

14. While the *National Parks and Wildlife Conservation Act 1975* (amended 1978) does state that no action shall be taken on aboriginal lands except "after consultation with the Aboriginals, if any, as to whom the Minister is satisfied that they have traditional rights in relation to the land" (see § 18.2 (a)), it does not spell out what such consultation shall be and thus it has little meaning.

is uncertain who is responsible for the decision to allow the mine to proceed, and while the Aboriginals receive royalty payments from the mine, the long-term health of their land, and the park, is threatened by this development.

In contrast, various examples can be found illustrating how national parks protect certain interests of aboriginal people. Perhaps the best examples are Alaska's Arctic National Wildlife Refuge and the Northern Yukon National Park in the Yukon Territory. These two adjacent protected areas preserve the range of the Barren Ground Caribou, which are utilized for food and other animal products by aboriginal peoples in both Alaska and the Yukon (Shively 1981; Swem and Cahn 1983; Fenge 1986). The Dene Nation negotiated a land claim Agreement-in-Principle in 1988 which outlines extensive resource use and involvement in management of Wood Buffalo National Park (Dene Nation 1988).¹⁵ Similarly, the Haida Nation are negotiating with the Canadian Parks Service regarding Haida co-management of the proposed South Moresby National Park Reserve (Canada 1990).

2.4 RECOMMENDATIONS FOR IMPROVING INTERACTION BETWEEN ABORIGINAL PEOPLE AND PARKS

As the previous discussion illustrates, the relationship between aboriginal peoples and national parks has often been a problematic one. Recognizing these issues, recent literature emphasizes the need to involve

15. A Final Land Claim Agreement was signed by negotiators representing the Dene-Métis and the federal government in April, 1990. The Agreement requires ratification, which might not occur for some time.

aboriginal peoples in national park planning and management (see e.g. Lusigi 1981; Johannes 1982; Marks 1984; Newby 1984; World National Parks Congress 1984; Brownrigg 1985; Clad 1984, 1985; Kermani and Khan 1986; Reti 1986; Task Force 1987). The ninth resolution of the World Congress on National Parks (Bali, Indonesia), entitled "Protected Areas and Traditional Societies," provides a summary of the sentiments found in the literature:

Acknowledging that traditional societies which have survived to the present in harmony with their environment... deserve our respect for their wise stewardship of areas and environments which we now seek to protect... and *provide instructive examples of environmental management strategies worthy of emulation...* The World National Parks Congress, meeting In Bali, Indonesia, October 1982... recommends that those responsible at every level of protected area research, planning, management and education *fully investigate and utilise the traditional wisdom of communities affected by conservation measures....* (World National Parks Congress 1984; emphasis added).

The recommendations are based upon the following assumptions: first, that involving aboriginal peoples in protected area management will reduce conflicts and therefore lead to improved resource management (see e.g. Meganck and Goebel 1979; Dasmann 1984; Garratt 1984; Reti 1986; Hough 1988); second, that aboriginal peoples who have lived in harmony with their environment for a long time, have much environmental knowledge which may be useful for park management (see e.g. Dasmann 1976; Freeman 1979; Johannes 1982; Nietschmann 1984; McNeely and Pitt 1985; Indigenous Survival International 1986); and third, that aboriginal peoples and national park authorities have convergent interests--respectively, preservation of aboriginal lands and culture, and protection of wildlands--thus it is advantageous for both parties to work together (see e.g.

Brownrigg 1985; Clad 1984, 1985). The key question remains: "have these measures for improving interaction been successful?"

2.5 RESULTS FROM THE IMPLEMENTATION OF RECOMMENDATIONS

To date, the results of efforts to involve aboriginal people in national park management are unclear. There are few empirical studies focussing on such efforts in national parks. Nonetheless, case studies which have been undertaken tend to indicate that such efforts might yield positive results.¹⁶

Lehmkuhl *et al* (1988) have reported one such case study carried out at Nepal's Royal Chitwan National Park. Park authorities, recognizing the animosity which local villagers felt towards the park (see Mishra 1982, 1984), now allow them to collect grasses. These grasses form an important part of the local economy, as they are used both as building material and animal fodder. Lehmkuhl and his associates (1988: 145) estimate the total value of grasses taken from the park at U.S. \$451,836. They concluded (Lehmkuhl *et al* 1988: 147):

Royal Chitwan National Park is a valuable asset to individual villagers living near the Park, and to the local economy.... Villagers are beginning to realize the Park's value as a source of grassland and forest products that are not available elsewhere--so that sentiment among village leaders... is positive.

Infield (1988) examined the attitudes of local Zulu people towards the Umfolozi/Hluhluwe Game Reserve in South Africa. As with the study by Lehmkuhl *et al* (1988), Infield found that those who were involved with the

16. On reviewing the draft thesis, a park manager again noted that South Moresby National Park Reserve provides a good example of positive cooperative management of the park.

conservation area, or who obtained direct benefits such as game from it, had more positive attitudes towards conservation initiatives. According to Infield (1988: 21), this indicates "the importance of allowing local people access to wildlife resources and of encouraging structures to integrate conservation areas within local economies."

Biosphere Reserves provide further encouraging results from involving aboriginal people in protected area management. One example is a combined culture/nature reserve in its preliminary stages: the Bi-national Awá Biosphere Reserve of Ecuador and Colombia which coincides with traditional lands of the Awá people (Levy 1988). The reserve apparently protects the Awá land from encroachment while allowing them to continue renewable resource exploitation in the form of hunting, gathering, and farming. The Mapimi Biosphere Reserve in Mexico is a second example of aboriginal peoples participation in protected area management. The aboriginal population has been involved in decision-making from the outset, making them "...a part of the management team rather than potentially hostile outsiders." (Halffter 1981: 96). The result has been an almost total absence of poaching and other illegal resource exploitation (Halffter 1981; Francis 1985). Apparently, these two protected areas are successfully helping to preserve the respective cultures of the aboriginal peoples living within them while offering some protection of natural resources. Unfortunately, other Biosphere Reserves are less successful: La Amistad-Talamance Biosphere Reserve in Costa Rica is threatened with deforestation by colonists; Darien Biosphere Reserve in Panama is threatened by logging concessions on its border; and Rio Platano Biosphere

Reserve in Honduras has had colonists carrying on swidden agriculture and dynamiting fish (Houseal *et al* 1985).

2.6 DISCUSSION

The national park idea, which is the product of affluent North American societies, has achieved world-wide acceptance. In the less-developed nations, national parks (which do not allow human habitation) have often been established on lands traditionally used by aboriginal peoples. Increasing pressures on the land-base of industrialized nations brought about a recognition of the need to preserve some of the hinterland regions in national parks. These newly designated parks also commonly coincide with the lands of aboriginal peoples who often resist national park initiatives. As a result, the relationship between aboriginal peoples and national parks is highly problematic.

Recognizing the existence of problems, protected area management literature emphasizes the need to involve aboriginal people in the designation, planning, and management of parks. At present, the results of such recommendations are unclear. In some instances, however, national parks have been established with the consent of aboriginal peoples, who have helped protect land and wildlife resources from development, thus countering the notion that national parks have only negative impacts on these people. The relationship between aboriginal people and national parks is therefore, quite difficult to define precisely, with some cases being negative and others positive. Moreover, no empirical studies have been found which examine the relationship between aboriginal people and protected areas in southern Canada.

3. A HUMANISTIC APPROACH TO UNDERSTANDING INTERACTION BETWEEN ABORIGINAL PEOPLE AND PROTECTED AREAS

"It is never easy to know why research is being done, or whose interests in the end will be served. The accumulation of knowledge about colonial or tribal populations is often a facet of control and exploitation--even when the researchers firmly believe otherwise."

Hugh Brody
(1988: xxi)

The philosophy of *pragmatism*, within a broadly humanistic framework, forms the philosophical underpinning for this thesis. Humanistic geography, with its emphasis on *understanding* rather than *prediction*, provides an ideal approach to gaining insight into the relations between the Nuu-chah-nulth people and Pacific Rim National Park Reserve. Similarly, the philosophy of pragmatism, which emphasizes awareness of the practical consequences of people's actions, is ideally suited to understanding the practical needs of both the Nuu-chah-nulth people and park managers as they relate to each other. Researchers following a humanistic approach tend to use experiential research such as interviews and observation, in conjunction with qualitative analysis. Following the humanistic approach, the author used archival and literature search, semi-structured interviews, observation, and qualitative analysis for this thesis. A form of "respondent consultation" devised by Porteous (1988, 1989) was adapted by the author and used in the thesis.

3.1 HUMANISTIC GEOGRAPHY AND THE PHILOSOPHY OF PRAGMATISM

3.1.1 Humanistic Geography

Humanism has a long and diverse history in western thought (Porteous 1989). Modern humanistic geography, however, arose relatively recently in

response to the suppression of human agency and creativity characteristic of scientific geography in the 1950's and 1960's (Ley 1980, 1981, 1982, 1983; Jackson and Smith 1984; Johnston 1987).

Modern humanistic geography has its roots in the so-called *philosophies of meaning*, which include *idealism* (see e.g. Harris 1971, 1978; Guelke 1974, 1976, 1985), *phenomenology* (see e.g. Relph 1970, 1976; Buttner 1974, 1976; Ley 1977a, 1977b, 1980), and *existentialism* (see e.g. Samuels 1978, 1981). While there are few substantive works utilising the philosophy of *pragmatism*, it has recently come to be recognized as a potential foundation of works in humanistic geography (See e.g. Smith 1981, 1984; Jackson and Smith 1984; Johnston 1986, 1987).

An emphasis on the subjective is the common thread through all the philosophical approaches discussed above. "To idealists, to phenomenologists, and to existentialists knowledge of the world does not exist independent of the observer" (Johnston 1986: 74); the same can be said of pragmatists. Humanistic approaches based on these philosophies also emphasize subjectivity. These philosophies and their accent on the subjective flow from similar theories of reality, or *epistemologies*.

Humanists draw a distinction between the social and the natural sciences. In the study of social phenomena, as opposed to the study of natural entities, "reality does not exist independently of the observer or the observed" (Jackson and Smith 1984: 9). Methodologically, this necessitates a move from the positivist principles of statistical inference and deductive reasoning, to a system of logical inference and inductive reasoning based on the individual or unique case studies (Jackson and Smith 1984; see also

Sayer 1984). Implicit throughout this thesis, as the reader shall see, is a reliance on such logical inference and inductive reasoning. Johnston (1983) succinctly outlines the links between epistemology, ontology, and methods in humanistic approaches. He observes (Johnston 1983: 5) that their epistemology

is that knowledge is obtained subjectively in a world of meanings created by individuals and whose ontology is that what exists is that which people perceive to exist. [Their] methodology involves the investigation of these individual worlds and, in opposition to positivist approaches, emphasizes individuality and subjectivity rather than replicability...

Humanistic approaches therefore differ from positivist approaches with their belief in an objective social reality which exists independent of the observer, and which can be studied objectively via the scientific method (Jackson and Smith 1984). Indeed, modern humanistic geography arose in response to the overly-mechanistic view of humans and their actions as presented by positivist research of the late 1950's and 1960's (see e.g. Ley 1980; Jackson and Smith 1984; Johnston 1987). Similarly, humanism differs from structuralism because of the latter's view of humans as passive beings constrained by hidden social structures (Jackson and Smith 1984).

The substantive works of humanistic geographers have been instrumental in articulating the intangible, non-economic and non-quantitative aspects of human geographies: *place, home and the sacred*. Tuan (1974a, 1974b, 1976, 1977), for example, has explicated the difference between space and place: space is merely a location without meaning; it becomes place when humans give it meaning. Place incorporates the experiences, aspirations, and tribulations of a people, thus they "talk of the 'spirit', the

'personality' and the 'sense' of place" (Tuan 1974a: 409). Moreover, place is not only a fact, "but it is a reality to be clarified and understood from the perspectives of the people who have given it meaning" (Tuan 1974a: 387).

Humanistic geographers have attempted to explicate "sense of place" (Tuan 1974a). They note that people's sense of place does not always involve positive feelings towards a particular location (topophilia, see Tuan 1974b) but that people can also have fear of places (topophobia, see Porteous 1987). According to Porteous (1989: 212, citing his previous works: Porteous 1976, 1986), the "ultimate places are, of course, one's home and one's body." Although this thesis does not examine the notion of sense of place in detail, it is still significant to this study. A notable difference exists between the "place values" that Nuu-chah-nulth people and park managers attach to Pacific Rim National Park Reserve and the Indian reserves within it. Many Nuu-chah-nulth people see the park as home, and many sites within the park as sacred. Some park managers, namely those who might consider themselves "preservationists", may also envision the park as sacred (Sax 1980). However, they also have a sense of the park as a place which protects certain ecological and recreational values, and the idea that people should live in the park is somewhat anathema to these values.

3.1.2 The Philosophy of Pragmatism

Pragmatism is a philosophical movement originating in the United States during the late nineteenth and early twentieth centuries. Initially developed by Charles Peirce and William James, it was later extended by John Dewey, C.I. Lewis and George Herbert Mead (Johnston 1986).

The primary aim of pragmatism is to ground philosophy in the practicalities of everyday life. Its focus is "on the practical consequences (rather than the metaphysical origins) of intellectual activity" (Smith 1984: 355). To the pragmatist, knowledge is a creative process, which involves experiencing the world and attaching *meanings*. These *meanings* are subjective interpretations of the world evaluated by the individual in terms of their practical implications (Johnston 1986). Truth is therefore defined as that which is believable, "either because the belief is fulfilled or because it contributes to the believer's level of personal satisfaction" (Johnston 1986: 59). Thus according to Smith (1984: 355), pragmatism is

a way of being in the world--a method of knowing through practice, wherein 'scientific' thought depends crucially on commonsense insight into the practical affairs of daily life.

To the pragmatist, life is a continuous process of experience and evaluation, where beliefs are continually being reconstructed through the social process of interacting with peers (Rorty 1982; Johnston 1987). The pragmatist resorts to *verstehen*, or empathetic understanding, to gain insight into social processes and their meaning to the individual (Smith 1984), a process which often requires a commitment to experiential research (Smith 1984). Perhaps one of the best examples of experiential research (although it is more phenomenological than pragmatic) can be found in Ley's (1974) detailed examination of a Philadelphia inner-city Black community. Ley used a diverse array of techniques, including an extensive 30-month period of participant observation; collection of mental maps; informant interviewing; structured questionnaires; participation in the local community association; as well as identification of friendship and

visiting patterns, gang membership, turf boundaries, and the distribution of graffiti.

He came up with an "insider's" view of the community which was much different than the "outside" view portrayed in the works of the so-called "scientific" social analysts (see Relph 1976 for a detailed discussion of the inside-outside dichotomy). Not all researchers have the resources for such an exhaustive study and thus more common pragmatic methods include library and archival research, and personal interviews, which have been utilized in this thesis.

3.2 RESEARCH METHODS

Research for this thesis incorporated three main phases, the first of which involved collection of background material regarding Nuuchahnulth people and Pacific Rim National Park Reserve, as well as the relationship between Aboriginal people and parks throughout the world. The second phase consisted of collection of data pertaining to strategies used by park managers and Indian leaders for improving interactions between the two. As well, data were collected to document the opinions of Indian leaders and park managers regarding Indian/park interaction. The third phase involved an adaptation of Porteous' (1988, 1989) "respondent consultation" approach, whereby research respondents were given an opportunity to comment on a draft of the thesis, and their comments are included in this final draft.

3.2.1 Archival and Literature Search

The objective of the first phase was to collect literature, archival, and file information documenting:

- i) the relationship between aboriginal people and protected areas in other jurisdictions;
- ii) a history of the Nuu-Chah-Nulth people's habitation in the park region;
- iii) the Nuu-chah-nulth land claim;
- iv) previous Indian/park interaction; and
- v) the possible range of strategies available to both Indian leaders and park managers to facilitate interaction.

These data were collected primarily through literature review and archival search. Interviews with civil servants and government researchers also helped with the process of locating data. Once synthesized, these data formed the base for the second phase of the research.

3.2.2 Interviews and Observation Research

The objective of the second phase was to collect data which document:

- i) strategies employed by Indian leaders and park management to improve interaction;¹⁷
- ii) the opinions of Indian leaders regarding the national park, park management, and Indian use of park resources; and

17. "Interaction" is taken in its broadest context, meaning "to act on each other." Thus I was interested in identifying actions taken by park managers or other Canadian Park Service staff (as part of their duties), and the perceived effects on the Indian people; the actions taken by Indian people and the impacts (as perceived by the park managers) on the park and its conservation initiatives; and similarly, what type of communication (if any) exists between the park managers and individual Indian bands. Hence, interaction is viewed as a process which is related to issues of communication, land-use, conservation, and place-values.

iii) the opinions of park managers regarding the Indian lands and people, and their impact on the park.

The humanistic research methods employed were part of what Sayer (1984) terms an "intensive" as opposed to "extensive" approach. Typically, the extensive approach involves the use of formal standardized questionnaire and interview surveys. Sayer (1984: 223) asserts that one of the major problems with these methods is that they often "sacrifice explanatory penetration in the name of 'representativeness' and 'getting a large enough sample'.... "

In contrast, the intensive approach involves the study of individual agents in their causal contexts, using interactive interviews, ethnography, participant observation, and qualitative analysis.

With a less formal, less standardized and more interactive kind of interview, the researcher has a much better chance of learning from the respondents what the different significances of circumstances are for them. The respondents are not forced into an artificial one-way mode of communication in which they can only answer in terms of the conceptual grid given to them by the researcher (Sayer 1984: 223).

Sayer (1984) concludes that the interactive approach is a

precondition of a meaningful type of communication which maximizes the information flow by making use of communicative and social skills, by being willing to adapt preconceived questions and ideas in the course of the interview according to what is relevant to the respondent and by being prepared to discuss, as well as to 'elicit' answers.

3.2.2.1 Interviews

Following the "intensive" approach, data collection for the second phase took the form of semi-structured interviews¹⁸ with Indian band councillors¹⁹ (Appendix I), whose names were supplied by each participating band council. Semi-structured interviews were also carried out with "park managers" (Appendix II), including any persons who during the research period held the position of Superintendent, Chief Warden, Visitor Service Head, Chief Interpreter, and Assistant Chief Interpreter. Former managers were also interviewed when they could be contacted. Interviews were carried out during the period between July, 1988 and June, 1989.

The semi-structured interview was chosen as the method for eliciting the opinions of park managers and band councillors, not only because it fit within the humanistic approach, but also because it was deemed the best method for obtaining the information desired. Given the delicate nature of some of the information required, as well as the sensitivity of both park managers and Indians--each belonging to "over-studied" groups--it was felt that interviews offered the only means to gain an adequate response rate.

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18. These interviews involve the use of a "schedule" of open-ended questions to ensure that certain key questions are asked of all respondents. However, the interviews were not restricted to the schedule and any topics the respondents wished to discuss were recorded. The method proved very workable in this project, as in some cases interviews have lasted more than three hours (with one taking five hours) and much valuable insight was gained by the author.
 19. In many cases elected councillors were also Elders or Hereditary Chiefs. However, to protect the identity of respondents, the term "band councillor" is used throughout this thesis.

Table 1, outlining an overall response rate of 78.9%, indicates relative success for the interview method. Of note, only the Pacheenaht band council--who were in the midst of legal proceedings over land claims and were thus unable to discuss such matters without band consent--declined to participate in the research. If the Pacheenaht band are not included in cal-

Table 1. Interview Response Rates.

Respondent Group	Total Possible Respondents	Actual Respondents	Response Rate (percent)
Tla-o-qui-aht	5 ²⁰	4	80.0%
Ucluelet	5	4	80.0%
Tseshah	8	7	87.5%
Opetchesaht	4	3	75.0%
Ohiaht	4	3	75.0%
Ditidaht	2 ²¹	2	100.0%
Pacheenaht	3	0	0.0%
Park Managers	7 ²²	7	100.0%
Total	38	30	78.9%

ulation of the overall response rate, it increases to 85.9%. All other instances of non-response resulted when band councillors were unavailable at the times their band Offices were visited.²³

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20. While there are 6 councillors for the Tla-o-qui-aht, one was not active at the time of interviews.
21. There are three band councillors for the Ditidaht band, however, at the time of interviews the third councillor position was vacant.
22. As defined above, there are six "park managers" at Pacific Rim National Park, however, a former manager was included to make up seven respondents in total. Additionally, one park manager was "interviewed" about the issue of Native people in the park, but he was not asked questions from the interview schedule.
23. Band council offices were, in most cases, visited at least two times during the research period.

While humanistic geographers do not generally concern themselves with the questions of "bias" and "representativeness", it is important for this author to acknowledge these issues. The possibility of inherent bias in the research exists because interviews involved only "elites." By eschewing interviews with band members who were not on councils, or park employees who were not managers, the research results are unlikely to be fully representative of either groups' overall opinion. However, it is important to learn the opinions of the "elites," because they are the ones responsible for most policies and agreements relating to interaction between the two groups. They may not be representative of the opinions of their constituents, but they certainly represent them in the decision-making process. Also, as Boldt (1981) observes, aboriginal people are often significantly influenced by their community and political leaders. Finally, at the very least, if not responsible for formulation or implementation of policies or agreements which affect interaction, these people were much more likely to be aware of their existence than members of a representative sample from within each group.

Data collected through semi-structured interviews were assessed through qualitative analysis. This type of analysis has been advocated as a better means of *understanding* human action than the more-often used quantitative methods. (see e.g. Ley 1980; Jackson and Smith 1984; Sayer 1984; Eyles 1988). Its primary drawback lies in the fact that it is not readily verifiable.²⁴ However, it is easily corroborated (Sayer 1984; Smith 1987), and

24. Others might argue that it is overly subjective as well (see Johnston 1983).

phase three of the research method for this thesis (see sec. 3.2.3) has a built-in method for ensuring such corroboration.

3.2.2.2 Observer-as-participant

During the course of fieldwork, which was carried out between July, 1988 and June, 1989, band council offices and Pacific Rim National Park were visited on sixteen occasions . On three visits to the national park the author stayed at Schooner Cove campground, which is situated directly adjacent to the Tla-o-qui-aht band's Esowista Reserve (see Figure 1). Similarly, the author also stayed at Pacheena Bay campsite on Anacla Reserve (see Figure 1). This campsite, operated by the Ohiaht band, is situated directly adjacent to the trailhead campsite at the north end of the West Coast Trail. Both situations allowed the author, as a park visitor, to take the role of observer-as-participant,²⁵ and observe the interaction between park visitors and Indian reserve lands.

3.2.3 Respondent Consultation: a Reflexive Approach to Cross-cultural Research

A unique research method developed by Porteous (1988, 1989) and utilized in his examination of the demise of the community of Howdendyke has been adapted and extended for the third phase of research in this

25. According to Johnston (1986, citing Gold 1958) the term observer-as-participant differs from what is often referred to as participant observation (see e.g. Stoddard 1982). In the case of the latter, the researcher becomes a fully active member of a community, which allows reporting from the inside. The observer-as-participant does not become a full member of the community or body under study. Rather she or he merely gains access so as to observe activities. The activities of this researcher, while camping and hiking in Pacific Rim National Park, probably fall somewhere between the two definitions.

thesis. Porteous (1988: 77) refers to his method as part of "an experiment in consultation," which although virtually unknown in geography, results in "research which is reflexive, committed, and yet as fair as possible to all parties involved in the controversy." In highly simplified terms, his research method involves the following steps (see Porteous 1988: 76-77):

- i) literature search of documentary sources;
- ii) interview (may be either informal depth interviews, shorter formal interviews, or a combination) research respondents;
- iii) qualitative data analysis;
- iv) draft report and send to respondents for comments; and
- v) include respondents' comments in final report.

These research methods were adopted in the following manner for this thesis: after data were collected for the first two phases, a preliminary draft of this thesis, including chapters one to six, was distributed on May 23, 1990 to each of the organizations participating in the research.²⁶ The respondent groups were contacted by telephone during the period of July 30 to September 20, 1990, and responses to the draft thesis were gathered and incorporated in the thesis. Verbal responses were provided by band councils, while Pacific Rim National Park Reserve managers returned the draft thesis with written comments. Footnotes identify statements made in the thesis which a particular respondent has taken issue with, while any comments relating to respondents' general reactions to the thesis are outlined at the end of chapter 6 (see section 6.9).

26. Thus seven copies were sent out; one each for the Tla-o-qui-aht, Ucluelet, Tseshaht, Opetchesaht, Ohiaht, Ditidaht, and Pacific Rim National Park.

One form of information gathering consultation--the Delphi approach--has long been used in resource management study and policy-making (see Needham and de Loë 1990). However, as Porteous' (1988) proclaims, the particular form of consultation with research respondents utilized in this thesis is a rare approach in Geography, and no examples of this approach have yet been found in the literature on protected areas and aboriginal peoples. In addition, the use of footnotes to acknowledge a research respondent's disagreement with the author is a subtle adaptation of Porteous' (1989) method. This approach, which effectively gives the research respondent "referee" status, encourages the researcher to be as fair as possible in his or her assessment of an issue, while also informing the reader when researcher and respondents cannot agree.

Pacific Rim National Park Reserve managers provided extensive comments; as well, councillors from the Ohiaht, Opetchesaht, Tla-o-qui-aht, and Tseshaht bands reviewed and commented on the draft thesis. Ditidaht band councillors interviewed for the thesis were no longer in office when the draft thesis was distributed, while the author was unable to contact councillors from the Ucluelet band.²⁷ Overall, the consultative approach was well-suited to the requirements of this thesis. It helped counter the effects of some of the researcher's inherent biases, and provided a means of corroborating the findings. The approach also assisted the

27. The band council was telephoned on four separate occasions over a one-month period, but the band manager was unable to contact councillors who had reviewed the draft thesis.

researcher to gain a more accurate account of the "inside" perspective,²⁸ and to bridge cross-cultural barriers.

There was another reason for adoption of the consultative approach. In this regard, a number of band councils were unwilling to participate in the research unless such consultation was included. Their attitude is not surprising, as Brody (1988) asserts that information gathered through research involving Indians -- who happen to be one of the most highly-studied groups in Canada -- has often been utilized to strengthen non-Indian control over land and resources traditionally used by the Indians. Recognizing this fact, Indian people are often unwilling to become the subject of academic study.

28. In this sense it recognizes the difference between what Ions (1977: 153) refers to as "inside" knowledge--that held by actors or insiders, and "outside" knowledge--that obtained by observers from an outside vantage point.

4. THE WEST COAST PEOPLE AND INDIAN LAND ISSUES: AN HISTORICAL CONTEXT

"To recognize aboriginal rights is to understand the truth of our own history..."

Thomas Berger
(1982: 219)

4.1 THE NUU-CHAH-NULTH PEOPLE

The Nuu-chah-nulth people²⁹ inhabit the west coast of what is now known as Vancouver Island in a territory stretching from Cape Cook in the northwest to Point-No-Point in the southeast (Figure 2). Radiocarbon (C-14) dating indicates that they have occupied this region for at least four-thousand years (Dewhirst 1978).

At contact, approximately 23 independent groups are known to have existed, but only 15 have survived into the second half of the twentieth century as politically separate, officially recognized bands (Arima 1983).³⁰ These independent groups were comprised of many more separate, smaller

29. Historically defined as "Nootka" people, Indian people of the west coast of Vancouver Island now refer to themselves as "Nuu-chah-nulth" or "West Coast People." The term "Nootka" was used to distinguish a distinct language group of the Wakashan linguistic family of the northwest coast Indian culture. There are three Nootkan languages -- Nootka proper, Dididaht, and Makah. Internal Dialects exist within these languages but do not prevent inter-tribal understanding. While the Makah people of Cape Flattery in the U.S.A. are also considered to be part of the Nootkan linguistic group (and are also closely tied to the Nuu-chah-nulth today), they are not part of the Nuu-chah-nulth Tribal Council and are not included in this discussion.

30. Fourteen of these bands are now members of the Nuu-chah-nulth Tribal Council, including the Ahousaht, Ditidaht, Ehattesaht, Hesquiaht, Kyuquot, Mowachaht, Nuchatlaht, Ohiaht, Opetchesaht, Tla-o-qui-aht, Toquaht, Tseshaht, Uchucklesaht, and Ucluelet bands. The Pacheenaht are part of the Nootka linguistic group, but they are not members of the Nuu-chah-nulth Tribal Council.

social units. Indeed, a recent resource site assessment (Inglis and Haggarty 1985) indicates that as many as 35 separate social units may have been operating within the present boundaries of Pacific Rim National Park Reserve alone during the latter half of the 18th Century. Estimates of pre-contact population vary widely, ranging from 15,000 (Arima 1983) to 40,000 (Richard Inglis, pers. comm. 1989). Disease and warfare, however, reduced the Nuu-chah-nulth to approximately 1,600 individuals by 1939 (Duff 1964). After 1939, the population began a slow recovery which has been growing at ever increasing rates (Arima 1983).

At the time of contact the Nuu-chah-nulth, like other northwest coastal peoples, had a very rich culture, with intricate oral history and legends, and a well-developed understanding of their environment and methods for exploiting it (see e.g. Duff 1964; McMillan and St. Claire 1982; Arima 1983; Inglis and Haggarty 1986). Indeed, according to Duff (1964: 8), "their cultures were distinguished by a local richness and originality, the product of vigorous and inventive people in a rich environment." The Nuu-chah-nulth were similar to other Coastal peoples in their well-developed sense of land ownership (Duff 1964: 8):

The patterns of ownership and utilisation which they imposed upon the lands and waters were different from those recognized by our system of law, but were nonetheless clearly defined and mutually respected. Even if they didn't subdivide and cultivate the land, they did recognize ownership of plots used for village sites, fishing places, berry and root patches, and similar purposes. Even if they didn't subject the forests to wholesale logging, they did establish ownership of tracts used for hunting, trapping, and food-gathering. Even if they didn't sink mine shafts into mountains, they did own peaks and valleys for mountain goat hunting and as sources of raw materials.

No Nuu-chah-nulth person could fish in important streams until they were officially opened by the chief who owned them. Moreover, people who fished such streams paid tribute to the owner for the privilege (Drucker 1951, 1958).³¹

As a hunter-gatherer society, the Nuu-chah-nulth had strong ties with the land and waters which made up their environment. With the arrival of the Europeans, the Nuu-chah-nulth people's relationship with the land was inexorably changed. The complex system of Indian ownership was dramatically altered by the intrusion of European settlers, who often failed to acknowledge what has come to be known as the "aboriginal land rights" of the Indians. This has left an indelible print on Indian perceptions regarding any matters concerning land. To understand the basis of present-day Indian viewpoints³² regarding land issues, it is necessary to review the history of Indian land issues in British Columbia.

31. This system of resource tenure was observed amongst the Nuu-chah-nulth of Barclay Sound by Blenkinsop as late as 1874 (Blenkinsop to Powell, 23 September, 1874 in Public Archives Canada, RG10 series, file 4105): "the minor chiefs each have their respective fishing streams yet they are all under the control of the head chief of the tribe, to whom the former invariably contribute a portion of their take whenever the salmon season is over; and this rule applies to food of all kinds. Even the trees of which they make their canoes and the wood used in constructing their dwellings have to be paid for...."

32. Obviously, there is no single, unified view held by all Indians when it comes to many issues (and, on reviewing the draft thesis, a park manager noted that this was the source of problems when dealing with bands). Not surprisingly, however, there is a great deal of consensus among Indians regarding the issue of Indian title (see e.g. Tennant 1990b).

4.2 A HISTORY OF INDIAN LAND ISSUES IN BRITISH COLUMBIA

4.2.1 Contact and Early Trade

The first known contact between Nuuchahnulth people and Europeans occurred on August 9, 1774 when the *Santiago*, captained by Juan Pérez Hernandez, anchored off Nootka Sound (Inglis and Haggarty 1987). Extensive interaction between Indians and Whites did not occur until four years later, in March of 1778, when the vessels *Resolution* and *Discovery*, under the command of Captain James Cook arrived off Nootka Sound (Cumming and Mickenberg 1972; Inglis and Haggarty 1987). Publication of Cook's journals in 1784 "drew attention to the economic potential of the sea otter trade and to Nootka Sound as a safe and hospitable anchorage" (Inglis and Haggarty 1987: 201). Almost 50 trading expeditions visited the region during the 20 years between 1785 and 1805.³³

During this period, the lucrative trading of the region also attracted the Spanish, who were making territorial claims to the same areas as the British (Cumming and Mickenberg 1972). In 1789 Spanish warships attacked a trading ship and post belonging to the British. War nearly ensued, but was averted by the signing of the Nootka Convention in 1790.

By the articles of this treaty, Spain made reparations to the British for seizing the vessel in question and returned all territories to Britain. From this point on, *British Sovereignty was established over Vancouver Island* and some surrounding areas (Cumming and Mickenberg 1972: 171; emphasis added).

33. On reviewing the draft thesis, a park manager took issue with this statement. He/she felt that the 50 ships referred to the entire coastline, not just Vancouver Island, and therefore the statement "is somewhat misleading."

Through this action the British, who had been in the region less than 12 years, claimed "sovereignty" over Vancouver Island without consulting the Indian peoples which had inhabited the territory for thousands of years.

At the time, however, Britain's claims to sovereignty had little effect on the Indian people (Tennant 1990b). Indeed, prior to formal colonization, the Indians were left much to themselves; with few colonists there was little pressure on Indian lands (Duff 1964; Stuckey 1981). This began to change in 1849, when the Hudson's Bay Company³⁴ was given the exclusive rights to trade as well as proprietary rights to Vancouver Island, in return for encouraging colonization (Duff 1964; Cumming and Mickenberg 1972). Events of the next two and one-half decades served to set the basic tone of the attitude towards Indians and the Indian land question held by officials of British Columbia's government.

4.2.2 The Colonial Period

James Douglas, Chief factor of the Hudson's Bay Company, was named Governor of the Vancouver Island Colony in 1851. In 1858, Douglas resigned from the Hudson's Bay Company, and also became Governor of the newly created mainland colony of British Columbia (Duff, 1964). Both as Governor and Chief Factor, he was responsible for implementing policies designed to expedite the orderly settlement of the Colony; by necessity, this involved dealing with the question of Indian lands. His

34. On reviewing the draft thesis, a park manager asserted that this should read "the British East India Company." According to Duff (1964), Cumming and Mickenberg (1972), Fisher (1977), and Tennant (1990), the Hudson's Bay Company was granted the proprietary rights to Vancouver Island.

approach towards the Indians and their lands had a lasting impact on Indian administration in British Columbia (Tennant 1990b).

Between 1850 and 1854,³⁵ Douglas arranged fourteen minor treaties with Indian Tribes on Vancouver Island (British Columbia 1875). Thirteen of the fourteen treaties outlined the same terms under which the Indians surrendered their title (treaty with Teechamitsa Tribe, British Columbia 1875: 5):

The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people forever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.³⁶

Douglas arranged these treaties primarily to reduce the likelihood of Indian wars (Duff 1964; Cumming and Mickenberg 1972; Madill 1981); in so doing, however, he also acknowledged the existence of an "Indian Title." As Tennant (1990b: 20) observes: "[t]he most important fact about the

35. Douglas makes reference to the fact that he "made it a practice up to the year 1859, to purchase the native rights in the land," in a despatch to the Secretary of State for the Colonies dated March 25, 1861 (see British Columbia 1875: 19). This indicates the existence of further treaties, however, there is no record of any treaties made after 1854.

36. Excerpt from the treaty with the "Teechamitsa Tribe—Country lying between Esquimalt and Point Albert." Thirteen of the fourteen treaties contained this same paragraph. The text of the fourteenth treaty, with the "Saalequin Tribe—Nanaimo," has not been located, but as described in *Papers Connected With the Indian Land Question: 1850-1875*, it is assumed to be "a similar conveyance of country..." See British Columbia (1875: 5-11) and Madill (1981).

Douglas treaties is that they stand as unequivocal recognition of aboriginal title."

Under the common law doctrine of "Indian" or aboriginal title, Indians have a legal right to occupy and possess certain lands, the ultimate title to which is in the Crown.³⁷ This gives Indians a unique interest in these lands: an interest which exists at some, as yet undefined point on a spectrum of property rights ranging from simple use to exclusive possession (see e.g. Sanders 1983; Slattery 1987; Garton 1989). From his actions, it is apparent that Douglas was following tenets enunciated in the *Royal Proclamation of 1763* (as excerpted in Cumming and Mickenberg 1972: 291)³⁸ which stated:

And whereas it is just and reasonable, and essential to our interests, and the security of our Colonies, 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....

...

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our Said

37. See *Guerin v The Queen*. reported in [1984] 2 S.C.R. 335, 36 R.P.R. 1, 20 E.T.R. 6, [1984] 6 W.W.R. 481, 59 B.C.L.R. 301, [1985] 1 C.N.L.R. 120, 13 D.L.R. (4th) 321, 55 N.R. 161 (*sub nom. Guerin v Canada*) (S.C.C.), reversing [1983] 2 F.C. 656 (*sub nom. R v Guerin*), 13 E.T.R. 245, [1983] 2 W.W.R. 686, [1983] 1 C.N.L.R. 20, 45 N.R. 181, 143 D.L.R. (3rd) 416 (Fed. C.A.) which reversed [1982] 2 F.C. 385, [1982] 2 C.N.L.R. 83, 10 E.T.R. 61 (Fed. T.D.).

38. According to Slattery (1985) the original text of the Proclamation, as entered on the patent roll for the regnal year 4 Geo. III, can be seen in the British Public Record Office: c. 66/3693 (back of roll).

Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and Northwest....

The land mass of British Columbia was undiscovered at the time of the *Royal Proclamation of 1763*, however, and therefore some argue (see e.g. B.C. Ministry of Native Affairs 1989) that it does not apply to British Columbia. Cumming and Mickenberg (1972: 30) reply to such arguments:

An important question relative to the Proclamation involves a dispute over its geographic scope. While the eastern boundaries of "Indian Country" are indicated in its text, the Proclamation is silent as to the western boundary of the reserved area. We have already noted that this omission was made despite the suggested boundary of the Mississippi River and that therefore the Proclamation could well be considered as embracing all potential British claims in the west.

More recently, Slattery (1985) has arrived at similar conclusions. He presents (1985: 121) clear evidence from the text of the Proclamation itself to illustrate the lack of support for the notion that it recognized aboriginal land rights *only* in the Indian territory created in the North American hinterland. Moreover, according to Slattery (1985, 1987), the Proclamation's tenets result from the evolution of British views on justice which had been widely applied prior to its enunciation. These tenets were regularly applied in dealings with native peoples in many British colonies which came into being long after 1763, and they formed a part of the branch of unwritten British law termed "imperial constitutional law" (Slattery 1987: 737). At confederation, imperial constitutional law became a part of Canadian common law. Therefore, according to Slattery (1987: 740):

[t]he fact that the common law of aboriginal rights is uniform across Canada means that it is not necessary for many purposes to determine what precise territories are covered by the Indian provisions of the Royal Proclamation of 1763. Even assuming that

certain provisions do not apply to some parts of Canada, the common law principles that the Proclamation consolidates are in force there.

This argument is reinforced by the contents of a dispatch from Lord Carnarvon (acting for the Secretary of State for the Colonies) to Governor Douglas (Carnarvon to Douglas, 11 April, 1859, in *British Columbia 1875*: 18):

Proofs are unhappily still too frequent of the neglect which Indians experience when the white man obtains possession of their country, and their claims to consideration are forgotten at the moment when equity most demands that the hand of the protector should be extended to help them. In the case of the Indians of Vancouver Island and British Columbia, Her Majesty's Government earnestly wish that when the advancing requirements of colonization press upon lands occupied by members of that race, *measures of liberality and justice may be adopted for compensating them for the surrender of the territory which they have been taught to regard as their own* (emphasis added).

By 1860, however, Douglas was unable to maintain his policy of acknowledging Indian title and compensating Indians for its extinguishment. While both the Imperial and local governments supported his policy, neither was willing to provide the necessary funds, as each claimed the other had financial responsibility (Duff 1964). This quarrel was never satisfactorily resolved,³⁹ but it did serve to reinforce the notion that Indian title did in fact exist. Indeed, in a Petition of the House of Assembly of the colony of Vancouver Island, to the Secretary of State for the Colonies

39. In a dispatch to the Secretary of State for the Colonies, dated March 25, 1861, Douglas proposed a solution to this impasse "calculated to extricate the Colony from existing difficulties, without putting the Mother Country to a serious expense..." (*British Columbia 1875*: 19). Douglas' proposal had additional appeal in that neither party need accept financial responsibility for extinguishing title, but his proposal was never adopted.

dated February 6, 1861, the Assembly commented (as cited in Cumming and Mickenberg 1972: 177; also see Douglas to Lytton, 25 March, 1861, in *British Columbia 1875*: 19-20) that "the House of Assembly respectfully considers that the extinction of the aboriginal title is obligatory on the Imperial Government." Interestingly, as Governor of the Colony, Douglas often spent much more on other projects than the £3,000 deemed necessary to pay for extinguishment of the remaining Indian title in the Colony, therefore -- contrary to popular opinion -- Douglas did not truly believe that such extinguishment was a moral necessity (Tennant 1990a). As Tennant (1990b: 25) concludes:

[t]here was continuous and unanimous acknowledgement of aboriginal title in the colony by the three official actors: the Colonial Office, the governor, and the assembly. Yet no action on Indian title took place after 1859. Each of the three put the onus on the other two to act. None did.

The end result was that no further treaties were signed by the Colony or Province, nor were any other Indian titles explicitly extinguished.

Douglas was of the opinion that Indian discontent could be greatly reduced if Indians were given as much land as they requested for reserves. His policy, therefore, was to grant Indians as many acres as they wished and whatever land they chose (Duff 1964; LaViolette 1973; also see Good to Moody, 5 March, 1861, in *British Columbia 1875*: 21). He set aside numerous tracts of land for reserves on Vancouver Island, along the Fraser and North Thompson Rivers, in the Okanagan Valley, and at Kamloops (Stuckey 1981; also see correspondence in *British Columbia 1875*: 21-28). Unfortunately Douglas never finished his allotment goal of reserves

throughout the Colony, nor did he ever officially survey those which he had allotted (although boundaries were marked out).

Douglas believed that the best means to reduce friction between Indians and whites was for the Indian to be assimilated (see Douglas to Lytton, 14 March, 1859, in *British Columbia 1875*: 16-17). To speed their assimilation, smaller reserves were allotted than those in Eastern Canada--the minimum size being 10 acres *per* family; at the same time, Indians were encouraged to apply for the same pre-emptions available to European settlers (Cumming and Mickenberg 1972). However, while Douglas attempted to act in an equitable manner towards the Indians, his unwillingness to deal with the question of Indian title would prove to be a major problem in future.

To the Indians [Douglas] left title to their lands. To the whites he left the unresolved Indian claims. To all British Columbians he left the Indian land question. Douglas is indeed the father of British Columbia (Tennant 1990b: 38).

After Douglas' retirement in 1864, A.E. Kennedy became governor and Joseph Trutch was appointed Chief Commissioner of Lands and Works, where he was responsible for administration of Indian lands for the Colony (Fisher 1971-72, 1977). Trutch held the view that the Indians formed an "obstruction to settlement and progress" (Cumming and Mickenberg 1972: 180; also see Fisher 1971-72, 1977; LaViolette 1973). Moreover, he chose to deny the existence of Indian title altogether, including title to lands reserved by Douglas:

The Indians regard these extensive tracts of land as their individual property; but by far the greater portion thereof they make no use whatever and are not likely to do so; and thus the land, much of which is either rich pasture or available for cultivation and

greatly desired for immediate settlement, remains in an unproductive condition--is of no real value to the Indians and utterly unprofitable to the public interests

...

The Indians have really no right to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should either retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them to Government *or to individuals* (enclosure in Trutch to Acting Colonial Secretary, 28 August, 1867, in *British Columbia 1875*: 42; original emphasis).

Trutch firmly believed in the superiority of the English over all other peoples--but especially Indian peoples. "Segregation" and "inequality" became the watchwords of Indian administration under Trutch. In contrast to Douglas who viewed Indians as "rational beings, capable of acting and thinking for themselves" (Douglas to Lytton, 14 March, 1859, in *British Columbia 1875*: 17), Trutch saw them only as "uncivilized savages" (Fisher 1971-72: 5). Accordingly, Trutch had few qualms about taking Indian land without compensation. To this end, he carried out a "re-allocation policy" during the 1860's which saw a drastic reduction in the number of Indian reserves in the colony, as well as a reduction in the size of those reserves remaining (Shankel 1945; Fisher 1971-72, 1977). While the precise extent of these cut-offs is unknown, estimates go as high as 40,000 acres (see Fisher 1971-72: 11; Tennant 1990b: 43). Thus, not only did Trutch refuse to recognize Indian title, he also took away lands which had been reserved for them by the government without obtaining the consent of the Indians involved and without compensating them. Furthermore, there is convincing evidence that Trutch knowingly falsified records to justify his re-allocations (see Fisher 1971-72: 14-15).

Trutch's Indian policies obviously differed greatly from those employed earlier by Douglas. Moreover, his policies turned out to be considerably different from those followed by the Dominion Government. This discrepancy would prove to be a major obstacle to the establishment of reserves and solution of the Indian land question in the Province after it joined the Dominion.

4.2.3 Confederation and the Terms of Union

When British Columbia, including the former colony of Vancouver Island, became a Province of the Dominion of Canada on July 20, 1871, jurisdiction for Indian Affairs passed from the Province to the Secretary of State in Ottawa. Clause 13 of the Terms of Union (R.S.C. 1970, as excerpted in Cumming and Mickenberg 1972: 180-181) set out the responsibilities of each government regarding the administration of Indian lands:

The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and *a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.*

To carry out such a policy, *tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose,* shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominions (sic) Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies (emphasis added).

There are conflicting accounts as to who was responsible for the wording of this clause.⁴⁰ What is clear, however, is that British Columbia's Indian policy had been quite "un-liberal" during the period between 1864 and 1871. Thus the wording of Clause 13 proved to be unfortunate. It formed a major stumbling block to the Dominion Government's attempts to administer an effective Indian land policy, while at the same time, it sanctioned existing provincial policies as "liberal," thus sentencing Indians to further injustices (Fisher 1971-72; Stuckey 1981).

4.2.4 Indian Reserve Commission and Allocation of Reserves

The provincial government, guided by Trutch who was now its Lieutenant-Governor, managed to hide behind Clause 13 in all its dealings with the Dominion (see Fisher 1971-72). In the contentious issue of reserve size, for example, the Province, arguing that it was a continuation of former policy,⁴¹ pushed for a maximum reserve allotment of 10 acres *per* family compared to the allotment of 80 acres *per* family recommended by the Dominion. Consensus was reached at 20 acres, but broke down when the Province refused to apply this to reserves already in existence (Fisher

40. Shankel (1945) asserts that those in British Columbia would not have suggested the phrase, as they felt dealings with the Indians had been too liberal up to this point. In contrast, Fisher (1971-72: 22) notes that "during debate on union in British Columbia there was some discussion of the Indian question, but the terms proposed contained no reference to Indians. Presumably, clause 13 of the final terms was added in Ottawa, and as Trutch was the only person closely involved with colonial Indian policy present at those discussions he can fairly be attributed with responsibility for the clause."

41. This former policy was that of Trutch, not the more liberal policy of Douglas.

1971-72; Cumming and Mickenberg 1972; also see correspondence in British Columbia 1875: 151-155).

Another agreement of sorts was reached during 1875-76 when a three-member Joint Commission on Indian Reserves was appointed to allocate reserves in the province (British Columbia 1916; Duff 1964; Fisher 1977). No specific size had been fixed for reserves, but instead "each separate nation of Indians of the same language" would be dealt with separately (British Columbia 1916: 17). Under the federal-provincial agreement, the Commission, in addition to allocating new reserves, had the power to both enlarge or reduce the size of existing reserves and any land taken off a reserve was to revert to the Province (British Columbia 1916). Further, it did not have the power to deal with the issue of Indian title; however, "to indicate the dominion government was cognizant of the native title claim and was not disposed to deny it" the federal Order-in-Council establishing the Commission concluded with a statement recognizing that the Indian title question was still to be settled in areas of British Columbia not covered by treaties (Cail 1974: 208).

After one year the Reserve Commission (as it came to be known) was reduced to a single member, Gilbert Sproat, who worked until 1880 when Peter O'Reilly took over (Duff 1964). O'Reilly worked as "Reserve Commissioner" for eighteen years, allotting and "re-allotting" reserves in British Columbia (Duff 1964).

Up to 1880, the Reserve Commission was constantly beset by problems related to Federal-Provincial disagreements. The Province continually criticized the Commission for allocating too much land to Indians.

Moreover, in 1879 the Province actively interfered with the allocation of reserves by refusing to transfer title of reserves to the Dominion unless they had been surveyed according to new regulations set out in the *Land Amendment Act* passed that year. To make matters worse, the Province constantly encroached on Indian reserves; in some instances allowing settlers to purchase land already reserved for Indians (Fisher 1977; also see Shankel 1945).

At the suggestion of Joseph Trutch, Peter O'Reilly⁴² was appointed reserve commissioner in 1880 (Duff 1964). O'Reilly was of much the same mind as the Province regarding Indians and their land, and for this reason he met with somewhat less resistance than his predecessors. Under O'Reilly "the allotment of land to the Indians once again reflected settler demands or, as Trutch and O'Reilly put it, *the public interest* " (Fisher 1977: 201). Indeed, O'Reilly spent a good deal of his tenure as reserve commissioner revising Sproat's work. Reserve sizes were reduced, and the grazing commons which Sproat had allocated to the Indians in the interior were taken away altogether (Fisher 1977). During his tenure, O'Reilly also managed to allocate a major portion of the Indian reserves in the Province (Duff 1964). His approach to defining reserves, however, left much to be desired in the eyes of the Indians. He would often rush into an area, and with little or no consultation decide upon reserve location and size, then impose his decision on the Indians (Fisher 1977).⁴³

42. O'Reilly, interestingly enough, happened to be Trutch's brother-in-law.

43. Such was the case with many of the Nuu-chah-nulth bands (see correspondence from O'Reilly to Indian Affairs in Public Archives Canada, RG10 series, file 1277).

After O'Reilly's retirement in 1898, the Reserve Commissioner's duties were added to the existing duties of the Indian Commissioner for British Columbia, A.W. Vowell. Vowell served until 1908, when the provincial government, under Premier McBride, suspended reserve allocation (Duff 1964; LaViolette 1973). It could not, however, halt Indian agitation for recognition of their title.

4.2.5 The Rise of Indian Land Claims in B.C.

Indian complaints about treatment over land issues arose quite early, when Trutch began his "re-allotment" of reserve lands (Fisher 1971-72). The Indians--who were much more aware of their rights than a man like Trutch could appreciate--became more and more dissatisfied with provincial policy. Indeed, in the early 1870's the Chilcotin Indians reacted with hostility to the intrusion of European settlers, asserting that the land was theirs and the white men had no right to take it without compensation (Riske and McIntyre to Trutch, 6 June 1872, Public Archives of British Columbia, as cited in Fisher 1971-72). In the years following, Indians began concerted efforts to have the land issue settled fairly.

In July of 1874 a number of Chiefs from Fraser River tribes presented a petition to the Indian Commissioner for the Province of British Columbia. They stated (Enclosure in Powell to Ash, 5 August, 1874, in British Columbia 1875: 137-38):

we are fully aware that the Government of Canada has always taken good care of the Indians, and treated them liberally, allowing more than one hundred acres per family; and we have been at a loss to understand the views of the Local Government of British Columbia, in curtailing our land so much as to leave, in many instances, but few acres of land per family.

...

we have felt like men trampled on, and are commencing to believe that the aim of the white men is to exterminate us as soon as they can....

...

Some of our best men have been deprived of the land they had broken and cultivated with long and hard labour, a white man enclosing it in his claim, and no compensation given.

Dr. Isreal W. Powell, the Indian Commissioner, sent the petition to John Ash, the Provincial Secretary, in a dispatch August 5th, 1874 (see *British Columbia 1875*). Ash's response (Ash to Powell, 11 August, 1874, in *British Columbia 1875*: 138) is telling:

Sir--I have the honour to acknowledge the receipt of your letter of the 5th inst., forwarding for my consideration a copy of a petition from the Indian Chiefs of the Fraser, and in reply I would recommend you to carry out the prayer of the said petition by forwarding the same to the Secretary of State for Canada.

The Province thereby maintained its willingness to hide behind Clause 13 of the Terms of Union, while continuing its refusal to even discuss, let alone acknowledge, Indian title.

Several years later, after agitation by the Nisga'a⁴⁴ Indians over land issues, a Commission was appointed to examine the Nisga'a claims. On October 19, 1887, eleven Chiefs of the Nisga'a sent a petition to the two Commissioners, demanding recognition of their Indian title (Nisga'a Chiefs to Cornwall and Planta, 19 October, 1887, in *British Columbia 1888*: 461):

The land was given to our forefathers by the great God above, who made both the white man and the Indian, and our forefathers handed it down to us, and we have not given it to anyone. It is still

44. Formerly spelled Niska or Nishga, Nisga'a is the spelling adopted by the Indians living in the Nass River region of northwest British Columbia, and is used throughout this thesis.

ours, and will be ours till we sign a strong paper to give part of it to the Queen.

However, the Commission was not authorized to deal with the issue of Indian title. Indeed it had specific instructions to avoid the question altogether (Davie to Planta, 29 September, 1887, in *British Columbia 1888*: 416):

you will please be careful--while assuring the Indians that all they say will be reported to the proper authorities--not to give undertakings or make promises, and in particular *you will be careful to discountenance, should it arise, any claim of Indian title to Provincial lands*. I need not point out that the Provincial Government are bound (*sic*) to make, at the request of the Dominion, suitable reserves for the Indians; and it will be advisable, should the question of title to land arise, to constantly point this out, and that the Terms of Union secure to the Indians their reserves by the strongest of tenures (emphasis added).

Thus the Province, again invoking Clause 13 of the Terms of Union, managed to continue its refusal to discuss Indian title.

Nonetheless, the Dominion began siding with the Indians and rapidly found itself in constant disagreement with British Columbia over Indian policy (Cumming and Mickenberg 1972). As each government's position became more entrenched, the Dominion pressed more vigorously for settlement of the Indian title question. A memorandum of November 2, 1874 prepared by David Laird, Federal Minister of the Interior (Enclosure no. 2 in Langevin to Trutch, 14 November, 1874, in *British Columbia 1875*: 152), illustrates the Dominion Government's position:

The policy heretofore pursued by the Local Government of British Columbia toward the red men in that Province, and the recently expressed views of that Government... fall far short of the estimate entertained by the Dominion Government of the reasonable claims of the Indians.

...

The policy foreshadowed in the provisions of the 13th Clause of the British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians.

To satisfy these demands, and to secure the good-will of the natives, the Dominion and Local Governments must look beyond the terms of that agreement, and be governed in their conduct towards the aborigines by the justice of their claims, and by the necessities of the case.

When Provincial policy almost resulted in an Indian war in the interior (see Enclosure no. 2 in Lenihan to Ash, 8 October, 1874, in British Columbia 1875: 145-146), the federal Minister of the Interior warned the Province that he would side with the Indians if fighting broke out (Mills to Powell, August 2, 1877, as quoted in Duff 1964: 67):

Indian rights to soil in British Columbia have never been extinguished. Should any difficulty occur, steps will be taken to maintain the Indian claims to all the country where rights have not been extinguished by treaty.

Support of Indian claims to land was also voiced by the Governor-General of Canada, Earl Dufferin. In a speech made in Victoria, two months after Trutch's retirement in 1876, he severely criticized provincial Indian policy (Stewart 1878: 492-93, as excerpted in Fisher 1971-72: 26):

Now, we must all admit that the condition of the Indian question in British Columbia is not satisfactory. Most unfortunately, as I think, there has been an initial error ever since James Douglas quitted office in the Government of British Columbia neglecting to recognize what is known as the Indian title... in British Columbia--except in a few cases where under the jurisdiction of the Hudson Bay Company or under the auspices of Sir James Douglas, a similar practice has been adopted--the Provincial Government has always assumed that the fee simple in, as well as sovereignty over the land resided in the Queen.... As a consequence there has come to exist an unsatisfactory feeling amongst the Indian population.

One year later, in a letter to Gilbert Sproat (Indian Reserve Commissioner), David Mills, Federal Minister of the Interior (Fisher 1971-

72: 26), concurred with Dufferin's position and he asserted that the Federal Government had the legal right "to interfere and prevent the Provincial Government from dealing with any public land that Indian title to which has not been extinguished." The Federal Government never made good on its threat--most likely because it was convinced by Trutch (who had returned to public life) that the cost of extinguishing Indian title would be too great (Fisher 1971-72).

4.2.6 Indian Political Organizations and Demands for Claim Settlements

Trutch's actions did not prevent Indian groups from continuing to press for recognition of their title. In 1906 a delegation of three chiefs representing the Squamish and a few other south coast tribes went to London to petition the King about their land title (Shankel 1945; Drucker 1958; Duff 1964; LaViolette 1973). They met with King Edward VII, but received little support for their claims (Duff 1964; LaViolette 1973; Berger 1982). Another petition was presented to King Edward, in 1909, this time by three Chiefs representing twenty Coast and Interior Salish tribes (Shankel 1945; Drucker 1958; LaViolette 1973; Berger 1982). It was referred to the Dominion Government who decided to obtain a judicial decision for the claims of the Indians (Stuckey 1981; Raunet 1984). Legal counsel for both the Dominion and Province agreed on a list of ten questions to be referred to British authorities; seven concerned reserve size while three dealt with the issue of Indian title. Premier McBride refused to participate, because of the three questions on Indian title, and the questions were never submitted for a judicial decision (Stuckey 1981; Raunet 1984).

At this same time, Frank Oliver the federal Superintendent General of Indian Affairs, commissioned T.R.E. McInnes to initiate a study on the Indian title question in British Columbia. The study, submitted to Oliver on August 20, 1909, concluded (McInnes 1909: 3-4):

That the British Government at no time authorized any Colonial Government to dispossess any nation or tribe of Indians in Canada from lands actually occupied by such nation or tribe.

...

That the Indian Title was impliedly and specifically recognized in British Columbia by the Imperial Government, the Hudson's Bay Company, and the Colonial Governments, from the very first advent of whites to that Province.

...

That no declaration or act of the Dominion Government or of any Provincial Government, nor of both acting conjointly, can without the express consent of the Indians concerned and of the Imperial Government, derogate from the Indian Title or appropriate the reversionary interest in Indian Lands.

McInnes' Report, which supported the Indian peoples' assertions that they still possessed aboriginal title to their lands, was submitted to the House of Commons as a Sessional Paper (No. 47, 1914) but it was not published by Parliament.⁴⁵

Reacting to McBride's refusal to deal with the land question, the Nisga'a Indians formed a "land Committee" to push for recognition of Indian title (Raunet 1984). Meanwhile, the Liberal Prime Minister of Canada, Sir Wilfred Laurier, had met with a delegation of Indians from British Columbia and had promised the support of the Dominion Government. He stated the Dominion's intent to institute proceedings in

45. Ironically, later Sessional Papers which did not support the continued existence of an Indian title, were published.

the Exchequer Court of Canada, on behalf of the Indians (Shankel 1945). Laurier's Liberals, however, were defeated in an election before they could institute such proceedings.

The newly elected Conservative Government, led by Prime Minister Robert Borden, took a much softer stance than Laurier. Borden appointed a special commissioner, Dr. J.A.J. McKenna, to investigate the claims of the Indians of British Columbia and to reconcile the differences with the Province (British Columbia 1916). One of McKenna's first acts was to examine the issue of aboriginal title, on which he submitted a lengthy report to the Province in July of 1912. It stated, in part (Scott 1927: 9):

I understand that you will not deviate from the position which you have so clearly taken and frequently defined, i.e., that the province's title to its lands is unburdened by any Indian title, and that your government will not be a party, directly or indirectly, to a reference to the Courts of the claim set up. You take in that the public interest, which must be regarded as paramount, would be injuriously affected by such reference in that it would throw doubt upon the validity of titles to land in the province. As stated at our conversations, I agree with you as to the seriousness of now raising the question, and, as far as the present negotiations go, it is dropped.

Having "solved" the issue of Indian title, McKenna then went on to deal with the questions of reserve size and of the Province's reversionary interest in Indian reserves. Regarding the latter, it was not possible for Indians to surrender their reserve land to the federal government so that it could be leased for their benefit, because under the terms of the 1875 dominion-provincial agreement, title to reserve lands surrendered by Indians automatically became vested in the Province. To settle these contentious issues, McKenna suggested the formation of a Royal Commission comprised of representatives from both Governments (Scott 1927; Cail 1974).

Premier McBride agreed to this idea, and on September 24, 1912, the McKenna-McBride Agreement was signed. It outlined the terms of reference for a Royal Commission which was supposed to "settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs" (British Columbia 1916: 10). By Orders-in-council dated 27 November, 1912, and 23 April, 1913, the McKenna-McBride Royal Commission (as it came to be known) was empowered to investigate and make recommendations regarding reserve lands for Indians in British Columbia (British Columbia 1916: 14). It had the capacity to recommend augmentation or reduction in the size of reserves, but it was powerless to deal with the issue of Indian title.

After three years of travelling throughout British Columbia, visiting reserves, and meeting with Indian bands and public organizations, the Commission submitted a massive four volume report to both governments on June 30, 1916 (British Columbia 1916). The report recommended that some existing Indian reserves be confirmed, that some new reserves be allotted, and that others should be reduced in size or disposed of altogether because they were deemed "not necessary for the use of the Indians" (British Columbia 1916: 10). The report also recommended that the Province's reversionary interest in Indian reserves be removed (British Columbia 1916). British Columbia passed the enabling legislation necessary for carrying out the Royal Commission recommendations in 1919, and the Dominion did so in 1920. With the necessary legislation in place, and following some revisions, the report of the Royal Commission

was ratified by the province in July, 1923,⁴⁶ and by the Dominion in July, 1924.⁴⁷ As far as the two governments were concerned, three troublesome issues were now settled; namely Indian title, reserve size, and the Province's reversionary interest in reserve lands.⁴⁸

Many Indian groups rejected the work of the Commission, however, and during its three year tenure it met with a great deal of opposition from these groups (see British Columbia 1916). Some opposition arose because the Commission was empowered to reduce the size of existing reserves--indeed, while the final report of the Commission recommended the addition of 87,291 acres of reserve lands, it also called for a reduction of 47,058 acres from existing reserves in the province (British Columbia 1916: 177). These reductions, or "cut-offs," were quite illegal, as the McKenna-McBride Agreement required that any area to be cut-off could only be done so with the permission of the band affected. No such consent was ever obtained.⁴⁹ In addition, the \$444,838.80 value of the lands added to Indian reserves, was about one-third that of the \$1,247,912.72 to \$1,522,704.72 value

46. B.C. Order-in-Council 911, July 26, 1923.

47. P.C. 1265, July 19, 1924.

48. Title to Indian reserve land outside the Railway Belt and Peace River Block was not transferred to the Federal government, however, until B.C. Order-in-Council 1036 was signed on July 19, 1938.

49. In 1982, the *Indian Cut-Off Lands Disputes Act* was implemented, allowing the Province of British Columbia to finally rectify the injustice of the cut-off lands. As of July, 1989, fourteen of twenty-two claims arising from the 1916 cut-offs had been successfully negotiated (British Columbia Ministry of Native Affairs). the Ohiaht band had just completed negotiations and put the proposed settlement up for band referendum at the time the author was interviewing councillors.

of the lands removed (British Columbia 1916: 177).⁵⁰ However, perhaps a greater portion of the dissatisfaction focussed on the fact that the Commission was not dealing with the issue of Indian title (see e.g. E.M. to Doherty, 23 October, 1913, Public Archives of Canada, RG10 series, vol. 3822, file 59,335-1; also see Duff 1964; LaViolette 1973; Cail 1974; Berger 1982; Raunet 1984). Nevertheless, many of those Indians who did testify before the Commissioners mentioned the issue of Indian title (LaViolette 1973; Cail 1974). In the end, most Indians rejected the conclusions of the Royal Commission's Report of 1916, and "at no time did they accept it as a final award and settlement" (Cail 1974: 239).

The Nisga'a Indians, for example, chose to present a petition to the Imperial government rather than co-operate with the Royal Commission. After hiring the British law firm of Fox and Preece, the Nisga'a presented a Petition to the Imperial Privy Council on 21 May, 1913 (Drucker 1958; Raunet 1984). The Privy Council, however, asserted that they did not have the jurisdiction to respond to the Petition unless it was sponsored by the Dominion government. The Dominion would not sponsor the Petition unless it was substantially amended,⁵¹ but the Nisga'a refused to agree to the amendments (Drucker 1958; Raunet 1984).

50. For comparison, British Columbia Indians had the fifth highest (of the 9 provinces in confederation at the time) amount of land area *per capita* in reserves in 1924. The total value of this reserve land ranked third highest behind Alberta and Saskatchewan (see Cail 1974: 238).

51. Duncan Scott (Deputy Superintendent General of Indian Affairs) drafted a proposal whereby the Nisga'a could submit their claim to the Exchequer Court, with right of appeal to the Imperial Privy Council. However, in return the Indians were asked to agree that, "if the final decision substantiated their claims to the lands of the

The issue of Indian title did not die here, however, as the Interior Salish and a number of south coast Indian tribes joined to form the "Allied Tribes of British Columbia" (Shankel 1945; Drucker 1958; Duff 1964).⁵² According to Shankel (1945: 201-202), they refused to accept the recommendations of the Royal Commission for a number of reasons:

1. All the rest of Canada had acknowledged Indian title.
2. Since no extinguishment of title has been made in British Columbia, the reservations have been made arbitrarily and are totally inadequate. The Act under consideration not only ignores Indian rights but expressly prohibits Indians from enjoying the rights of recording or preempting land, except by consent of the Lieutenant-Governor.
3. Sir Wilfred Laurier when Prime Minister promised without any condition whatever that the land controversy would be brought before the Judicial Committee.
4. The Duke of Connaught as Governor-General gave positive written assurance that if the [Nisga'a] tribe should not be willing to agree to the findings of the Royal Commission, His Majesty's Privy Council would consider the [Nisga'a] petition.
5. The additional lands set apart are inferior in quality and much less in value than the lands cut off.

A few years later, in 1923, the Allied Tribes presented the Dominion with a set of demands, in return for which they would agree to drop the issue of Indian title (Drucker 1958; Duff 1964). They requested a cash

Province, they would immediately surrender such title in return for such benefits, given by the Dominion, in accordance with established Crown usage in satisfying and extinguishing unsurrendered Indian title" (Drucker 1969: 98).

52. According to Drucker (1958), the Tsimshian of Port Simpson also joined the Allied Tribes while the Southern Kwakiutl aligned themselves with the organization as well. The Nisga'a also worked with the Allied Tribes but never formally joined them. See Drucker (1958 at page 95) for an in-depth discussion of the Allied Tribes.

settlement of approximately \$2.5 million, an increase in reserve size, guaranteed hunting and fishing rights, and certain educational and health benefits. The Dominion government felt the demands were excessive, and it rejected them (Duff 1964).

The Allied Tribes continued their efforts to have Indian claims examined by the Privy Council. In 1926 they presented a Petition to Parliament requesting that their aboriginal rights be recognized (see Canada 1927: xxiii). They also asked that a mechanism for settling all outstanding issues regarding Indians in British Columbia be put in place, that the Judicial Committee of the Privy Council rule on their grievances, and that their "Petition and all related matters be referred to a Special Committee for full consideration" (Canada 1927: xxiii). In response, a Special Joint Committee of the Senate and House of Commons was appointed by the Dominion to investigate these claims (Canada 1927). Its Report, which has been called "the Great Settlement of 1927" (Duff 1964: 69), was a setback to the Indians of British Columbia.

The Special Joint Committee (Canada 1927: xi) concluded "that the petitioners have not established any claim to the lands of British Columbia based on Aboriginal or other title,"⁵³ and that "the matter should now be regarded as finally closed." The Committee went on to suggest (Canada 1927: xviii) that a grant in lieu of treaty payments in the amount of \$100,000 a year be spent for "technical education, provision of hospitals and medical

53. However, as Duff (1964: 69) points out, the Joint Committee did not conclude that the Indians did not *have* a claim based on Indian title, only that they had not *established* such a claim.

attendance, and in the promotion of agriculture, stock-raising and fruit culture, and in the development of irrigation projects." Finally, they recommended (Canada 1927: xviii) that the Indians of British Columbia be "advised that no funds should be contributed by them to continue further presentation of a claim which has now been disallowed."

When the Committee's recommendations were adopted, an annual grant of \$100,000 was added to the budget of the Department of Indian Affairs, to be used to aid the "development" of the Indians of British Columbia. The Dominion government extended the Committee's final recommendation, however, and in amendments to the *Indian Act*, passed in 1927, a clause was inserted making it illegal to raise funds to pursue Indian land claims (Drucker 1958; Berger 1982; Raunet 1984). With that, the Allied Tribes disbanded and, while the Nisga'a Land Committee continued to meet to discuss strategy for pursuing their claim, the title question was temporarily dropped.

The Native Brotherhood of British Columbia was formed in 1931 (Tennant 1982). Its primary concern was to represent the interests of Indian commercial fishermen, but it also concerned itself with wider issues and thus its leaders saw the organization as the successor to the Allied Tribes (Tennant 1982). Indians did not begin to pursue the title question in earnest until quite some time after World War II, following a number of significant events. In 1947 Indians were given the provincial franchise⁵⁴ and two years later, Frank Calder, a Nisga'a, was elected to the

54. The federal franchise was not granted to Indians until 1960 (Tennant 1982).

British Columbia Legislative Assembly as the representative of the Atlin riding. He was the first Indian elected to a legislature in Canada. Two years later, the prohibition on fundraising for land claims was dropped with the 1951 amendments to the *Indian Act* (Tennant 1982; Raunet 1984). Finally, various Indian political organizations arose to represent Indian claims: the Nisga'a Tribal Council was formed in 1955, and soon after it revived the old Nisga'a Land Committee; the Nuu-chah-nulth formed the Allied Tribes of the West Coast in 1958, while a similar organization, called the Southern Vancouver Island Allied Tribes was created in 1964 to represent the Coast Salish on Vancouver Island; the North American Indian Brotherhood was formed in the late 1950's to represent the interests of the interior Indians; and the Native Brotherhood, formed in 1931, still actively represented the coastal Indians (Tennant 1982, 1983). Indian action on land claims soon began to accelerate.

Indian groups from British Columbia went to Ottawa to testify before a Special Joint Committee of the Senate and House of Commons on Indian Affairs, which held hearings from 1959 to 1961 (Sanders 1983). As a result of its recommendations, the Diefenbaker government introduced legislation to establish an Indian Claims Commission. Passage was delayed by consultation with Indian organizations, however, and the Bill was not enacted before Diefenbaker was defeated in the 1963 General Election (Sanders 1983). In 1965, Pearson's Liberal government also introduced a Claims Commission Bill, but it too was never enacted.

4.2.7 Judicial Recognition of Aboriginal Rights

4.2.7.1 The Calder Case

In 1967, tired of waiting for a political solution to the land question, the Nisga'a initiated a suit before the Supreme Court of British Columbia, asking the court for a declaration that their aboriginal title had never been extinguished (Sanders 1973; Berger 1982; Raunet 1984). The trial, which came to be known as the "Calder Case" opened in the Supreme Court of British Columbia in April of 1969. Sitting in judgement of the case, Mr. Justice Gould (as quoted in Raunet 1984: 157) ruled against the Nisga'a:

I am of the view that between November 19, 1866, and May 16, 1871, during which time there can be no doubt that the sole sovereignty over the area of British Columbia as we now know it flowed from the Crown Imperial, such rights, if any, as the [Nisga'a] may have had, were firmly and totally extinguished by overt acts of the Crown Imperial by way of proclamation, ordinance, and proclaimed statute.

The Nisga'a quickly appealed, but in a decision of May 1970 the British Columbia Court of Appeal upheld the lower court ruling (Sanders 1973; Berger 1982; Raunet 1984; also see *Calder v Attorney General of British Columbia* 1970).

The Nisga'a appealed to the Supreme Court of Canada (*Calder v Attorney General of British Columbia* 1973). The appeal began in November of 1971 and took five days to present; it took the seven Justices of the Supreme Court fourteen months to hand down their decision. When the judgement was finally released, the Nisga'a had lost by a decision of four to three. However, closer inspection of the decision revealed that they had in fact won a partial victory (*Calder v Attorney General of British Columbia* 1973).

Justice Judson, speaking for himself and two other judges, ruled that the Nisga'a had aboriginal title, and further, this title was recognized under English law. However, he went on to state that this title had been extinguished by enactments of the old colony of British Columbia. Chief Justice Hall, speaking for himself and two other judges as well, ruled in favour of the Nisga'a. He stated (S.C.R. 313: 190) that the Nisga'a "in fact are and were from time immemorial a distinctive cultural entity with concepts of ownership indigenous to their culture and capable of articulation under the common law." He went on to say that although it is within the authority of the Crown to extinguish aboriginal title, such acts of extinguishment must be *clear and unambiguous* in their intent. According to Hall then, the Nisga'a continue to have aboriginal title to their lands, and moreover, the taking of aboriginal lands was both justiciable and compensable. The seventh judge, Justice Pigeon, did not rule on the issue of aboriginal title, but instead held against the Nisga'a on a technicality. He asserted that the Nisga'a had proceeded incorrectly by issuing a writ against the province of British Columbia. Instead, they should have obtained a petition of right, a procedure which their legal counsel, Thomas Berger (1982), noted was unavailable to them because it involved obtaining the province's permission--something the province would not give.⁵⁵ On the basis of this technicality, the Nisga'a lost by a decision of four to three.

55. Raunet (1984: 159) has quoted the reaction of one Nisga'a chief, Rod Robinson, to the irony of Justice Pigeon's ruling: "in simple language: if someone stole your property,
(cont'd)

4.2.7.2 Aftermath of the Calder Decision

Although the Calder case did not conclusively decide the continued existence of aboriginal title in British Columbia, it did have important repercussions for Indian policy and law. Indeed, for the first time, the Supreme Court of Canada recognized that aboriginal title existed at the time of colonization as a legal right ~~derived~~ from the Indians' historical occupation and possession of the land, independent of any proclamation, legislative act, or treaty (Berger 1982; Raunet 1984; Elias 1989).⁵⁶

Justice Hall's judgement may be seen as the catalyst for changes in the federal government's policy on land claims. Following the Calder case, and after much lobbying by Native organizations, the all-party Standing Committee on Indian and Northern Affairs passed a motion supporting, in principle, the negotiated settlement of Indian land claims in non-treaty areas of Canada (Canada 1981; Berger 1982; Raunet 1984). The federal government had already agreed to negotiate a settlement of aboriginal title claims in the Yukon, and in August of 1973 it announced a general policy of negotiating aboriginal land claim settlements in British Columbia, Quebec, and the Territories (Canada 1981; Sanders 1983). This policy was reiterated in 1981, when the federal government published its Native claims policy (see Canada 1981). Following recommendations of a 1985 federal task force (see Task Force to Review Comprehensive Claims Policy 1985), a modified

you had to get that person's permission, the robber that stole your property, to even go to court and sue him."

56. Thus, as discussed previously, the Proclamation of 1763 merely declared certain aboriginal rights, it did not create them. Instead these rights are lodged in the common law (see Slattery 1987; Elias 1989).

claims policy was announced in 1986 (see Canada 1987).⁵⁷ Under this new policy, full surrender of aboriginal title was no longer a precondition to land claim settlement.

As of May 1990, nineteen Native groups, including the Nuu-chah-nulth Tribal Council, have had land claims accepted for negotiation by the federal government in conformity with its comprehensive claims policy (B.C. Ministry of Native Affairs 1989; Cassidy and Dale 1989). Three more claims are presently under review, while it is anticipated that a further eight claims will soon be filed (B.C. Ministry of Native Affairs 1989).⁵⁸

At the time that park managers and band councillors were interviewed for this thesis, the province of British Columbia (B.C. Ministry of Native Affairs 1989: 5) refused to acknowledge even the possible existence of aboriginal rights:

The Provincial Government does not recognize the existence of an unextinguished aboriginal title to lands in the province, nor does it recognize claims relating to aboriginal title which give rise to other interest in lands based on traditional use and occupancy of land. The position of the Province is that if any aboriginal title or interest may once have existed, that title or interest was extinguished prior to the union of British Columbia with Canada in 1871.

57. Only a few of the Task Force's recommendations were implemented, however.

58. The federal government has imposed a complex set of rules on the negotiation process which allows for only one claim from British Columbia to be negotiated at any given time. Aboriginal groups have argued that this requirement was designed specifically to undermine the negotiation process and inhibit settlement of claims. Regardless of the federal government's intent, the settlement of aboriginal claims will certainly be inhibited by this requirement. The Nisga'a claim was accepted for negotiation in 1974 and a framework agreement outlining the negotiation process was only recently signed; if all other claims take this long to resolve, Aboriginal people will still be negotiating for what is rightfully theirs two hundred years from now.

Furthermore, if the courts find that unextinguished aboriginal title does exist, the Province, citing Section 91(24) of *The Constitution Act, 1867*, and Article 13 of the *Terms of Union*, asserts that responsibility for negotiation of land claims agreement lies with the federal government (B.C. Ministry of Native Affairs 1989).

4.2.7.3 The Constitution Act, 1982

Following a great deal of lobbying on the part of Native groups (Berger 1982; Slattery 1982/83), the *Constitution Act, 1982*,⁵⁹ was enacted containing two sections protecting aboriginal rights. Section 25 of the *Constitution Act, 1982* is found in Part I, the *Canadian Charter of Rights and Freedoms*, and it protects aboriginal, treaty, or other rights from infringement by other guarantees in the Charter:

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

25. Le fait que la présente charte garantit certains droits et libertés ne porte pas atteinte aux droits ou libertés--ancestraux, issus de traités ou autres--des peuples autochtones du Canada, notamment:

(a) aux droits ou libertés reconnus par la proclamation royale du 7 octobre 1763;

59. The *Constitution Act, 1982* is set out in Schedule B of the *Canada Act 1982*, c.11 (U.K.) which is the formal enacting vehicle. It came into force on April 17, 1982 with a proclamation issued by Elizabeth II as Queen of Canada.

(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

(b) aux droits ou libertés existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.

Located in Part II of the *Constitution Act, 1982*, section 35, entitled *Rights of the Aboriginal Peoples of Canada*, entrenches aboriginal rights in the Constitution:

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed

35. (1) Les droits existants--ancestraux ou issus de traités--des peuples autochtones du Canada sont reconnus et confirmés.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(2) Dans la présente loi, <<peuples autochtones du Canada>> s'entend notamment des Indiens, des Inuit et des Métis du Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(3) Il est entendu que sont compris parmi les droits issus de traités, dont il est fait mention au paragraphe (1), les droits existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

(4) Indépendamment de toute autre disposition de la présente loi, les droits--ancestraux ou issus de traités--visés au paragraphe (1) sont garantis également aux personnes des deux sexes.

Section 35(1) also adopts and confirms the large body of common law which has come to be known as the "common law doctrine of aboriginal rights" (Slattery 1982-83, 1985, 1987). This doctrine holds that the property rights,

customary laws, and governmental institutions of the native peoples were assumed to survive the crown's acquisition of North American territories (Slattery 1985), and it was re-iterated in the case of *Calder v Attorney-General of British Columbia* (1973).

Others have examined the specific implications for aboriginal rights which sections 25 and 35 of the *Constitution Act, 1982* may have for Indian land rights (see e.g. Sanders 1983; Slattery 1982-83, 1985, 1987; Pentney 1988a, 1988b), and it does not suit the purpose of this survey of the history of Indian land issues to do so here. However, it is important to note that the *Constitution Act, 1982* has "set the consideration of native law in a new context" (Elias 1989: 4), which appears to be more favourable to the aspirations of Native people in Canada. This appears especially to be the case regarding the question of aboriginal title in British Columbia, as the following review of recent legal cases illustrates.

4.2.7.4 Recent Legal Precedents

In 1984, the Supreme Court of Canada decided the case of *Guerin v The Queen* (1984). The case was brought by the Musqueam Indian band, who charged the federal government with breach of trust in a transaction which saw the band surrender part of its reserve to the government for lease to a golf course. The band alleged that after obtaining the land, the federal government leased it for a seventy-five year term at rates much less favourable than the band had agreed to. The federal government responded that it was not legally responsible for what it did with Indian lands after they had been surrendered.

The Supreme Court's decision helped elaborate aboriginal rights entrenched in section 35(1) of the *Constitution Act, 1982* (Slattery 1987). The Court ruled in favour of the Musqueam band, basing its decision on the concept of aboriginal land rights. Aboriginal peoples have a legal right, based in Canadian common law, to possess certain lands. This right can only be extinguished by voluntary surrender by the Indians or explicit legislative action by the crown. Aboriginal peoples also have a special relationship with the crown, whereby the Crown serves as an intermediary between them and non-aboriginal people who might wish to purchase or lease their lands. If the crown fails in this fiduciary duty, as it had in the *Guerin* case, it is liable in damages (Slattery 1987; Elias 1989).

Aboriginal rights have been further supported by the courts in *Sparrow v The Queen* (1986),⁶⁰ a case involving aboriginal fishing rights. The courts have also supported the notion that aboriginal land rights may indeed exist in a number of cases by granting British Columbia Indians injunctive relief from non-Indian development on aboriginal lands. Pertinent to this study, is the ruling in the case of *MacMillan Bloedel Ltd. v Mullin* (1985). The ruling is of specific interest here because both claimant bands, the Tla-o-qui-aht⁶¹ and the Ahousaht, are members of the Nuuchahnulth Tribal Council. The Tla-o-qui-aht have three reserves in Pacific Rim National

60. After respondents were interviewed for this thesis, the Supreme Court of Canada ruled in *Sparrow v The Queen et al.* (1990) that aboriginal fishing rights do exist. This case is discussed in the Epilogue to the thesis.

61. Tla-o-qui-aht is a new spelling recently adopted by the band, its name was spelled "Clayoquot" at the time it was reported in B.C.L.R. and C.N.L.R.

Park Reserve. In addition, Meares Island is located directly adjacent to the Northwest end of the Long Beach Unit of the Park Reserve. The Indian bands sought a declaration of aboriginal rights to Meares Island and an interim injunction stopping logging by MacMillan Bloedel Ltd. (MB). MB had a parallel action requesting an interim injunction restraining native people and environmental protesters from blocking logging operations on the island. The Indians cited the cultural significance of the forest, loss of heritage sites, dependence on the forest, and threat to social structure to support their request for injunctive relief against MB. In defense, MB invoked the need to cut the timber to regain its investment. Additionally, they cited the symbolic significance of the ruling if it were to favour the Indians.⁶² The court used two tests to decide the case: first, was there "a significant question to be tried?"; and second, "where did the balance of convenience lie between the two parties?" Applying these two questions to the case, it ruled in favour of the Indian bands. The court stated that there was a significant question regarding aboriginal rights to be tried and that the balance of convenience lay with the Indians. Regarding the latter, logging could damage native culture and social order to such an extent that no amount of monetary compensation would be adequate if the land claim was later supported in court, but if the claim was not found to be valid, it would be easy to define adequate monetary compensation for MacMillan Bloedel.

62. In effect, they attempted to intimidate the court by suggesting that a ruling in favour of the Indians would start a flood of land claim cases.

4.3 DISCUSSION

Nuu-chah-nulth people have inhabited the west coast of Vancouver Island for over four-thousand years (Dewhirst 1978). While there is no written history describing events during much of this period, oral histories collected by ethnographers (see Drucker 1951, 1958; Arima 1983) combined with archaeological records (see McMillan and St. Claire 1982; Inglis and Haggarty 1985, 1986), indicate that the various Nuu-chah-nulth social units operated as independent, sovereign groups until contact with Europeans. Moreover, these groups had sophisticated notions about property and resource allocation (see correspondence of Blenkinsop to Powell, 23 September, 1874 in Public Archives Canada, RG10 series, file 4105; also see Drucker 1951, 1958; Arima 1983; Inglis and Haggarty 1986). To paraphrase Mr. Justice Hall's comments in the *Calder* case (see S.C.R. 313: 190), the Nuu-chah-nulth were from time immemorial a distinctive cultural entity with concepts of ownership indigenous to their culture and capable of articulation under the common law.

With European colonization of what is now British Columbia, the Nuu-chah-nulth way of life was greatly changed. Britain asserted sovereignty over the region, and to protect its claims it promoted colonization in earnest. In 1860, Nuu-chah-nulth Chiefs discussed their opposition to the encroachment of white settlers on their lands during a meeting with Gilbert Sproat in the Alberni district. As Sproat (1868: 3-4) describes it:

"We see your ships, and hear things that make our hearts grow faint. They say that more King-George-men will soon be here, and will take our land, our firewood, our fishing grounds; that we shall

be placed on a little spot, and shall have to do everything according to the fancies of the King-George-men."

"Do you believe all this?" I asked.

"We want your information," said the speaker.

"Then," answered I, "it is true that more King-George-men (as they call the English) are coming: they will soon be here; but your land will be bought at a fair price."

"We do not wish to sell our land nor our water; let your friends stay in their own country." To which I rejoined: "My great chief, the high chief of the King-George-men, seeing that you do not work your land, orders that you shall sell it. It is of no use to you. The trees you do not need; you will fish and hunt as you do now, and collect firewood, planks for your houses, and cedar for your canoes. The white man will give you work, and buy your fish and oil."

"Ah, but we don't care to do as the white men wish."

"Whether or not," said I, "the white men will come. All your people know that they are your superiors; they make the things which you value. You cannot make muskets, blankets, or bread. The white men will teach your children to read printing, and to be like themselves."

"We do not want the white man. He steals what we have. We wish to live as we are."

In his conversation with the chiefs, Sproat mistakenly predicted that their land would "be bought at a fair price." Nuuchahnulth land was never purchased, however, nor was it surrendered by treaty⁶³ or captured by overt act of war. Nevertheless, Sproat can be forgiven for his mistake, for until one year earlier it had been the policy of the Colonial Governor, James Douglas, to recognize Indian title and to extinguish such title through treaty. This was the first phase of the Indian title question in British Columbia. During this first phase, aboriginal title was recognized by both Colonial and Imperial authorities and attempts were made to extinguish

63. There is one exception, a treaty between Cleeshin of the Ohiaht and William Eddy Banfield, dated July 6, 1859 (see Madill 1981: 74 for a copy of the treaty). However, such a treaty between a private citizen and Indians was illegal under both Imperial law (The Royal Proclamation of 1763) and Colonial proclamation (see Douglas to Lytton, Feb. 9, 1859, in British Columbia 1875: 15).

aboriginal title by treaty. The second phase arose following the completion of the last of the Douglas treaties in 1854 and lasted until the release of the *Report of the Special Committees of the Senate and House of Commons Meeting in Joint Session To Inquire Into the Claims of the Allied Indian Tribes of British Columbia* in 1927. During this period, the Dominion government continued to recognize aboriginal title officially. However, the Colony and later the Province steadfastly denied the existence of such title during this time. The next phase encompassed the period between 1927 and 1973, during which time both governments repudiated any claims of aboriginal title in British Columbia. This situation changed following the landmark decision in the *Calder* case, which saw the Supreme Court of Canada rule that aboriginal title existed at one time in British Columbia. The fourth phase which arose out of the *Calder* decision, continues today. The federal government again recognizes the *possible* existence of aboriginal title, and has agreed to negotiate land claim settlements with British Columbia Indian groups.⁶⁴ The Province, in spite of recent court

64. Nevertheless, many aboriginal people living in British Columbia assert that the federal government has implemented a land claims policy which discourages the settlement of land claims. Under the federal Land Claims policy, "negotiations towards the development of a framework agreement will be initiated when the Minister of Indian Affairs and Northern Development judges the likelihood of successful negotiations to be high, the settlement of claims in the area to be a priority, and where active provincial and territorial involvement may be obtained as necessary" (Canada 1987: 24).

decisions to the contrary, continues to deny the existence of any aboriginal rights, including title to land.⁶⁵

Throughout the period covered by these four phases, and in spite of the fact that Indian groups, including the Nuu-chah-nulth, continued to assert their claims of aboriginal title, Indian lands were slowly but inexorably taken from Indian peoples in British Columbia. In most cases, the Indian people were not compensated for the loss of their lands. As a result, more than one observer (see e.g. Boldt 1981; Tennant 1982; Frideres 1983) has referred to Indians as being members of an "internal colony." The essential feature of this "internal colonialism" is the continued subjugation of an indigenous people by another dominant group within an independent nation. Such subjugation involves the "restriction of use of land and resources, as well as varying degrees of administrative supervision, social discrimination, suppression of culture and denial of political and other freedoms" (Tennant 1982: 3-4).

The failure of the dominant white society to recognize the legitimate claims of the Indians of British Columbia has deeply affected the perceptions held by Indians themselves. Justifiably, the Indian people have a deep mistrust of any government actions involving lands which they consider to be their own. This includes the designation and management of land for National Parks. If one is to gain any understanding of the

65. There have been some recent developments concerning the Indian Land Question in British Columbia, which point to the likelihood that the Province will be forced to recognize aboriginal title. However, as these developments occurred after Indian band councillors and park managers were interviewed, they are reported in the Epilogue rather than in this chapter.

relationship between the Nuu-chah-nulth people and Pacific Rim National Park, one must set that relationship within the context of quite valid Indian suspicion arising from the history of White treatment of Indians in British Columbia.

5. PACIFIC RIM NATIONAL PARK RESERVE: THE SETTING

"It is not enough to understand the natural world; the point is to defend and preserve it."

Edward Abbey (1989: 86)

5.1 PHYSICAL ENVIRONMENT

Pacific Rim National Park Reserve⁶⁶ extends intermittently nearly 130 kilometres along the west coast of Vancouver Island between Tofino on the northwest and Port Renfrew on the southeast (see Figure 1). The Park Reserve has a total area of approximately 380 km² and is comprised of three physically separate parts: the northerly Long Beach Unit stretching between Cox Point near Tofino and Wya Point just north of Ucluelet; the central Broken Group Islands Unit in Barkley Sound, bounded by Loudoun Channel on the northwest, Sechart Channel on the northeast, and Imperial Eagle Channel to the southeast; and the southerly West Coast Trail Unit extending south from Cape Beale near Bamfield to the San Juan River at Port Renfrew. The proposed boundaries of both the Long Beach and the West Coast Trail Units extend into the ocean to the 10 fathom depth contour.

The Long Beach Unit occupies the Estevan Coastal Plain, a long narrow lowland extending along much of the west coast of Vancouver Island (Lang and Muller 1975). This Unit is flat, covered primarily with gravel, sand and soil. Continuous wave action in the area has formed large sandy beaches separated by rocky headlands. The Broken Group Islands and the

66. As presently proposed.

northerly portion of the West Coast Trail Unit represent the remnants of another rocky plain (Lang and Muller 1975). In contrast to the Long Beach Unit, they are much more rugged, primarily having rocky shorelines with only the occasional sandy beach.

The Canadian Parks Service has a system plan in place which calls for representation of 39 natural terrestrial regions (for a discussion on the formulation of these regions see Foresta 1985) and 29 natural marine regions. Under this system plan, Pacific Rim National Park Reserve supposedly protects and represents a portion of the "Pacific Coast Mountains Natural Terrestrial Region," as well as the "West Vancouver Island Shelf Natural Marine Region."

The long, narrow and undulating shape of Pacific Rim National Park Reserve results in a very low ratio between its total area and the length of its boundary. Schonewald-Cox and Bayless (1986) have suggested that such low area-perimeter ratios often result in protected areas which present little protection of natural values. Moreover, a recent study by Dearden (1988) indicates that such reserves also offer little protection for recreational and aesthetic values. Clear-cut logging is presently being carried out directly adjacent to the boundary of both the West Coast Trail⁶⁷ and the Long Beach Units, while some portions of the latter were clear-cut logged prior to park designation (see MacKenzie 1972). Such logging poses a number of possible threats to park values. First, the numerous logging roads in the region increase unrestricted access to the park thereby adding

67. The West Coast Trail Unit is bounded by Tree Farm Licences 21, 22, and 27.

user pressure to an already heavily-used area. In addition, such easy access increases the possibility of illegal exploitation of Park resources. Secondly, clear-cut logging near the park may affect regional hydrological systems, possibly impairing water quality in the park. Finally, as observed by Dearden (1988), clear-cut logging on adjacent land reduces the overall scenic values of the Park and further, detracts from visitors' enjoyment of the area.

Several Indian villages are located on reserves found within the park or directly adjacent to it⁶⁸ (see figure 1). The Esowista reserve, which belongs⁶⁹ to the Tla-o-qui-aht Indian band and has a population of approximately 99 people (Indian and Northern Affairs 1987: 122), is found in the Long Beach Unit at the north end of Wickaninnish Bay. Additionally, a single dwelling on Indian Island (IR 30) is occupied year round. About 95 members of the Ohiaht Indian band live on the Anacla reserve (Indian and Northern Affairs 1987: 127). While not fully encompassed by the Park, this reserve is located at the northern trailhead

68. Several other Indian Communities are located near the Park Reserve: the Tla-o-qui-aht village of Opitsat (population 156, Indian and Northern Affairs 1987: 122), is located on Meares Island, directly across Van Nevel Channel from Tofino; Itatsoo (population 281, Indian and Northern Affairs 1987: 130), is a Ucluelet Indian village located across Ucluelet Inlet from the town of Ucluelet; Malachan, is a Ditidaht Indian reserve located at the head of Nitinat Lake which has a population of about 145 people (Indian and Northern Affairs 1987: 123).

69. Technically, Indian reserves do not belong to the bands who use them. The legal title to reserve land is vested in the federal Crown, which sets such land aside for the "use and benefit" of a band. The recent *Guerin* case (1984), however, has illustrated that the bands have much more interest in a reserve than the phrase "use and benefit" might suggest.

of the West Coast Trail and is bounded on three sides by park lands. Finally, close to 66 people live on the Pacheenaht Indian band's Gordon River reserve (Indian and Northern Affairs 1987: 128) which is directly adjacent to the southern boundary of the West Coast Trail Unit. Other Indian reserves located within or adjacent to the park are inhabited on a seasonal basis.⁷⁰ In total, twenty-one Indian reserves are fully within the National Park Reserve's proposed boundaries and a further seven Indian reserves are directly adjacent to the Park Reserve (Figure 1). Before examining the present relationship between the Park and the seven Indian bands which own these reserves, it is necessary to examine the historical background to the designation of the proposed National Park Reserve.

5.2 HISTORICAL BACKGROUND

5.2.1 Allocation of Indian Reserves

During the late nineteenth century, six Nuu-chah-nulth groups--the Ditidaht, Ohiaht, Pacheenaht, Tla-o-qui-aht, Tsessaht, and Ucluelet--traditionally used land in areas which are now part of Pacific Rim National Park Reserve (Figure 2). Peter O'Reilly, the provincial Indian Reserve Commissioner, toured the area during the 1880's to allocate reserves to these groups.⁷¹ The Ohiaht tribe were the first to be visited by

70. For example, there are still structures at Cleho (Tsessaht IR 6), Whya (Ditidaht IR 3), and Iktuksasuk (Ditidaht IR 7).

71. It is important to note that while most reserves were "allocated" by O'Reilly in the late 1800's, the land was not transferred from the Province to the federal government until 1938 (British Columbia Order-in-Council 1036, July 29, 1938).

O'Reilly on the 26th of May, 1882.⁷² The Ohiahts were given thirteen reserves in all, three of which are within the present boundaries of the Park Reserve⁷³ and two more which are adjacent to its borders⁷⁴ (Figure 1). O'Reilly next visited the Tsashaht tribe, where he allocated nine reserves, three of which are in the Broken Group Islands Unit of the Park Reserve⁷⁵ (Figure 1). On the fifth of June O'Reilly met with members of the Ucluelet tribe at their principal village of Ittatsoo. He defined six reserves, none of which fell within the present Park Reserve boundaries. While returning to Victoria the next day, O'Reilly stopped at Port San Juan where he allocated two reserves to the Pacheenaht tribe,⁷⁶ both of which are directly adjacent to the Park Reserve boundary (Figure 1).

O'Reilly returned to Port San Juan seven years later on the 14th of June, 1889. There he met the local Indian agent who helped him define a third reserve,⁷⁷ on what is now the West Coast Trail, for the Pacheenaht (Figure 1). Poor weather and rough seas prevented O'Reilly from meeting with the Ditidaht at Cla-oose, so he continued north to meet with the Ucluelet tribe. Once at Ittatsoo, he defined three more reserves for the

72. This section describing O'Reilly's allocation of Indian reserves in the present Park Reserve area is based on information found in Inglis and Haggarty (1986: 80-87).

73. Kich-ha (IR 10), Clutus (IR 11), and Masit (IR 13).

74. Keeshan (IR 9) and Anacla (IR 12).

75. Cleho (IR 6), Keith Island (IR 7), and Omoah (IR 9).

76. Pacheena (IR 1) and Gordon River (IR 2).

77. Cullite (IR 3).

Ucluelet; two are in the Long Beach Unit,⁷⁸ while the third is adjacent to its southern tip⁷⁹ (Figure 1). O'Reilly then met with the Chief of the Tla-o-qui-aht on the 19th of June. He allocated numerous reserves for this tribe, three of which are within the Long Beach Unit of the Park Reserve⁸⁰ (Figure 1). O'Reilly did not manage to meet with the Ditidaht tribe until a year later, on the 31st of July, 1890. At this time he allocated sixteen reserves to the Ditidaht, eight of which are within the Park Reserve,⁸¹ and two on its border⁸² (Figure 1).

The seventh group with reserve land in the park, the Opetchesaht, apparently were not using land in the park region at the time O'Reilly allocated reserve land in the area. Their reserve, Nettle Island (IR 5), located in the Broken Group Islands Unit, was allocated⁸³ in 1921 (Figure 1).

5.2.2 Events Leading to National Park Reserve Designation

The technology available to mariners of the late nineteenth century was often inadequate for navigating the treacherous west coast of southern

78. Oo-oolth (IR 8) and Quisitis (IR 9).

79. Wya (IR 7).

80. Esowista (IR 3), Kootowis (IR 4), and Indian Island (IR 30).

81. Ahuk (IR 1), Tsuquanah (IR 2), Wyah (IR 3), Claoose (IR 4), Cheewat (IR 4a), Sarque (IR 5), Carmanah (IR 6), and Iktuksasuk (IR 7).

82. Homitan (IR 8) and Oyees (IR 9).

83. Nettle Island was unofficially allocated to the Opetchesaht in 1921, however, the land was not transferred from the Province to the federal government until 1964 (P.C. 1964-1698 is the federal Order-in-Council designating the reserve).

Vancouver Island--over fifty shipwrecks⁸⁴ have been recorded since 1854 (Sierra Club 1980). In 1906 when the *S.S. Valencia* went down just north of the Klanawa River taking the lives of 126 people, the federal government was spurred to develop a life-saving trail. Sections of existing trail in the area were upgraded and added to sections of newly constructed trail to form the West Coast Life-saving Trail (Sierra Club 1980). A major portion of the trail, stretching south from Bamfield Creek to Carmanah Point, was gazetted as a 66 foot wide provincial highway on December 21, 1911.⁸⁵ The "highway", which traverses five Indian reserves,⁸⁶ was gazetted without consulting or compensating the Indian people whose lands were used.

The recreation potential of the Pacific Rim region was recognized in the late 1920's when British Columbia designated a Recreation Reserve in the area around Bamfield and Nitinat Lake (Miller 1972; Sierra Club 1980). The Bamfield-Nitinat Recreation Reserve, as it was called, encompassed the northern half of the West Coast Trail and was one of several map reserves set aside as possible national park sites at the request of the federal government. Land was also set aside near Long Beach in a timber reserve adjacent to Kennedy Lake.

A survey to determine the area's suitability as a national park was finally undertaken by the federal government in 1947 (Miller 1972). In the

84. On reviewing the draft thesis, a park manager observed that there may have been more than fifty shipwrecks in the region.

85. The notice is published in *The British Columbia Gazette*, December 21, 1911, pg. 17346.

86. Anacla (Ohiaht IR 12), Masit (Ohiaht IR 13), Tsuquanah (Ditidaht IR 2), Whya (Ditidaht IR 3), and Claoose (Ditidaht IR 4).

eyes of the federal government, the survey revealed the area to be unsatisfactory for a national park because "much of the timber was under lease, the area was remote from population and the water was too cold" (Miller 1972: 7).

The provincial government returned to the idea of preserving land on the west coast when, in 1959, it acquired the first portion of what would become Wickaninnish Beach Provincial Park. A few years later, both the Tofino Chamber of Commerce and the Associated Chamber of Commerce of Vancouver Island passed similar resolutions calling for the establishment of a national park near Tofino. The resolutions, while initially given a favourable response from the provincial Minister of Recreation and Conservation in November of 1964, apparently failed to sway the provincial Cabinet into giving approval for such a park until much later (Miller 1972).

Indeed, it was not until 1966, on the eve of a provincial election, that the Minister of Recreation and Conservation announced that he had written the federal government, inviting them to take over Wickaninnish Beach Provincial Park and use it as a core for a larger national park. The federal government eventually accepted the Province's offer, but it stipulated that the Province pay part of the cost of further land acquisition. The Province, however, was unwilling to contribute any further towards the acquisition of land for a national park, and this led to three years of wrangling between the two governments (Miller 1972).

Indication that an agreement had been reached first came in the British Columbia Throne Speech of January 1969, when the legislative assembly was asked "to consider legislation to facilitate the development of

a national park on the west coast of Vancouver Island" (as quoted in Miller 1972: 11). The necessary legislation, *An Act to Authorize the Establishment of a National Park on Vancouver Island*, was assented to on April 2nd, 1969. This enabling legislation proposed a marine park along 65 miles (105 kilometres) of western Vancouver Island in the area south of Tofino, including portions south of Long Beach which had not been considered earlier. The proposal set out three phases of park development: phase I would include Long Beach, phase II was to consist of the Broken Group Islands, and phase III would contain the West Coast Life-Saving Trail (Miller 1972). However, a prolonged dispute arose between the two governments shortly after this proposal was announced. The controversy centred on whether the national park would include the West Coast Trail: the federal government wanted to incorporate the Trail in the park; the Province, bowing to forest industry pressure, no longer favoured its inclusion. One year later the dispute was settled in favour of the federal government and an agreement to establish a national park was ratified by the two governments on April 21, 1970 (Miller 1972). The April 21st federal-provincial agreement stipulated that the Park would consist of approximately 36,000 acres (14,580 ha.) of Phase I lands in the vicinity of Long Beach; 2,814 acres (1,140 ha.) of the Broken Group Islands in Barkley Sound; and about 20,000 acres (8,100 ha.) of land encompassing the West Coast Life-Saving Trail from Bamfield to Port Renfrew. In addition, the British Columbia government was to acquire clear title to all lands, and transfer them to the federal government by the end of 1972 (Miller 1972).

Events have transpired so as to prevent the formal designation of a National Park on the west coast of Vancouver Island to this day. The first such event was the "Nitinat Triangle controversy," which involved a squabble between the two governments over whether the Nitinat Triangle should be included within the West Coast Trail unit of the proposed park. In late 1970 the federal government, supported by environmental groups such as the Sierra Club and the National and Provincial Parks Association of Canada, proposed that the Park's phase III boundaries be expanded to include the so-called Nitinat Triangle, the land around the Hobiton-Tsusiatic valley (see Sierra Club 1971, 1980; Miller 1972). The provincial government, supported by the forest industry, took a stand against this proposal. It argued that there was no land available which could be swapped with the forest companies to compensate them for timber volume lost by including the Nitinat Triangle in the park (Sierra Club 1980). The ruling Social Credit government maintained its opposition to inclusion of the Nitinat Triangle until the eve of the 1972 provincial election, when it announced that the inclusion of the Hobiton-Tsusiatic valley had been accepted in principle (Sierra Club 1980). The Social Credit Party was defeated in its bid to govern; however, the incoming New Democratic government announced that it would also support inclusion of the area in the proposed park. Tentative boundaries for the Park were agreed to in 1974, and in 1975 the new Social Credit government of British Columbia reconfirmed the former government's commitment to the Park (Sierra Club 1980).

That commitment has resulted in little if any concrete results, however, as other complications have prevented the official designation of Pacific

Rim National Park. High inflation in the four-year period between the agreement to share costs and the agreement on proposed boundaries meant that a new cost-sharing agreement had to be worked out. Additionally, there were difficulties in finding unallocated timber lands which could be substituted for land removed from tree farm licences for the Park. These last two problems proved to be particularly controversial, and were resolved only recently. In the meantime, however, the boundaries of the West Coast Trail unit have again become issues of contention, with environmental groups calling for the addition of the Carmanah Valley to the Park.⁸⁷

These calls for preservation of the valley led Robert Wenmann, Progressive Conservative Member of Parliament for the riding of Fraser Valley West, to propose an amendment to Bill C-30⁸⁸ at Third Reading, which would have added the Carmanah watershed to the boundaries of Pacific Rim National Park Reserve (see *Hansard* July 15, 1988). The amendment was supported by many Members of Parliament but did not gain enough support to be adopted by the House of Commons. Moreover, an amendment to Bill C-30 which would have seen Pacific Rim finally given

87. A small portion of Carmanah Valley is located within the West Coast Trail Unit of PRNP, between Carmanah IR 6 and Cullite IR 3. In April, 1990, the government of British Columbia announced that the lower half of Carmanah Valley -- adjacent to PRNP -- is to become a provincial park while the remaining upper-half is to be studied with a view to eventual logging.

88. *An Act to Amend the National Parks Act and to Amend An Act to Amend the National Parks Act*, now the *National Parks Act*. R.S.C., c. N-13.

official status as a National Park Reserve⁸⁹ was not passed either. Instead, an amendment was included which allowed for the establishment of Pacific Rim as a national park reserve by Order-in-Council.⁹⁰ As of October 15, 1990, no Order-in-Council had been signed and Pacific Rim National Park Reserve--although managed by the Canadian Parks Service as a national park--still lacks official status.

Once legally designated, Pacific Rim would become the second national park reserve established south of the 60th parallel. The first, Mingan Islands Archipelago National Park Reserve, was established by Act of Parliament in 1984.⁹¹ National park reserves are areas managed as national parks under the *National Parks Act*, but which have not been given full park status pending the outcome of Aboriginal land claims. Designating Pacific Rim as a national park reserve acknowledges the Nuu-chah-nulth comprehensive land claim, which was accepted for negotiation by the federal government in 1983. The claim encompasses

89. See "Speech to the Legislative Committee Reviewing Amendments to the National Parks Act." The Honourable Tom McMillan, PC, MP. Minister for the Environment. House of Commons, Ottawa, April 25, 1988.

90. § 15. (1) of Bill C-30, *An Act to Amend the National Parks Act and to Amend an Act to Amend the National Parks Act*, states that "subject to subsection (2), the Governor in Council may, by proclamation setting out the boundaries thereof, establish a reserve for a National Park in the Renfrew, Barclay, and Clayoquot Land Districts on Vancouver Island in the Province of British Columbia... pending the disposition of any claim by aboriginal peoples of British Columbia to any right, title or interest in or to the lands comprised in the reserve and the establishment of a National Park Therein."

91. *An Act to Establish a National Park on the Mingan Archipelago*. Statutes of Canada, 1984, c. 34.

approximately 15,500 square kilometres of land stretching along the west coast of Vancouver Island from Cape Cook in the northwest to Point-No-Point in the southeast (Figure 3). In addition, the Nuu-chah-nulth claim open access to the ocean and its resources. Pacific Rim National Park Reserve is fully enveloped by the land claim. Similarly, the city of Port Alberni and a number of smaller towns are also within the claim. According to Cassidy and Dale (1989: 218):

the basic philosophy of the Nuu-chah-nulth is to ensure that their rights and title are recognized and that a just settlement will ensure no private interests will be displeased. They intend to share resources on a consultative basis.⁹²

5.3 CANADIAN PARKS SERVICE POLICY, REGULATIONS AND LEGISLATION RELATING TO ABORIGINAL PEOPLES

The early phases of negotiations and planning for Pacific Rim took place at a time when neither government recognized the existence of aboriginal title. This fact probably explains why the seven Indian bands with reserves encompassed by the proposed national park appear to have been given little input in park planning.⁹³ Indeed, at the time the bands were encouraged by the Canadian Parks Service⁹⁴ to sell or trade their

92. These sentiments were also supported by comments made by members of the Nuu-chah-nulth Tribal Council during interviews with the author.

93. Many interview respondents observed that the Canadian Parks Service sent representatives to speak to the bands. These representatives set forth the benefits the Indians would receive from the park (such as more employment opportunities) but apparently did not consider the concerns of the bands.

94. At the time, the Canadian Parks Service was called Parks Canada. To avoid confusion, it is referred to as Canadian Parks Service throughout this thesis.

reserves for lands outside the park. Such suggestions indicate that the Canadian Parks Service failed to recognize the cultural significance for the Indian bands of their reserves and other places in the Park, many of which were former village sites.⁹⁵ Apparently, some officials in the Canadian Parks Service saw the Indian inhabitants of the region in the same way that they viewed any other people living there--as obstacles to park formation.

This attitude might have changed with the implementation of the Canadian Parks Service's 1979 Policy Statement. The policy contains a number of sections which define a new relationship between local people and potential national parks. In this regard, Section 1.3.5 of the *National Parks Policy* (Parks Canada 1979: 39) states that

[The Canadian Parks Service] will contribute toward the cost of special provisions to reduce the impact of park establishment on occupants or other users of lands acquired for a national park.

While not directed specifically at Aboriginal people, this section indicates a willingness on the part of the Canadian Parks Service to be more sensitive to impacts upon local people, including Indians, when establishing national parks. Falling in line with the federal government's 1973 policy stating its intent to negotiate land claims in Quebec, British Columbia, and the Territories, the 1979 parks policy recognized certain aboriginal rights in Section 1.3.13 (Parks Canada 1979: 40):

95. A Vancouver-based consulting firm, C.D. Shulz & Co., was commissioned by the federal government to carry out a survey to determine the possible impact of the park proposal upon the bands. Its findings (C.D. Shulz & Co. 1971) are primarily limited to the economic impact of the park, little is mentioned of the "place-value" or cultural significance of the reserves.

Where new national parks are established in conjunction with settlement of land claims of native people, an agreement will be negotiated between [the Canadian Parks Service] and representatives of local native communities prior to formal establishment of the national park creating a joint management regime for the planning and management of the national park.

These ideas are reiterated (and expanded somewhat) in Section 3.2.11

(Parks Canada 1979: 42):

Certain traditional extractive activities will be permitted in the following circumstances:

- i) In new national parks, guarantees will be provided so that certain traditional subsistence resource uses by local people will be permitted to continue in parts of national parks for one or more generations when such uses are an essential part of the local way of life and when no alternatives exist outside the park boundaries. These exceptions will be agreed to at the time of formal establishment of a new national park and will be outlined in the park management plan.
- ii) Selected activities which are of cultural value in portraying to visitors traditional relationships between man and the land in the park area as part of the park experience may be permitted.
- iii) In new national parks, the treaty rights of Indian people and those rights recognized in native land claims settlements will be honoured and extractive activities which are the subject of such rights can only be terminated after agreement has been reached with the people concerned.

...

All such activities will be subject to the requirement to protect the ecosystems and maintain viable populations of fish and wildlife species.

Similarly, amendments to the *National Parks Act* (R.S., c. 189, s. 1) appear to recognize the importance of traditional resource harvesting to aboriginal peoples. Section 5 (7) allows specific indigenous people to carry out such harvesting in certain parks in Ontario and Newfoundland:

(7) The Minister may authorize persons of designated classes to engage in traditional renewable resource harvesting activities in any National Park established

(a) in the district of Thunder Bay in the Province of Ontario; or

(b) in the districts of St. Barbe and Humber West in the Province of Newfoundland

(7) Le ministre peut autoriser les membres des catégories désignées à cet effet à exercer des activités économiques traditionnelles portant sur des ressources renouvelables dans tout parc constitué dans le district de Thunder Bay en Ontario ou dans les districts de St Barbe et de Humber West, à Terre-Neuve.

Section 5 (10) extends traditional renewable resource harvesting rights in wilderness areas of national parks to aboriginal peoples with land claim settlements.

(10) Notwithstanding subsection (9), the Minister may authorize activities to be carried on in a wilderness area, subject to such conditions as he considers necessary, for purposes of

...
(d) the carrying on of traditional renewable resource harvesting activities authorized pursuant to subsection (7) or any other Act of Parliament...⁹⁶

(10) Par dérogation au paragraphe (9), le ministre peut autoriser, dans les réserves intégrales, toutes activités nécessaires à l'une des fins suivantes et assortir son autorisation des conditions qu'il estime indiquées:

...
(d) l'exercice des activités visées au paragraphe (7) ou de toute autre loi fédérale...

Finally, Section 7(1) allows for regulation of traditional renewable resource harvesting in national parks by Order-in-Council:

96. Land claims agreements are covered by the last phrase of subsection (10)(d), "or any other Act of Parliament."

(1) The Governor in Council may, as he deems expedient, make regulations for

...
 (aa) the control of traditional renewable resource harvesting activities authorized pursuant to subsection 5(7)...

(1) Le gouverneur en conseil peut, selon qu'il le juge opportun, établir des règlements visant

...
 (aa) le contrôle de l'exercice des activités visées au paragraphe 5(7)...

These policies and regulations indicate a growing awareness on the part of the Canadian Parks Service of the possible role aboriginal peoples might play in park planning, designation, and management. They allow for the possible joint management of national parks which fall within traditional lands of aboriginal peoples; additionally, they recognize aboriginal treaty rights and subsistence needs.

However, Canadian Parks Service policy has been criticized because it does not assure aboriginal people a place in park management and planning, nor does it guarantee these people subsistence use of park resources (see e.g. Stix 1982). Moreover, Canadian Parks Service policy attempts to limit traditional resource use to "one or more generations" (Parks Canada 1979: 42).⁹⁷ Finally, the Policy statement is not fully supported by legislation, therefore it cannot even guarantee the limited role for Aboriginal peoples in national park initiatives which it spells out.

A cursory examination of the new amendments to the *National Parks Act* leads one to believe that aboriginal peoples' continued access to traditional renewable resource use in national parks is now guaranteed by

97. Stix (1982) notes that Inuit are concerned that such rights might be limited to one generation. On the other hand, the phrase "one or more generations" can also be interpreted as an unlimited time frame.

law. Closer inspection of the legislation, however, reveals a loophole which could technically deny people such as the Nuu-chah-nulth access to National Park Reserves for traditional resource harvesting. As it now stands, the *National Parks Act* allows "persons of designated classes" to carry out traditional resource harvesting in national parks located in "the district of Thunder Bay" in Ontario and "the districts of St. Barbe and Humber West" in Newfoundland (Bill C-30, § 5.(7)(a) and (b)). Additionally, renewable resource harvesting activities may be authorized in national park wilderness zones "pursuant to subsection (7) or any other Act of Parliament," such as a land claim settlement (Bill C-30, § 5.(10) (d)). The Nuu-chah-nulth, like many other aboriginal groups without land claim settlements, do not fall within these categories; therefore they are excluded from the existing legislative guarantees of continued subsistence resource harvesting in new national parks.

Nowhere does the new *National Parks Act* guarantee joint management for aboriginal peoples whose traditional lands fall within national parks. Such joint management regimes are only specified in the *National Parks Policy*, and only then for aboriginal groups who have successfully completed land claims settlements--the Nuu-chah-nulth again do not qualify. On examining both Canada's national parks policy and legislation, Weeks (1986: 118) concludes that "while the policy comprehends the creation of new national parks with the settlement of native land claims, the legislation does not act positively to provide support for such a proposal."

Canadian legislators seem to have chosen a more *ad hoc* approach to accommodating the needs of aboriginal people in national parks. Wood Buffalo National Park and Auyuittuq National Park Reserve provide examples of this *ad hoc* approach. The area around Wood Buffalo National Park was a favoured hunting ground of Indians for many years prior to its establishment as a park (Lothian 1976). When the park was established, Indians who had previously hunted and trapped in the area continued these activities under permit. In 1949, special district game regulations for Wood Buffalo National Park were instituted which superseded the National Parks Game Regulations, and which allowed for traditional hunting, trapping, and fishing by aboriginal people (Lothian 1976). Auyuittuq National Park Reserve, located on Baffin Island, was established in 1972. Public park planning meetings in the early 1970's resolved that the Inuit, who had inhabited the region for almost 4,000 years, would retain traditional resource extraction rights within the park (Lawson 1985). Continued rights to hunt, fish and trap in the park reserve were subject to an agreement at the time the reserve was established, however, the agreement was rendered unnecessary with amendments to the *National Parks Act*. In addition, the Inuit participate in management through membership on a local park advisory committee. Their role, however, is in an advisory capacity to the park superintendent and any real decision-making powers are limited (Lawson 1985).

Apparently, the interaction between aboriginal people and national parks in Canada -- including that between the Nuu-chah-nulth people and the proposed Pacific Rim National Park Reserve -- is not as clear as might

be suggested by national park policy and legislation. Rather than working within a nationwide comprehensive policy regarding aboriginal peoples, the Canadian Parks Service has tended to follow a more *ad hoc* approach.⁹⁸ The following chapter outlines how such a strategy has shaped the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve, and band councillors' and park managers' opinions about that relationship.

98. On reviewing the draft thesis, a park manager observed that "each park has adopted its own approach to [Native] rights, recognising the unique relationships of local bands with their land and sea habitats. It would be unfair to develop a blanket national policy for all aboriginal people. For example, the Inuit people have a different culture and view their world differently than the Nuu-chah-nulth. So, what appears at first to be *ad hoc*, does have some reasoning behind it."

6. RELATIONSHIP BETWEEN PACIFIC RIM NATIONAL PARK RESERVE AND NUU-CHAH-NULTH PEOPLE: THE INTERVIEW RESPONSES

"When the park was formed, we thought it was going to protect our resources--the clams, crabs and other seafood which we have always depended on--but the park has not protected these resources. If anything, seafood has become more scarce."

Tseshah Band Councillor
Speaking about Pacific Rim National Park Reserve

The following sections provide descriptions, by park managers and band councillors, of existing agreements, unsuccessful attempts to reach further agreements, and their opinions regarding the relationship between Pacific Rim National Park Reserve (the Canadian Parks Service) and the seven Indian bands with land in the Park Reserve. The responses from each band are discussed in order of their geographic location, beginning with the Tla-o-qui-aht in the northwest and proceeding through the other bands to conclude with the Ditidaht⁹⁹ in the southeast. The responses of the Park Reserve managers are presented last.¹⁰⁰

Comprehensive agreements which include all the bands do not exist. Furthermore, special regulations, such as the 1949 special district game regulations for Wood Buffalo National Park, have not been applied in the Pacific Rim situation.¹⁰¹ However, one park-wide "understanding" exists which relates to the Nuu-chah-nulth and their use of park resources.

99. As noted earlier, the Pacheenaht chose not to participate in the study.

100. No particular significance is attached to this order.

101. Other than special regulations which have had to be used because the area is not officially a national park reserve, and thus is not covered by the *National Parks Act*.

Indian people may carry out renewable resource harvesting within the park for traditional purposes. No evidence was found to suggest that this understanding is supported anywhere by a written agreement,¹⁰² nor is there any indication that other resource management agencies with jurisdiction in the area are aware of its existence. Indeed, it seems the federal Department of Fisheries and Oceans, which manages the marine resources of the area, is not party to the "understanding." As a result, federal fisheries officers have reportedly prevented Nuu-chah-nulth people from carrying out traditional resource harvesting in the park reserve.¹⁰³

Finally, while no clear consensus was evident among respondents about the relationship between the Park Reserve and local Indian bands, some patterns did emerge. For example, Indian band councillors were more inclined to view the Park reserve in a negative light, primarily because of the unresolved issue of aboriginal rights and title, but also because of poor communications with park managers and perceived interference with subsistence activities. Conversely, park managers tended to be unaware of the Indian peoples' dissatisfaction with the park; they were more likely to view the relationship between the Park Reserve and local Indian bands as positive.

102. Indeed, on reviewing the draft thesis, one park manager stated that he/she did not believe this to be an "understanding" that park management endorses.

103. On reviewing the draft thesis, a park manager stated that such incidents were "usually during PSP [paralytic shellfish poisoning] closures. For the health and good of Native people and white people alike."

6.1 TLA-O-QUI-AHT PEOPLE

Tla-o-qui-aht band councillors who participated in interviews were evenly split in their opinions about the overall impact of the park on their people. Those councillors living at Opitsat (on Meares Island) had a positive view of the park's overall effect on their people, while those from Esowista (IR #3 on Long Beach) viewed the park in a negative light. Those with a negative view of the park were much more emphatic than their counterparts when outlining the reasons for their position.

Esowista reserve, situated adjacent to the Schooner Cove walk-in campsite at the north-west end of Long Beach (Figure 4), is more likely to be subjected to unfavourable contact with park visitors. Indeed, campers staying at Schooner Cove campsite continue to drive through the reserve to drop off their gear on the beach and campers often walk through Esowista residents' front yards searching for firewood.¹⁰⁴ Instances of theft on the reserve have also been attributed to park visitors. According to one councillor, this situation "makes us feel like we are second class citizens, even though we are the original inhabitants of this area." The end result is that Tla-o-qui-aht councillors at Esowista have very negative opinions about the park.

Band councillors also believe that park staff over-zealously enforce park regulations affecting Esowista reserve. For example, they say their people

104. On reviewing the draft thesis, one park manager commented that this issue is more complex than outlined here. Some Native people apparently invite people onto reserve to drop off gear, while others do not want park visitors to do so.

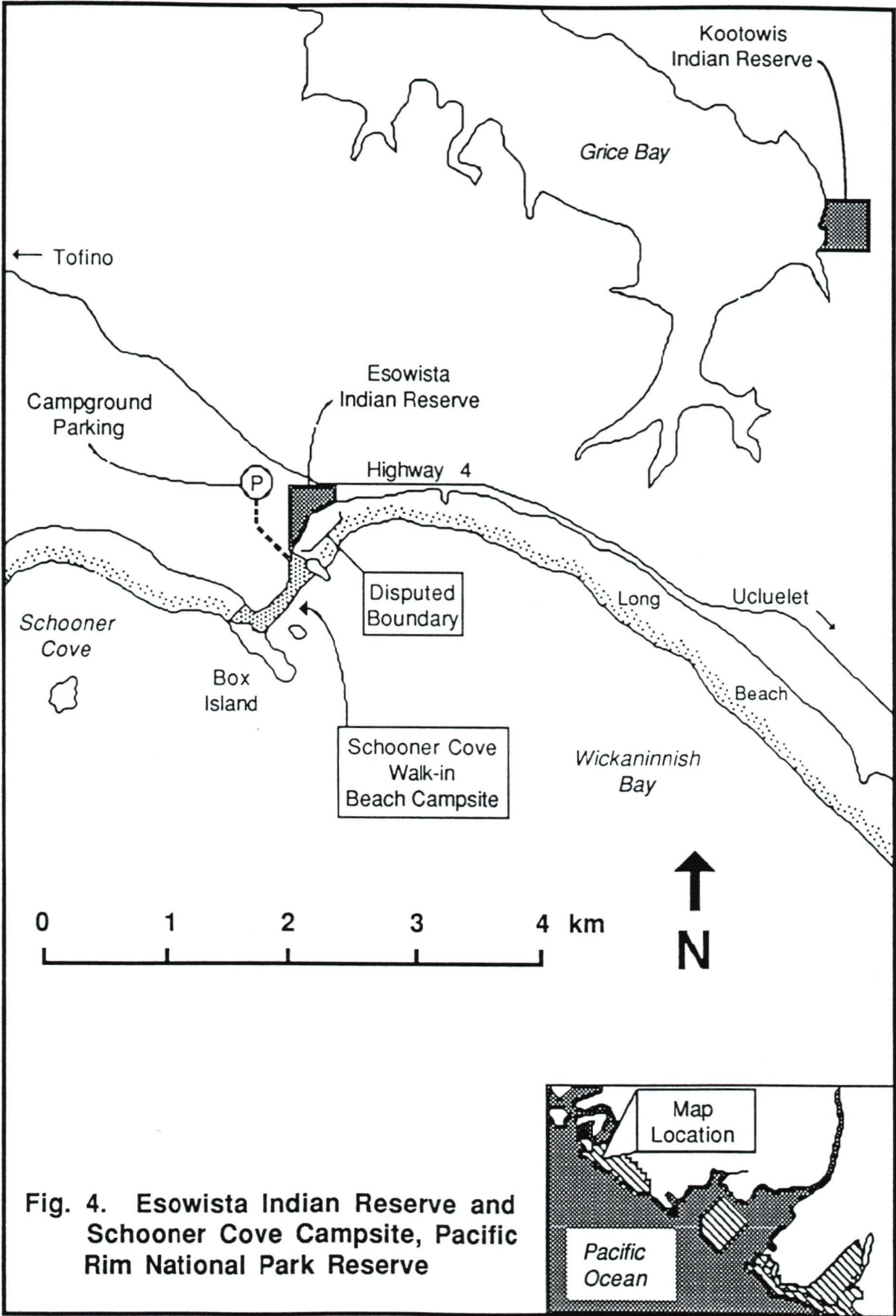


Fig. 4. Esowista Indian Reserve and Schooner Cove Campsite, Pacific Rim National Park Reserve

are not allowed to camp on the beach in front of the reserve.¹⁰⁵ They are also prevented from collecting firewood there, even though campers from Schooner Cove regularly do so. Consequently, most councillors tend to view Canadian Parks Service enforcement of regulations as somewhat one-sided.

So the reader is not left with the wrong impression of the Parks Service's motives concerning issues related to the campground, it might be instructive to briefly review the history of Schooner Cove Campground. The location for the campground was originally chosen because park managers deemed it the most suitable site for a walk-in beach campground. At the time it was chosen, the site had relatively easy access (important for maintenance), and yet afforded a feeling of remoteness not obtainable in the more developed parts of the park. Box Island and a number of other rugged islets (Figure 4) help protect the site from strong winds and waves, and lend the site some of its "wild" character. Esowista reserve had few inhabitants at the time the campground was designated, and park managers had little indication that it would become as densely populated as it now is.

The negative opinions held by band councillors may be attributed in part to a long-standing disagreement between the Canadian Parks Service and the Tla-o-qui-aht band over the southern boundary of Esowista Indian reserve (Figure 4). The Parks Service asserts that the boundary is located at

105. Similar problems apparently do not arise at other inhabited Indian reserves in the park. For example, the Ohiaht band has a campground at Anacla reserve on Pacheena Bay. Paying customers regularly camp on the foreshore which, like that at Esowista, is Canadian Parks Service property.

the mean high tide line, while the band argues that it is situated on the mean low tide line.

The Parks Service's interpretation of the boundary is supported under Canadian law. In 1889, when Esowista was officially allocated to the Tla-o-qui-aht, British Columbia retained rights to the marine foreshore. Those rights were conveyed to the federal Crown for the National Park (Fry 1989, Pers. comm.). Furthermore, as guaranteed under British Columbia law, Tla-o-qui-aht people are not restricted in their access to the ocean from Esowista reserve, or *vice versa*.

Nonetheless, band councillors see the strict legal interpretation of the issue as being unjust. They are aware that when Esowista was allocated to the Tla-o-qui-aht in 1889 by Indian Reserve Commissioner Peter O'Reilly, it was expressly reserved as a "fishing station" (Inglis and Haggarty 1986: 83). The Tla-o-qui-aht, perhaps not surprisingly, believe that a "fishing station" should include all land down to the low-tide line. Although they have access to the ocean, they wonder why there is a wide strip of beach between the Esowista reserve and the water which does not belong to them. Tla-o-qui-aht concerns may be quite understandable in light of the history of white dealings with Indians and their land.

Lack of communication between park managers and the Tla-o-qui-aht band is another common theme which arose in interviews with band councillors. At one time, the band was informed by the Canadian Parks Service that the government planned to install a toll booth and charge park entry-fees; even those living within the park at Esowista reserve would have

had to pay such fees.¹⁰⁶ Although the proposed park entry fees never materialised as announced, some band councillors point to this episode as a prime example of the lack of communication which characterizes the relationship between the two parties.

Park managers have, however, worked with the Tla-o-qui-aht band on a number of initiatives over the years. At one time an agreement¹⁰⁷ allowed members of the Tla-o-qui-aht band to operate a "sea lion cruise" from Esowista. The cruise, which operated with a small subsidy from the park, provided jobs for a few members of the Tla-o-qui-aht band. Additionally, it furnished opportunities for park visitors to view wildlife on some of the numerous islets located off the northwestern coast of the Long Beach unit of the park. The impact on wildlife and other park resources is unknown. Park managers had some concerns with safety and the operators encountered some financial difficulties; as a result the cruise has not been operating in recent years.

Apparently, no other agreements exist between the park and the Tla-o-qui-aht. However, in conjunction with other federal departments, park management has assisted the Tla-o-qui-aht with obtaining water from the Tofino airport which is under the jurisdiction of the federal Department of Transport. Furthermore, in the early stages of park development when the

106. This was not just an Indian-specific question, as all local residents would have been forced to pay fees, and none were consulted. It does provide one example of the lack of communication between park managers and the band, however.

107. The actual form of such agreements -- written or verbal -- is not clear as the author was not given access to Canadian Park Service files.

park was expropriating land and houses for the Long Beach unit, some of the expropriated houses were donated to the Tla-o-qui-aht.¹⁰⁸

Park managers have also attempted to obtain other agreements with the Tla-o-qui-aht band. For example, a proposal was made whereby the band would exchange Indian Island (IR #30) and Esowista (IR #3) reserves for a parcel of land outside the park near the village of Tofino (see Peat, Marwick and Partners 1979).¹⁰⁹ As part of the proposed agreement, the government of Canada would have provided new housing and other infrastructure at the new reserve site. Additionally, they offered to relocate any people living in Opitsat¹¹⁰ who wished to move to the new reserve. Negotiations were unsuccessful, however, and the proposed agreement never materialized.

The reasons for the breakdown in negotiations are unclear. A Canadian Parks Service respondent who was involved in the discussions indicated that in the final hours of negotiation the Tla-o-qui-aht band suddenly requested that the federal government build a recreation centre at the proposed new reserve site, a request the federal government was unwilling to fulfil. Tla-o-qui-aht band councillors suggested another scenario, asserting that there was never full support from the band

108. The store at Esowista is housed in one such structure.

109. There were two alternate plots of land proposed for the land exchange. One was located on the west side of Esowista Peninsula and included District Lots 120, 121, 122, and 124. The alternate plot was located on the east side of Esowista Peninsula and it included District Lots 257 and 262.

110. Opitsat (Tla-o-qui-aht Indian Reserve #1) is located on Meares Island, directly across Van Nevel Channel from Tofino.

members for the land trade. In particular, Tla-o-qui-aht elders were loathe to trade reserve lands which had been used for hundreds, if not thousands of years, by their people.

Both reasons are plausible, and they may be equally "true" to each respondent. To some, however, the possibility that the Tla-o-qui-aht may have refused to trade their small reserve lands for a larger, more accessible reserve with new housing and infrastructure might seem implausible, therefore it is necessary to posit a possible explanation. After generations of occupancy and use a strong sense of place has likely developed toward the reserves. This was recognized in an early study to determine the effect of the park on the local Indian reserves (C.D. Schultz & Co. 1971: 84) which found that "the band values the Esowista reserve highly because of its historical significance." In addition, the past history of Indian land issues gives the Tla-o-qui-aht ample reason to distrust offers from bureaucrats involving their lands.

When asked how relations with the park might be improved, band councillors were unanimous in calling for more communication. Similarly, all councillors felt that the park could offer more employment opportunities to band members. One councillor went further, however, asserting that "the park managers must make a greater effort to follow principles of justice and equality, rather than petty legalities." This councillor was alluding to the controversy concerning the boundary of Esowista reserve, as well as to the issue of Aboriginal rights.

Finally, and perhaps most importantly, band councillors expressed concern over the possible effect which the national park reserve might have

upon their land claim. The level of concern varied, according to councillor's different perceptions of this threat. As indicated in chapter four, the land claim issue is of over-arching importance to the Nuu-chah-nulth people, the Tla-o-qui-aht included. The Tla-o-qui-aht are actively seeking recognition of their aboriginal title,¹¹¹ and they view quite negatively any possible impediments to resolution of the question. Therefore, it appears that measures undertaken by park managers to improve relations will have little effect if the Tla-o-qui-aht continue to see the park as a threat to their land claim.

6.2 UCLUELET PEOPLE

Ucluelet band councillors, like the Tla-o-qui-aht, were divided in their opinions about the overall impact of the Park on their people and lands. However, a majority of those interviewed felt the park had a positive impact, noting that the park has employed a number of band members since its inception and it has protected both Oo-oolth and Quisitis reserves from logging or other forms of "development." The park has also protected some other culturally significant sites (see e.g. Inglis and Haggarty 1986).

Councillors expressed a number of reservations about the park, however. Most councillors were concerned that more land was not protected from clear-cut logging. "It's too bad the park is surrounded by

111. For example, the Tla-o-qui-aht have obtained an interim injunction against logging on Meares Island until their Aboriginal Title case can be heard by the courts. See *McMillan Bloedel v. Mullin* [1985] 66 B.C.L.R. 258, 2 C.N.L.R. 54 (B.C.C.A.).

bald hills," one councillor stated.¹¹² Another observed that "elders no longer collected medicinal plants from behind [Ittatsoo] reserve because they are afraid of the effects from chemicals used in clear-cuts." Some councillors complained that the park had affected their ability to collect seafood for subsistence. Others noted that they could no longer collect firewood from their reserves in the park. Finally, all respondents observed that Indian people only managed to obtain¹¹³ low-prestige, seasonal jobs with the Canadian Parks Service--no Indian people are employed as interpreters, wardens, or managers.¹¹⁴ Regardless of these outstanding issues, it is possible to characterize the relationship the Ucluelet band has with the park as one of the better working relationships.

Indeed, the Ucluelet band is one of the few bands with a substantive agreement with the park governing the use of reserve lands. In this regard, a written agreement exists whereby the Ucluelet Indian band will not cut trees on Quisitis (reserve number 9) located adjacent to the Wickanninish Interpretive Centre on Long Beach.¹¹⁵ In return for agreeing not to cut these trees, the band was given a tractor. An

112. On reviewing the draft thesis, a park manager stated that the "park has no control over this [clearcutting]."

113. The draft thesis contained a slightly different phrase here, stating that "Indian people were only given low-prestige jobs..." On reviewing the draft thesis, a park manager took exception to this wording, stating that "jobs are not given, they are won on the basis of qualification. Every qualified applicant has the opportunity."

114. On reviewing the draft thesis, a park manager asserted that this was not true.

115. On reviewing the draft thesis, a park manager noted that a portion of reserve number 9 had already been "logged and greatly disturbed."

independent evaluation of the timber values on reserves in the proposed park (C.D. Schultz & Co. 1971: 66) found that there was no merchantable timber on Quisitis reserve.¹¹⁶ In light of this, the agreement may be more equitable than it appears at first glance.

No other agreements appear to exist between the Canadian Parks Service and the Ucluelet band. However, as with the Tla-o-qui-aht band, a few "surplus" houses were given to the Ucluelet band by a former park superintendent. Some of these houses are apparently still on the Itatsoo reserve.

In recent years, attempts have been made to obtain a "lease-exchange" agreement between the Ucluelet band and the Canadian Parks Service. Under the proposed lease-exchange, the Ucluelet band would lease its Quisitis and Oo-oolth reserves to the Park Service for 49 years. In exchange, the Park Service would lease the band a portion of District lot 469 adjacent to Ucluth reserve. Such an arrangement would give the band access to the Tofino-Ucluelet highway from reserve number 6, allowing for development of a cultural centre and tourist services. The band would still be allowed to use Quisitis and Oo-oolth for cultural and religious purposes, but would not be able to develop them or significantly alter the landscape. Apparently, negotiations on this proposal have stalled,¹¹⁷ but may be re-

116. However, some of this timber could be used for home heating or cultural purposes.

117. Park managers state that the federal justice department voiced some concerns about the lease-exchange, while band councillors mentioned problems with obtaining necessary funding from DIAND for the proposed cultural centre as the reasons for stalled talks. It is likely that these negotiations were affected by both.

opened in future as most band councillors are in favour of the lease-exchange.

If an agreement is reached between the two parties regarding the revised lease-exchange, it would still be subject to ratification by the members of the Ucluelet band through a band referendum. In such a case, it was suggested that many band members may be opposed to the proposal. In fact, during the early 1970's, the Canadian Parks Service attempted to negotiate a land swap (similar to the proposed Esowista swap) with the Ucluelet band. This proposed land swap was opposed by Ucluelet band members. Although this earlier proposal differs from the present land lease-exchange because it involved an outright trade of land, its failure may indicate an unwillingness among Ucluelet band members to allow land "trades" involving their reserves.

Despite the relatively positive working relationship between the Ucluelet band and the park, band councillors had numerous suggestions for improving relations. Principle among these, as might be expected, was recognition of aboriginal rights. As one councillor observed, "our territory started half-way up Long Beach and includes part of the Broken Group Islands--the park people must recognize this fact!" Ucluelet councillors feel that completion of the land claim and recognition of aboriginal rights is the only way that their people will gain some control over activities which affect their lives. Band councillors, realizing that the park managers may have little power to recognize the land claim, offered a number of other suggestions for improving relations. They believe that the Park Service should employ more Native people--not just as labourers and clerical staff--

but also as interpreters and wardens.¹¹⁸ Councillors also indicated that the park managers could make greater efforts to communicate with them regarding park matters which affect Native people. Finally, some councillors discussed the need to maintain their ability to collect seafood, plants, and other renewable resources for subsistence, cultural, and spiritual purposes. In this regard, they wanted guaranteed access to such resources.

6.3 TSESHAHT PEOPLE

Of all bands with reserve lands in Pacific Rim National Park Reserve, the Tseshaht appear to have the poorest relations with the park. When asked to describe the relationship their band has with the park, all councillors gave a similar response: "there is no relationship." Likewise, councillors unanimously held the belief that the park has had a negative impact on their people. As a result, band councillors harbour much ill will towards the park and park managers.

When the park proposal was in its early stages, the Canadian Parks Service sent a delegation to speak to the Tseshaht people to gain their support for the park. Apparently this delegation made a number of statements about the positive benefits which the Indian people in the area could expect from the park. The fact that many of these benefits have failed

118 On reviewing the draft thesis, a park manager observed that "with proper training, they [Nuu-chah-nulth people] could qualify in the competition process. The federal government is an equal opportunity employer, using a fair and equitable system in its hiring/competition process."

to materialize may be a source of many of the negative feelings which councillors hold towards the park.

For example, the Tseshahat were told by the Canadian Parks Service that they would continue to be able to harvest seafood and other resources for subsistence purposes, as they have done for centuries. Nevertheless, they have been prevented from doing so by fisheries officers with the Department of Fisheries and Oceans (DFO), the organization responsible for managing ocean resources in the park until it is officially designated a national park reserve. While the Canadian Parks Service supposedly follows a policy which allows aboriginal people to collect renewable resources in parks, DFO does not allow such activities. A number of Tseshahat councillors have had seafood which they collected from their traditional lands in the Broken Group Islands confiscated by DFO officers. As a councillor put it,

I have lived in three areas, including the Broken Group Islands, and I know the importance of shellfish and other seafood to our people. But now things have changed. Today we cannot get what seafood we need and we won't be able to get what we need in future. I hate to see these changes.

Apparently, the Canadian Parks Service verbally guaranteed that Tseshahat could continue subsistence use of seafood in the Broken Group even though it did not have the power to regulate that activity.

Similarly, the Canadian Parks Service promised the Tseshahat that the park would protect resources in the Broken Group Islands from commercial exploitation. According to the Tseshahat, however, this has not occurred; shellfish and other seafood resources in the area have suffered from over-utilization by commercial interests. Tseshahat councillors

outlined various cases of commercial fishermen descending on beaches and wiping out whole clam beds. They are now concerned about geoduck clams, gooseneck barnacles, and sea urchin, which have all become sought-after commercial seafood resources. "They're exploiting them to the hilt," one councillor observed. To the Tsshaht, this situation parallels many other injustices which society has burdened them with: they believe commercial interests encounter few or no restrictions to the area's resources, yet while their reserves in the Broken Group Islands were allocated as fishing stations, Tsshaht people are prevented from collecting what they consider to be reasonable amounts of seafood for subsistence purposes.

Canadian Parks Service representatives also indicated that the park would provide a number of jobs for local Indian people. While some Nuu-chah-nulth people have been employed by the park,¹¹⁹ Tsshaht people themselves have not benefitted from park employment.¹²⁰ While the Tsshaht recognize that the park has brought more tourists to the Port Alberni region, resulting in more local jobs, they note that their people have not personally obtained any of these jobs. Moreover, a large proportion of these tourists come to the area for sportfishing, creating even greater pressure on the salmon which Tsshaht people depend upon for subsistence.

119. Primarily Dididaht, Ohiaht, and Ucluelet people.

120. On reviewing the draft thesis, a park manager argued that this point was not entirely valid, as some Tsshaht people were employed during the archaeological study of the park, which was partially funded by the Canadian Parks Service.

Band councillors also feel that visitors to the park have caused problems in the Broken Group Islands. Vandalism has increased on their reserves in the park, and the physical carrying capacity of some of the islands is being surpassed because there are too many park users and not enough park staff to patrol the islands. As one councillor said, "the park people said they would protect our lands, but that hasn't happened -- they don't have enough people out there to protect the area."

Despite early attempts to obtain agreements with the Tseshaht regarding their reserve lands in the park, the Canadian Parks Service has no agreements with the band. In the early 1970's, the band was approached with a land trade offer for their three reserves in the Broken Group Islands.¹²¹ The Park Service offered 3 acres (1.21 ha) in trade for every 1 acre (0.4 ha) of existing reserve land. The offer was not accepted by band members because of the cultural importance of the reserves in the Broken Group Islands. These reserves are the remnants of traditional Tseshaht territory, which covered the Broken Group Islands and much of the head of Alberni Inlet. Much of Tseshaht history and culture is rooted in these islands and the ocean surrounding them. Moreover, many of the councillors lived in the Broken Group Islands at some time. The Tseshaht have strong ties to these islands and they are not willing to lose them. Therefore, as one Tseshaht councillor stated: "we don't want to talk about land trades."

121. Cleho (IR 6), Keith Island (IR 7), and Omoah (IR 9).

Apparently, no further overtures have been made to the band regarding land trades. However, there have been further negotiations on other matters. The Canadian Parks Service has negotiated with the Tseshahht about the text on the reverse side of the Broken Group Islands marine chart. This chart was the first to have interpretive information included on its reverse side -- in this case a description of the natural and human history of Barkeley Sound.¹²²

Band councillors had numerous suggestions for measures to improve the relationship between the band and the Park reserve, including providing greater protection of park lands in the Broken Group Islands; increasing communication; guaranteeing rights to harvest¹²³ renewable resources; employing Tseshahht people in the park; and providing greater recognition of the role Native people have played in the area. These suggestions are indications of the minimum effort councillors feel park managers should expend to improve the relationship. It is apparent, however, that no matter what other measures are taken, until the question of aboriginal rights is addressed, the relationship will continue to be a shaky one. The aboriginal title question is of over-arching importance to the Tseshahht, who believe that resolution of land claims is the only way they will obtain an equal say in managing resources which they depend on

122. Canada Marine Chart No. 3670. On reviewing the draft thesis, a park manager observed that this was "a step in the right direction."

123. Aboriginal people assert that they should not be limited to harvesting renewable resources for subsistence purposes only, as they exploited renewable resources for commercial (trading) purposes long before contact with whites.

for their livelihood. Accordingly, problems in the relationship between the park and the Tseshah people can only be fully resolved once a just land claims settlement is reached.

6.4 OPETCHESAHT PEOPLE

Opetchesaht band councillors appear to hold slightly less animosity towards the park than do councillors from the Tseshah band. Two of the three councillors interviewed felt "there is no relationship with the park" while the third councillor felt that "the relationship with the park is ambivalent at best."

Interestingly, councillors see the park as one way to save some of their traditional lands from over-exploitation, therefore they are not opposed to the concept of the park. Indeed, one councillor observed that "the park has a similar purpose as us -- to save the land." They do, however, resent the park because it was imposed without recognition of any of their aboriginal rights. "We are opposed to Pacific Rim National Park being formed because it interferes with our land claim," said one councillor.

Opetchesaht councillors also dislike the park because it has failed to protect the land from over-use. Indeed, one of the major complaints from respondents was the fact that the park was attracting great numbers of visitors, yet these visitors were not properly "policed." The Opetchesaht have asked park managers to discourage visitor use of their reserve in the Broken Group Islands and park wardens have apparently been complying with this request. Still, there have been numerous cases of vandalism at Nettle Island reserve.

The park was also viewed in a negative light because councillors felt it imposed one more set of restrictive rules on their people. In particular, they felt that the park had restricted their ability to collect seafood, for subsistence purposes, from the Broken Group Islands. Councillors noted that the Canadian Parks Service has a policy allowing Aboriginal people to continue subsistence activities, but that the Department of Fisheries and Oceans (DFO)-- who are responsible for managing seafood resources -- has no such policy. Nevertheless, while they realized that DFO was largely responsible for restricting collection of seafoods, they still believe that the park has played a role in restricting their collection of seafood and other resources in the area.

There are no agreements between the Opetchesaht and the Canadian Parks Service. Opetchesaht councillors noted that the Parks Service had approached them in the early 1970's, to discuss trading their Nettle Island reserve for land outside the park. The Opetchesaht, like many other west coast bands, are deeply attached to their reserve lands and they were not interested in trading them for new land. Accordingly, they told the Canadian Parks Service that the matter was not open to discussion. Apparently the Canadian Parks Service has made no further attempts to obtain formal agreements with the Opetchesaht regarding their reserve land. They have, however, negotiated with the Opetchesaht about the text on the reverse side of the Broken Group Islands marine chart.¹²⁴

124. See Canada Marine Chart No. 3670.

Opetchesaht councillors had various recommendations for measures the Canadian Parks Service might take to improve relations. As with most other bands, paramount among these recommendations was recognition of aboriginal rights. "The park must acknowledge our traditional ownership of the land," one councillor stated. Another councillor extended this concept somewhat, suggesting that the Canadian Parks Service "should have a policy statement acknowledging aboriginal title, then another which allows aboriginal laws and traditions to over-rule *National Park Act* regulations."

Band councillors also indicated that the park should increase enforcement efforts in the Broken Group Islands, so as to provide greater protection for the park and Opetchesaht lands. At the same time, it was suggested that new park employment opportunities arising from such initiatives should be directed towards local Indian people: "employing Opetchesaht people would greatly help to improve relations."

6.5 OHIAHT PEOPLE

Of all the Nuu-chah-nulth groups with land in the park reserve, the Ohiaht band council appears to have the best relationship with the Canadian Parks Service . In this sense, some band councillors stated that the park presently has a positive effect on their band, while others said that it really has no impact at all. Implicit in these comments is the notion that the park has, in the past, had negative effects on the band.

The park has provided some economic benefits to the band. For example, it has attracted more tourists to the region and to the band's campground, located at Pacheena Bay on Anacla Reserve (IR 12).

display at the Wickanninish Interpretive Centre in the Long Beach Unit of the park reserve.¹²⁵

The Ohiaht band has had discussions with the Canadian Parks Service regarding exchanging the band's Masit reserve (IR 13) in return for additional land adjacent to Anacla reserve (IR 12). The Park Superintendent at that time also favoured the idea and was willing to negotiate such an exchange. Apparently a new band council was elected shortly after these negotiations began, however, and they were not pursued further. The present band council is also interested in the land exchange, and they plan to approach the Park Superintendent to re-open negotiations on the matter.¹²⁶

Despite their agreeable working relationship with the Park Service, Ohiaht band councillors still had a number of suggestions regarding measures the park management might take to improve relations. As might be expected, recognition of aboriginal rights and title was chief among these suggestions. Employment of band members was the second most important issue of concern to band councillors, who all suggested that more of their people should be employed in the park. Ohiaht councillors also wanted to see more resources and effort directed toward park protection and enforcement measures. As they see it, there are not enough

125. On reviewing the draft thesis, a park manager questioned this statement, as he/she believed that this contract may have been with an Indian person residing in Victoria.

126. On reviewing the draft thesis, an Ohiaht band councillor noted that while they were willing to negotiate with the CPS regarding a trade at the time they were interviewed for the thesis (late spring 1989), such is no longer the case. The council would have to obtain a mandate from band members in order to undertake negotiations again.

Additionally, a few Ohiaht band members have been employed by the park over the years. Councillors noted, however, that more of their people should be employed in the park. As one councillor observed, "they hire people from out of town who don't know the area, but not local people."

Ohiaht band councillors were unaware of any instances where band members had been prevented from carrying out traditional subsistence activities in the park. This appears to be an exceptional situation, as councillors from every other band have reported that their members have experienced difficulties carrying out traditional activities in the park. In general, Ohiaht band councillors also felt that the park has partially protected their lands from exploitation and over-use. They did note, however, that there have been problems with vandalism on their reserves in the park.

The relatively favourable relationship between the band and the Canadian Parks Service apparently extends to agreements between the two parties as well. Originally, the proposed park reserve boundaries encompassed the Ohiaht village reserve, Anacla (IR 12). The band successfully negotiated to have Anacla removed from the park (as presently proposed, the park reserve bounds Anacla on three sides but does not fully encompass it; see Figure 1). In addition, the West Coast Trail no longer passes through Anacla, eliminating most problems which arose when hikers passed through the Ohiaht village. There is also a contract between the Parks Service and the band for a canoe built at Pacheena which is on

wardens to police the park and as park visitation increases, resources will not be properly protected from damage. Finally, one councillor wanted to see some form of joint management agreement between the Canadian Parks Service and the Ohiaht band, asserting that this would be the best means to give Ohiaht people input into management decisions which affect their reserves and some of their traditional lands.¹²⁷

6.6 DITIDAHT PEOPLE

Ditidaht band councillors who participated in this study were split in their opinions about the overall effect of Pacific Rim National Park Reserve on their people. One believed the park has had a positive impact on the band, while the other felt that its effect has been negative. Interestingly, both respondents raised similar issues when discussing what they believed to be the important positive and negative aspects of the park and its effect on the Ditidaht people.

Both councillors observed that there was very poor communication with park managers. This lack of communication has led to uncertainty among Ditidaht people regarding the role Indian people are to play in matters which affect their lands in the park. However, as one councillor stated, "we must assume that we have lost some power over our lands because it [the Canadian Parks Service] is just another big bureaucracy which doesn't communicate with us."

127. On reviewing the draft thesis, a park manager observed that "the perspective [in this section] seems to be that natives should have unrestricted access to harvesting and all non-natives should be strictly policed."

In spite of this atmosphere of poor communication, the Ditidaht have a number of agreements with the Parks Service. Firstly, there is a letter of agreement between the Ditidaht band and the Parks Service which allows park visitors to use the West Coast Trail where it crosses Indian Reserves in return for which the Park service has promised to protect Indian land from abuse. Band councillors believe, however, that the Park Service has failed to uphold its promise. Secondly, the band has a contract with the Parks Service for provision of Ferry Services where the West Coast Trail crosses Nitinat Narrows (at Wyah IR 2). Under the terms of this contract, the band provides ferry service for a given period, the Parks Service pays the band a base fee, and the band can charge hikers a fee for services. This contract has been a source of much needed income for a member of the Ditidaht band operating the ferry. Thirdly, there is an agreement which has enabled the CPS to install protective gates in front of the burial caves at Tsuquanah (IR 2). Prior to this agreement numerous problems had arisen relating to vandalism and grave robbing by park visitors.

Ditidaht band members are employed by the Parks Service on trail crews which work on the West Coast Trail. In fact, the Ditidaht band has the greatest number of people employed in the park. However, band councillors noted that these jobs came at a price: the park attracts visitors who abuse reserve lands as they hike the West Coast Trail. In many cases there is no deliberate destruction of Indian lands; instead the sheer numbers of hikers on the Trail result in degradation of the land base. Sewage and garbage from hikers, for example, has become a serious problem on the Trail. There are, however, other cases of deliberate

destruction of property which clearly belongs to Indian people. Robbing the burial caves at Tsuquanah is just one example of such deliberate destruction of Indian property, but there have been numerous other cases of vandalism on reserve lands as well.

Like other band councils, the Ditidaht offered a number of suggestions for improving relations with the park. Primary¹²⁸ among these suggestions was that the park should provide greater protection for both park and band lands. As one councillor said, "if the park did a better job of protecting our lands, it could be a much more positive thing." Councillors also suggested that the Park Service must improve communication with the band. Similarly, councillors wanted greater input on matters affecting their reserves in the park. One councillor suggested that the band should be part of a "joint management" scheme in the park. Finally, Ditidaht councillors would like to see more of their people employed by the park. In this case, however, councillors feel that their people should be employed at more prestigious jobs such as warden or interpreter.

6.7 PACHEENAHT PEOPLE

The Pacheenaht band council declined the request to participate in the research.¹²⁹

128. Councillors did not wish to discuss the land claim, yet while interviewing councillors, the author got the impression that recognition of aboriginal rights and title is very important to the Ditidaht council.

129. During June of 1989, when the Pacheenaht band council was visited by the author, they were contemplating launching legal action over both specific and comprehensive land claims involving land within the park, and they felt the issue was too sensitive to discuss without a mandate to do so from band members.

6.8 PACIFIC RIM NATIONAL PARK RESERVE MANAGERS

Pacific Rim National Park Reserve Managers are generally sympathetic towards the Nuu-chah-nulth people and their situation as residents in the park reserve. However, numerous constraints have prevented managers from gaining a full understanding of the Nuu-chah-nulth's situation. Without such understanding, a positive working relationship is unlikely to develop between the two parties.

Park managers believed that the relationship between the park reserve and the Nuu-chah-nulth people is more positive than negative, however, no manager gave an unqualified positive description of the relationship. "The relationship is probably positive, but it could be more meaningful -- right now we co-exist without too much influence on each other," said one manager. Similarly, another manager observed that the relationship was "presently leaning towards positive, but it will take a long time to become really positive." Yet another manager noted that "for [him] the relationship is positive, but for some Native people it may be negative."

Park managers' opinions are less positive towards the Indian reserve lands encompassed by the National Park Reserve. All managers interviewed believe that, overall, the Indian reserves have had a negative impact on the Park. Moreover, park managers could not think of any positive effects which the reserves have had on the park, but they cited

numerous cases as examples of the negative impact which Indian reserves have had on the park reserve.¹³⁰

Esowista reserve,¹³¹ located at the north end of Long Beach (Figure 4), was most commonly cited as an example of the negative effects which Indian reserves can have on the park. The village of Esowista is seen as being incompatible with park values. The reserve itself is too small to accommodate resident childrens' needs for recreational space, thus they must often play on the beach. Similarly, there have been problems with interaction between Esowista residents and visitors to Schooner Cove walk-in campsite (Figure 4). The sewage system for the village is also inadequate to deal properly with residential output, and sewage often overflows from the system and contaminates the beach. While the problems at Esowista were most often cited as examples of the negative effects which Indian reserves have had on the park, managers also mentioned other inhabited reserves, including Anacla,¹³² and Gordon River.¹³³ Uninhabited reserves were also considered to have a negative effect on the park, primarily because park managers believe that they add one more level of administrative complexity to an already difficult management process.

130. On reviewing the draft thesis, a park manager stated that he/she did not think this was a fair assessment, because some positive aspects, such as archaeological sites, were mentioned during interviews.

131. Tla-o-qui-aht Indian reserve #3.

132. Ohiaht Indian Reserve #12.

133. Pacheenaht Indian Reserve #2.

Park managers believe that Nuu-chah-nulth people have had both positive and negative effects on the park. They felt that Nuu-chah-nulth people had made positive contributions to the park both as employees--primarily as members of construction and maintenance crews¹³⁴ on the West Coast Trail--and as entrepreneurs, operating a number of campsites and resorts which have helped to relieve crowding in park campgrounds. Some managers also noted that Nuu-chah-nulth workers have contributed positively to the park by passing on valuable local boating and "bush"expertise to non-aboriginal employees. One manager extended this further, observing that because the Nuu-chah-nulth people are representatives of an ancient culture which adds to the cultural diversity of the area, they have increased the variety of experiences available to park visitors. In contrast, park managers outlined fewer examples of Nuu-chah-nulth people's actions having negative impacts on the park, and those they did cite tended to focus on the previously discussed problems at Esowista reserve. Other problems mentioned include visitor complaints about poor service on the Gordon River ferry operated by a Pacheenaht band member,¹³⁵ and Nuu-chah-nulth people with guns guarding reserves in the park during the early 1970's.¹³⁶

134. The Nitinat Ferry Crossing, operated by a Ditidaht person, was also mentioned by many as an example of a positive contribution to the park.

135. For safety reasons, the National Park Reserve administration recently began to recommend to visitors only those ferry operations that complied with Department of Transport safety standards; the Pacheenaht ferry apparently did not meet these requirements during the summer of 1989 and was not recommended.

136. Apparently, tensions over land claims were very high during this period.

Park managers tend to believe that the effect the park has had on Nuu-chah-nulth people has been more positive than negative; however, most acknowledged that much more could be done to improve the effect the park has on Aboriginal people. As one manager observed, "the park has probably been positive, but employment opportunities were limited, and training programs didn't deliver what they were supposed to."¹³⁷ Another noted that the park has attracted more visitors to the area, which has been both beneficial and problematic: more visitors have increased development and employment opportunities for Nuu-chah-nulth people, but they have also brought unwanted social and environmental problems.

Park managers were unaware of any specific programs or methods used to maintain good relations, or to improve relations with the Nuu-chah-nulth. Nonetheless, most park managers had suggestions for measures which might improve the existing relationship between the park and the Nuu-chah-nulth people. Providing greater opportunities for employment of Nuu-chah-nulth people was one of the most often mentioned means for improving relations. Another method which received wide endorsement was to improve communication with the Nuu-chah-nulth. One manager suggested that there was a need for "a more permanent body to represent the Indian people." This manager suggested that "perhaps a National Park Liason Committee might provide a means to improve

137. Indeed, there apparently was little political will to implement proper aboriginal training and employment programs, thus once initiated there usually was no follow-up to ensure that aboriginal people were adequately trained or that they would have job opportunities in the civil service once training programs were completed.

communication." Finally, another suggestion included increasing time spent on interpretation of Native culture in the park.

6.9 RESPONDENTS' GENERAL REACTIONS TO DRAFT THESIS

Tla-o-qui-aht, Opetchesaht, Tsashaht and Ohiaht band councillors reviewed and commented on the draft thesis distributed to them in May, 1990. In all instances, band councillor's responses to the draft thesis were both brief and positive. The Tla-o-qui-aht band councillors found no problems with the draft thesis, and they stated that it adequately described their concerns regarding their relationship with the national park reserve. Except for identifying a few typographical errors, the Opetchesaht band councillors had a similar response. One Opetchesaht respondent stated that he felt it "deals with the issues of importance to our people." Likewise, Tsashaht councillors felt the thesis adequately explained their concerns regarding the national park reserve. Finally, Ohiaht band councillors were similarly in agreement with the draft thesis. However, one councillor noted that the relationship with the park lacked good communication--a point which did not arise in the original interviews. To illustrate his point, this councillor described how the Ohiaht learned about plans for the park only after it had been "designated".

In contrast to the Indian band councillors, Pacific Rim National Park Reserve managers provided much more extensive--and much less positive--comments in response to the draft thesis. Park managers had numerous comments regarding specific statements in the thesis, and as the reader is already aware, these have been acknowledged in footnotes throughout the thesis. However, a number of park managers also provided extensive

written reactions to the thesis, and the following discussion outlines the concerns raised in those comments.

One park manager was concerned about the expectations that Nuu-chah-nulth people have concerning their rights in the park. As he/she states:

It is apparent that many of the councillors have an expectation for Native people to receive special treatment relative to park land, access, and resources. They do not appear to seek equality--they seek a "distinct society", privileged with rights to do what they like with land and resources, while also seeking employment and further, assistance from [the Canadian Parks Service] in enforcement which would prevent all non-Native interests from similar activities. This is difficult for a federal agency to provide, given the principles of equality engendered in the Canadian Charter of Rights.

This same manager also believed the draft thesis failed to acknowledge that "at least some of the over-harvesting... vandalism and even theft, arises from within the local Native population."¹³⁸ He/she felt that both relations with the Nuu-chah-nulth and park management could be improved through "[b]etter communications, more open dialogue, and perhaps an on-going liason committee (or a joint management regime in the long run)."

Another park manager was not so open to the idea of joint management, stating that he felt that it wasn't always necessary to involve aboriginal people in the *direct* management of parks, although he supported the recommendation of the World National Parks Congress

138. However, these issues were not raised by park managers during interviews.

(1984) that aboriginal people be *consulted* to ensure that park managers understand the aboriginal perspective.

Finally, one other park manager provided a list of both negative and positive reactions to the thesis. With regard to the former, this person felt that the thesis was "written with an anti-park bias", and that there were "a number of inaccuracies pertaining to the park and its operation/policies...."¹³⁹ On the other hand, this manager was open to utilizing the comments in the thesis as a basis to improve relations with the Nuu-chah-nulth:

The views of the Native people toward [Pacific Rim National Park Reserve] and [the Canadian Parks Service] in general, were very enlightening. As the thesis stated, many park staff are unaware that the First Peoples are very unhappy with [Pacific Rim National Park Reserve]. Perhaps the merit of this report for us, lies in this statement [sic]. Mr. Berg addresses several of the Native [p]eople's concerns in a straight forward manner. Some of these are quite disconcerting.

However unpalatable some of these comments may appear to park staff, they do provide us with an excellent opportunity. Now that we know what issues are clearly important to the [N]ative people, but are not being handled by us to their satisfaction, we can begin to open communication lines to improving [sic] these situations, to our mutual benefit. I feel this report may become very useful during the management planning exercise and whenever the park enters discussions with our Native neighbors.

139. These points have been acknowledged in footnotes throughout the text.

7. CONCLUSION

Now we are drawing lines on the map, attempting to separate the wild from the tamed. We designate lands as nature reserves, national parks, or wilderness areas, and we say that these are no longer places where people can live, or take from, or use in any way except the way of the visitor who comes to look, but not to interfere. This is difficult for people who have always lived in wild country and consider themselves part of it. ... Most of the land we set aside as formal wilderness or set aside as national parks is land passed on to us by people who consider it to be, in part at least, their homeland. We consider it to be of national park quality because they did not treat it the way we have treated land.

Raymond Dasmann
(1984: 667)

The purpose of this thesis is to describe and provide an understanding of the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve. Previous chapters have provided background information concerning the relationship between aboriginal peoples and protected areas in other jurisdictions (Chapter Two), Nuu-chah-nulth habitation of the west coast of Vancouver Island (Chapter Four), the Indian land question and aboriginal rights (Chapter Four), the physical setting and political history of Pacific Rim National Park Reserve (Chapter Five), and finally, federal parks policy and legislation relating to aboriginal people (Chapter Five). This information, in turn, sets the context for the interview responses and comments collected through "respondent consultation" outlined in Chapter Six. To provide the reader with a better understanding of the relationship between the Nuu-chah-nulth and Pacific Rim National Park Reserve, the task remains to outline the social and spatial significance of this relationship. At this point the analysis becomes explicitly *pragmatic*.

As discussed in Chapter Three, the pragmatist believes knowledge is a creative process, involving experiences and *meanings*. *Meanings* are subjective interpretations of the world evaluated by the individual in terms of their practical implications (Johnston 1986). Thus, scientific thought and analysis is, according to the pragmatist, based upon common sense insight into the practical affairs of everyday life (Smith 1984). The pragmatist also sees life as a continuous process of experience and evaluation, where beliefs are continually being reconstructed through the social process of interacting with peers (Johnston 1987).

In the context of this thesis, then, two questions arise:

1. what are the subjective interpretations of the councillors and Pacific Rim National Park Reserve managers concerning their relationship with each other; and
2. what are the practical implications of these interpretations?

The first question has largely been answered by the information provided in chapters four to six. A brief summary is presented here prior to answering the second question above.

7.1 SUMMARY

7.1.1 The Nuu-chah-nulth and the Indian Land Question

Archaeological evidence indicates that the Nuu-chah-nulth people have inhabited the west coast of Vancouver Island for at least four-thousand years (Dewhirst 1978). They are considered to be "aboriginal" people, because they were present when the first white colonisers arrived. Indeed, approximately 23 independent political groups are known to have existed at contact in the late eighteenth century; the 15 officially recognized "Indian

bands" form the remnants of these groups today (Arima 1983). Six of these bands -- the Tla-o-qui-aht, Ucluelet, Tseshah, Ohiaht, Ditidaht, and Pacheenaht -- have traditionally lived in what is now the park region. These bands, along with the Opetchesah band (which probably does not have pre-contact links to the park area), now have a total of 28 Indian reserves encompassed by, or adjacent to, Pacific Rim National Park Reserve. They are also signatory to the Nuuchahnulth Tribal Council's comprehensive land claim which fully encompasses the park reserve.

At the time of contact, the Nuuchahnulth had a very rich culture, an intricate oral history, art, legends, and a highly structured social system (Arima 1983). They also had a well-developed system of land tenure (Drucker 1951, 1958; Arima 1983). The complex system of Indian ownership was dramatically altered by the intrusion of European settlers, who failed to acknowledge the "aboriginal land rights" of the Nuuchahnulth. In fact, with one small exception,¹⁴⁰ Nuuchahnulth land was never purchased nor was it surrendered by treaty or captured by overt act of war. In spite of this fact, since 1859 the governments of the Colony, and later the Province of British Columbia (which has constitutional jurisdiction over land and resources) steadfastly refused to acknowledge the Nuuchahnulth people's aboriginal title to the west coast of Vancouver Island. Between 1927 and 1973, the federal government

140. A treaty between Cleeshin of the Ohiaht and William Eddy Banfield, dated July 6, 1859 (see Madill 1981: 74 for a copy of the treaty). However, such a treaty between a private citizen and Indians was illegal under both Imperial law (The Royal Proclamation of 1763) and Colonial proclamation (see Douglas to Lytton, Feb. 9, 1859, in British Columbia 1875: 15).

refused to acknowledge such title; since 1973, they have acknowledged only the "possibility" that Nuu-chah-nulth aboriginal title exists. Their acknowledgement of aboriginal title is merely implicit, through their willingness to negotiate land claims, and it has no practical impact on the Nuu-chah-nulth. Accordingly, the Nuu-chah-nulth have effectively been denied aboriginal title to their lands for over 100 years. Nevertheless, like other aboriginal peoples throughout British Columbia, they have never given up the struggle for recognition of their aboriginal title (see e.g. Tennant 1990b).

This situation has left an indelible imprint on Indian perceptions regarding any matter concerning land, and this includes the designation of a national park reserve within their traditional territory.¹⁴¹ To the Nuu-chah-nulth, designation of Pacific Rim National Park Reserve embodies one more example of the denial of their aboriginal title. Negative feelings toward the park are only compounded when the Nuu-chah-nulth are told that designation of the park is "in the public interest". Unfortunately, that phrase was often used by Joseph Trutch to justify his re-allocation and reduction of Indian reserve lands (see e.g. British Columbia 1875). Similarly, the argument was commonly used by later politicians as justification for not recognizing aboriginal title. Apparently, the public interest has rarely coincided with the interests of the Nuu-chah-

141. The term "traditional territory" is used for lack of a better descriptive term. It signifies land which Nuu-chah-nulth people have historically occupied and used, and to which they should therefore have aboriginal title, except such title has yet to be recognized by the government of Canada.

nulth people. If one is to have any understanding of the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve, one must set that relationship within the context of the history of white mistreatment of Indians in British Columbia.

7.1.2 The Park Reserve and Park Policies

For most of the twentieth century, there has been interest in protecting the Pacific Rim region in a national park. For example, the recreation potential of the region was first recognized in the 1920's when the provincial government designated a recreation reserve on the northern portion of the West Coast Lifesaving Trail; then in 1947 the federal government undertook a survey of the region to determine the area's suitability as a national park (Miller 1972). Following much political wrangling involving the federal government on one side and the Province and logging interests on the other, Pacific Rim National Park Reserve was "designated" in 1970 (Miller 1972). In spite of the fact that the area has been managed as a national park for the past 20 years, it is yet to be gazetted under the *National Park Act*. Consequently, park managers are constrained in their ability to prepare management plans or to undertake agreements with local Indian people regarding Indian lands in the park. Relations are further complicated because a number of other federal agencies, such as the Department of Fisheries and Oceans (DFO) currently have management jurisdiction within the proposed boundaries of the park reserve.

Once it is officially designated, Pacific Rim will become the second Canadian national park reserve established south of the 60th parallel. The Park reserve will be managed as a national park under the *National Park*

Act, but it will not be given full park status pending resolution of the Nuu-chah-nulth people's comprehensive land claim, which was accepted for negotiation by the federal government in 1983.

The early phases of negotiation and planning for Pacific Rim National Park Reserve took place during the period when neither the federal nor provincial governments recognized the existence of aboriginal title; consequently the seven Indian bands with reserves encompassed by the proposed national park reserve were given little input in park planning. According to a councillor from the Ohiaht band, although their main village of Anacla was encompassed by the park they were not informed about the park until after it had already been "designated" in 1970. Implementation of a new Parks Policy in 1979, which contains a number of sections defining new relationships between aboriginal peoples and proposed national parks, provided the Canadian Parks Service with an opportunity to change their approach to managing parks which might have an impact on aboriginal people. The policy allows for continued subsistence use of park resources, and it provides for the option of co-management of parks created in conjunction with land claim settlements (Parks Canada 1979). In addition, recent amendments to the *National Parks Act* extend traditional renewable resource harvesting rights in wilderness areas of national parks to aboriginal peoples with land claim settlements.

The legislation does not, however, guarantee either joint management or continued subsistence harvesting in parks for aboriginal groups which have yet to conclude negotiation of their land claims. The Nuu-chah-nulth are sixth on the list of aboriginal groups in British Columbia having

comprehensive land claims. Federal Land Claims policy was recently reviewed and the process in British Columbia has consequently been streamlined. However, the Nisga'a claim, the only one under negotiation in British Columbia, has been ongoing for 15 years, and it is far from completion.

Rather than rely upon a comprehensive approach, Canadian legislators have chosen an *ad hoc* approach to accommodating the needs of aboriginal peoples in national parks. This approach has both positive and negative aspects. On the one hand, park managers can be flexible, and respond to the exigencies of individual situations. To paraphrase a manager from Pacific Rim National Park Reserve, each park is able to adopt its own approach to aboriginal people's concerns, recognising the unique relationships of local bands with their land and sea habitats. This more flexible method prevents problems from arising when policies are imposed on a region by a far-away central authority. On the other hand, the *ad hoc* approach can engender problems if aboriginal groups perceive inequity between agreements. This situation is likely to cause problems in future if aboriginal groups, such as the Nuu-chah-nulth who presently have little input in park management, decide to attempt to gain parity with other aboriginal groups, like the Haida who have much greater input into park management (Berg, Fenge and Dearden, Forthcoming).

The responses to the interviews with park managers and Indian band councillors, summarized below, provide insight into the positive and negative aspects of the *ad hoc* approach used in dealing with aboriginal interests in Pacific Rim National Park Reserve.

7.1.3 The Interview Responses

Unlike other national park reserves¹⁴² no comprehensive agreements exist between the Nuu-chah-nulth and Pacific Rim National Park Reserve. Furthermore, while some park managers note the existence of a park-wide "understanding" allowing Indian people to continue exploitation of park resources for subsistence purposes, one park manager claimed (after reviewing the draft thesis) that no such understanding has been endorsed by the Canadian Parks Service. The situation at Pacific Rim may thus contradict the 1979 parks policy statement which allows traditional subsistence activities to continue in parks (see Parks Canada 1979). The issue is further complicated by the fact that the federal Department of Fisheries and Oceans, which maintains management jurisdiction within the proposed park boundary pending official designation of the park reserve, is not party to the "understanding" which allows continued Indian subsistence activity in the area.

Few specific agreements exist between the various bands and the park. In fact, the park has no agreements with the Opetchesaht, Tla-o-qui-aht, or Tseshaht bands. The Ditidaht band have signed a letter of agreement allowing park visitors to use the West Coast Trail as it passes through their reserve lands, and they have a contract with the Parks Service for provision of Ferry Services at Nitinat Narrows (on Wyah IR 2). They also have an

142. The *Gwaii Haanas/South Moresby Agreement*, May 2, 1990, outlines joint management of the proposed South Moresby National Park Reserve by the Haida people and the Canadian Parks Service; the *Protocole D'Entente* between Le Conseil de Bande de Mingan and Her Majesty the Queen in Right of Canada, April 21, 1989, outlines joint management of the Mingan Archipelago National Park Reserve.

agreement allowing the burial caves at Tsuquanah to be barred and gated to prevent vandalism. The Ohiaht band successfully negotiated the removal of Anacla (IR 12) from the proposed boundaries of the West Coast Trail unit of the park, and one of their members provided the dug-out canoe (under contract) for display in the park interpretive centre. The Ucluelet band agreed not to harvest trees on Quisitis reserve (IR 9), in return for which it was given a tractor. Finally, it is unknown if the Pacheenaht have any agreements with the park, as they did not agree to be interviewed by the author.

The Canadian Parks Service has unsuccessfully attempted to negotiate land trades with a number of bands, in hopes of removing Indian reserves from within the proposed park reserve boundaries. The Parks Service was unable to attain an agreement with the Tla-o-qui-aht band to exchange Indian Island (IR #30) and Esowista (IR #3) reserves for a parcel of land outside the park near the village of Tofino (see Peat, Marwick and Partners 1979). Similarly, the Parks Service has so far been unable to complete a proposed "lease-exchange" which would see the Ucluelet band lease its Quisitis and Oo-oolth reserves to them for 49 years. Both the Tsessaht and Opethesaht people were approached by the Parks Service in the early 1970's with an offer of land outside the park in trade for their reserves in the Broken Group Islands; both groups refused to trade their reserves. At one time the Ohiaht band council was interested in negotiating with the park service regarding the exchange of Masit reserve (IR 13) in return for additional land adjacent to Anacla reserve (IR 12), but their band members may no longer support such an exchange.

Indian band councillors' opinions concerning their relationship with the park are varied, however, most councillors have negative rather than positive opinions about the park and relations with park managers (Table 2).

Table 2. Summary of Indian band councillors' opinions concerning Pacific Rim National Park Reserve.¹⁴³

	Tla-o-qui-aht	Ucluelet	Opetchesaht	Tseshaht	Ohiaht	Ditidaht
Believe park designation interferes with recognition of Aboriginal title	Yes	Yes	Yes	Yes	Yes	?
Believe park interferes with subsistence and traditional activities	Yes	Yes	Yes	Yes	No	Yes
Believe park has had negative impact on band	50% Yes	No	Yes	Yes	No	50% Yes
Believe park has not adequately protected land base	Yes	No	Yes	Yes	Yes	Yes
Believe park visitors damage reserves in park	Yes	No	Yes	Yes	Yes	Yes
Oppose Indian reserve Land exchanges	Yes	No	Yes	Yes	Yes	Yes
Believe park managers need to improve communication	Yes	Yes	Yes	Yes	Yes	Yes
Believe park does not employ enough band members	Yes	Yes	Yes	Yes	Yes	Yes

As illustrated in Table 2, a majority of councillors from the Tla-o-qui-aht, Ucluelet, Opetchesaht, Tseshaht, and Ohiaht bands clearly believe that designation of Pacific Rim National Park Reserve within their traditional territory interferes with recognition of their aboriginal rights and title. Designation of the Park Reserve is also viewed by councillors from these bands as inherently negative, because it embodies one more example of the

143. The opinions summarized in Table 2 are those of the majority of respondents from each band council, unless numerically qualified (e.g. 50% Yes).

denial of their aboriginal title. Councillors from the Ditidaht band did not wish to discuss the issue of aboriginal title during interviews, and therefore it is not clear if they are concerned about the park reserve's potential impact on aboriginal title. Nevertheless, there are indications the issue may be of concern to them, as members of the band recently filed a writ in the Supreme Court of British Columbia claiming aboriginal title to a portion of the west coast of Vancouver Island, some of which is encompassed by Pacific Rim National Park Reserve (*Victoria Times Colonist* May 29, 1990: A3).

A majority of councillors from all but the Ditidaht band feel that the park interferes with subsistence resource use and traditional cultural and spiritual activities (Table 2). It is important to note that Nuuchahnulth people consider these activities to be constitutionally protected aboriginal rights, and any interference with them is of grave concern to Indian leaders.

Opinions are mixed concerning the overall impact of the park on bands. Councillors from both the Opetchesaht and Tseshah bands are adamant that the park has had a negative impact on their bands. On the other hand, Ohiaht councillors believe the park's impact has been a positive one. Councillors from both Ditidaht and Tla-o-qui-aht were evenly split between these two opposing views, while a majority of the Ucluelet councillors felt the park has had a positive impact on the band.

Councillors from all bands, with the exception of the Ucluelet band, felt that the park land base has been inadequately protected by the Canadian Parks Service (Table 2). Ucluelet councillors were similarly alone in the

belief that park visitors are not causing damage to structures, heritage resources, or the natural environment on their reserves in the park (Table 2).

Earlier, it was noted that the Canadian Parks Service has been unsuccessful in attempts to negotiate land trades or leases with bands. This is not surprising, as a majority of councillors from every band except Ucluelet were opposed to trading or leasing their reserves in the park in exchange for lands outside the park (Table 2). Most band members, but especially elders, have strong ties to these reserves, many of which have been used by their people for centuries.

Finally, band councillors were unanimous in their beliefs that better communication between their bands and park managers is necessary if the relationship is to improve. They believe that park managers have the responsibility to implement measures to improve communication (Table 2). Likewise, band councillors unanimously believed that the park should employ more Indian people (Table 2), and not just as labourers, domestics, and clerks, but also as wardens and interpreters.

Park reserve managers are, for the most part, sympathetic to the aspirations and concerns of the Nuuchahnulth people who have reserve lands within the proposed national park reserve. However, some of these managers do not fully understand the situation the Nuuchahnulth find themselves in, nor do they appear to understand the Nuuchahnulth people's concerns regarding the park. In contrast to the responses of many band councillors, for example, most park managers believe the relationship between the park and the Nuuchahnulth is a positive one (Table 3). They

also tend to believe that the park has had a more positive than negative impact on the Nuu-chah-nulth, because it has provided jobs and protected lands and cultural heritage sites from "development" (Table 3). Nevertheless, park managers acknowledge that they could do more to improve the impact of the park on the Nuu-chah-nulth people (Table 3).

Table 3. Summary of park manager opinion concerning Indian bands and their reserves in Pacific Rim National Park Reserve.¹⁴⁴

	PARK MANAGERS
Believe relations with bands are positive	Yes
Feel that the park has had a positive effect on bands	Yes
Believe park has protected natural and cultural heritage	Yes
Acknowledge that more could be done to improve the effect the park has had on Nuu-chah-nulth people	Yes
Believe that the Nuu-chah-nulth people have made positive contributions to park	Yes
Believe inhabited Indian reserves, such as Esowista, are incompatible with national park values	Yes
Acknowledge that better communication would improve relations with Nuu-chah-nulth	Yes

Despite their view that relations with the Nuu-chah-nulth are positive, and that Indian people have made positive contributions to the park (Table 3), managers voiced numerous concerns about the negative effects which Indian reserve lands have on the park. They see inhabited Indian reserves

144. The opinions summarized in Table 3 are those of the majority of park managers interviewed for the thesis. These opinions are obviously significant to relations with the Nuu-chah-nulth. However, it is difficult to assess the significance such opinions may have concerning park management decision-making, as such decisions are likely to be made in a hierarchical system. Accordingly, the park superintendent has final say concerning decisions about management, and could make a decision with which a majority of his/her subordinates disagree.

as incompatible with national park values (Table 3), and they note that the presence of the reserves adds another level of complexity to management of the park. In this regard, whenever an Indian reserve might be affected by a management decision, park managers must consult with the band involved as well as the Department of Indian Affairs.

Finally, park managers appear to be in full agreement that improved communication would help to improve relations with the Nuu-chah-nulth (Table 3). A number of managers also noted that increased employment of Indian people would also be beneficial to their relations. However, managers are also quick to mention the numerous problems, such as lack of resources, which prevent them from implementing such measures.

By answering the first question posed at the beginning of this chapter: "what are the subjective interpretations of the councillors and Pacific Rim National Park Reserve managers concerning their relationship with each other?", one is better equipped to discuss the second: "what are the practical implications of these subjective interpretations?"

7.2 DISCUSSION

7.2.1 The Purpose and Value of National Parks

It has long been recognized that a portion of the earth's land, water, and biota should be protected from exploitation to ensure the long-term sustainability of both environment and society (see e.g. Leopold 1949). National parks have become one of the most effective resource management mechanisms to effect such protection. They are designated

to protect natural and scenic areas of national or international significance for scientific, educational, and recreational use. [They] should perpetuate in a natural state representative samples of physiographic regions, biotic communities and genetic

resources, and species in danger of extinction to provide ecological stability and diversity (IUCN 1984: 49).

Recently, excessive rates of natural resource exploitation, and increased despoilation of land and water through pollution and other forms of contamination, have underscored the importance of national parks (Barbour 1980; McNeely and Miller 1984; Brundtland Commission 1987; Martin 1988).

A value "can be defined as a general characteristic of an object or state of affairs that a person views with favour, believes to be beneficial, and is disposed to act to promote" (Lemons 1987: 331). A number of values inhere in national parks, only some of which include (adapted from Rolston 1985; Lemons 1987):

1. *Market Values*: - national parks enhance the economic well-being of humans through direct and indirect employment.
2. *Life-support Values*: - national parks often protect incommensurable values essential to life on earth, including clean air and water.
3. *Recreational Values*: - national parks offer opportunities for such activities as hiking, climbing, skiing, photography, as well as other more contemplative activities.
4. *Scientific Values*: - as relatively unperturbed ecosystems, national parks are valuable sources of scientific information.
5. *Genetic Diversity Values*: - humans are directly responsible for the eradication of plant and animal species, and their genetic diversity, through over-exploitation, pollution, and habitat disturbance; national parks protect, *in situ*, many species that could prove useful as medicine or food.

6. *Aesthetic Values*: - natural settings in national parks provide a respite from the built environment, offering beauty and diversity.
7. *Historical Values*: - national parks protect relics from the past, contributing to our understanding of the past, and our connection to it.
8. *Cultural Symbolisation Values*: - national parks can protect regions, artifacts or organisms of cultural significance. Certain animals, such as the bald eagle or beaver, can have great symbolic significance to a culture or nation.
9. *Sacred Values*: - national parks protect natural areas which pantheists and animists may find sacred. Others may find spiritual, philosophical, or literary inspiration in natural settings.
10. *Intrinsic Values*: - national parks protect organisms which some argue have intrinsic value, and the right to exist quite independently of any values humans may place upon them.

Canada's national parks are managed under the auspices of the *National Parks Act* (R.S., c. 189, s.1) regulations, and policy. The *National Parks Act* (R.S., c. 189, s.4) states that parks are

dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations, and the national parks shall be maintained and made use of so as to leave them unimpaired for the use of future generations.

The dual mandate ("preservation" and "use") outlined in the Act is clarified in the policy statement of 1979 (Parks Canada 1979), which states that preservation clearly takes precedence over use. Accordingly, it is probably fair to say that Canadian national parks help to protect many, if not all of the values outlined above. Consequently, designation of national parks is clearly "in the public interest".

As expected, park managers find they often must attempt to balance values against each other in resource management decision-making (Power Bratton 1985; Lemons 1987). Park managers at Pacific Rim National Park Reserve must concern themselves with a number of unique values which do not inhere in the decision-making process at many other parks. In this regard, they have a difficult task of trying to balance some of the values discussed above--such as conservation, market and aesthetic values--with the values of aboriginal rights and cultural diversity.¹⁴⁵ The first step in this task is to recognize the concerns of the Nuu-chah-nulth people; the next is to identify potential measures for incorporating those concerns in decision-making. The process is not merely one-way, however, as band councillors must also take responsibility for obtaining an understanding of park managers' concerns if their relationship is to improve. The following sections analyse the progress park managers and band councillors had made towards this goal at the time they were interviewed.

7.2.2 Convergent Opinions of Band Councillors and Park Managers

Pacific Rim National Park Reserve managers and band councillors agree on a number of significant points concerning their relationship. Both groups agree that improved communication is a necessary prerequisite to improving relations. They also agree that relations would improve if more

145. Again, the term "value" is used to denote a general characteristic of an object or state of affairs that a person views with favour, believes to be beneficial, and is disposed to act to promote. In this instance, I assume that Canadian society supports such values, based upon Ponting's (1987) finding of broad support for aboriginal people and aboriginal issues.

Nuu-chah-nulth people were employed in the park. Band councillors, like park managers, also favour preserving a portion of the west coast land base in a national park,¹⁴⁶ to protect it from "development". These convergent opinions could form the basis of measures for improving the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve.

7.2.3 Divergent Opinions of Band Councillors and Park Managers

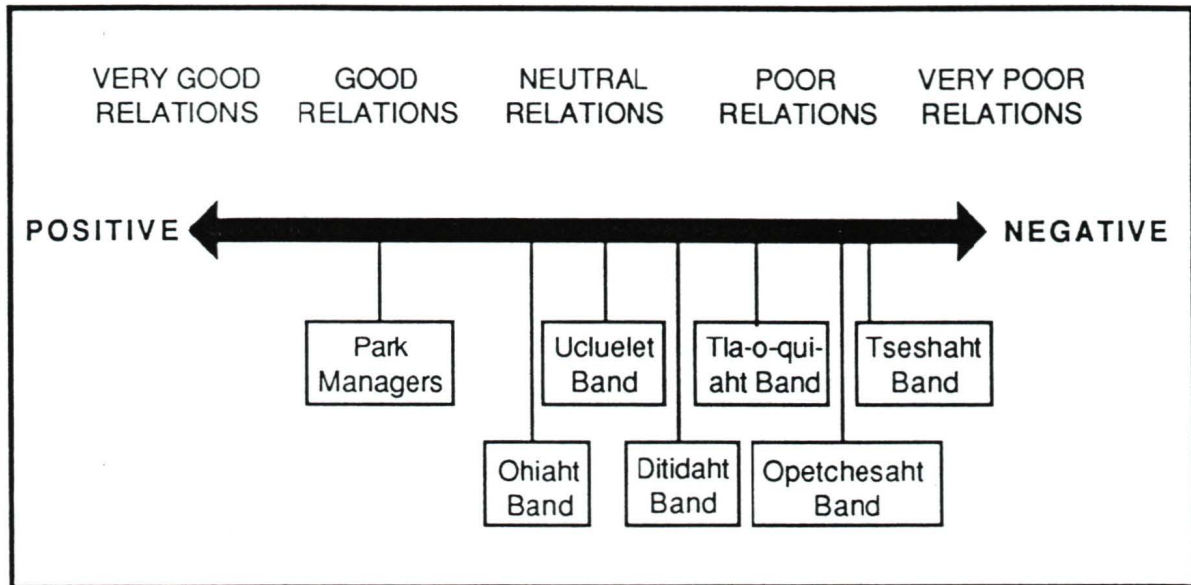
On the other hand, Pacific Rim National Park Reserve managers and Indian band councillors have fundamentally differing opinions concerning a number of significant facets of their relationship. Park managers believe relations with the Nuu-chah-nulth are positive, an idea with which most band councillors adamantly disagree. Similarly, park managers believe the park reserve has had a positive effect on Indian bands in the region, but a majority of band councillors interviewed believe otherwise. Even more councillors feel that the park interferes with recognition of their peoples' aboriginal title to the region and their rights to subsistence resource use in the park. Park managers contend that the park reserve has protected both the natural and cultural heritage of the area. However, not only do band councillors feel the park reserve has failed to protect the land base, they also believe that increasing numbers of park visitors are responsible for damage to their reserves. Finally, park managers look upon the Indian reserves within Pacific Rim National Park Reserve merely as *incompatible land*

146. However, the two groups may have differing perspectives concerning the purpose of the park.

uses that conflict with national park values; to the band councillors these reserves are *home*.

The fact that Indian band councillors and park managers hold such divergent opinions concerning many significant aspects of their relationship makes it difficult to characterize this relationship. Perhaps it can most suitably be described as falling on a spectrum of views ranging from positive to negative (Figure 5). At the positive end, the relationship might be described as one of "very good relations". Although no respondents have views falling on this portion of the spectrum, park managers views can be found within the range of "good relations". They perceive few problems with the relationship, and are unaware of most of the concerns of the Nuu-chah-nulth people. The middle portion of the spectrum is labelled "neutral relations", and based on their interview responses, many of the Ohiaht and Ucluelet band councillors might see their bands' relationships with the park reserve as falling on this region. These bands appeared to have the best relations with the park, although councillors often noted park managers were ignorant of their people's concerns. Moving slightly towards the negative end of the spectrum, we find councillors from the Ditidaht and Tla-o-qui-aht bands. Even though councillors from these bands expressed greater concern about the potential negative impacts of the park, it would be unfair to say they had "poor relations" with the park. On the other hand, the Tseshahht and Opetchesaht band councillors, many of whom felt very strongly that the park impinged on their aboriginal rights and interfered with their way of life, clearly view their relationship with the park as one of "poor relations".

Fig. 5. Spectrum of views regarding the relationship between Nuu-chah-nulth people and Pacific Rim National Park Reserve



None of the groups fall within the category of "very poor relations".¹⁴⁷

Quite obviously, given the range of viewpoints located on the more negative end of the spectrum illustrated in Figure 5, the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve is not as positive as that perceived by park managers. Just as similar situations have negatively affected aboriginal people and parks throughout the world (see Chapter Two), this situation has the potential to negatively affect both the Nuu-chah-nulth people and national park conservation initiatives at Pacific Rim.

The difficult issue of aboriginal subsistence resource use in parks is illustrative of one potential problem that could arise at Pacific Rim. On the

147. One should note that individual park managers and councillors from each band may have opinions concerning the relationship which fall on differing locations on the spectrum than those assigned to their group in this analysis.

one hand, band councillors believe that park managers have implemented policies that reduce opportunities for Nuu-chah-nulth people to carry out subsistence activities in the park. Nuu-chah-nulth people argue that such activities are an integral part of their culture and economy, and interfering with them will have profound social impacts. While no examples from southern Canada have yet been found, much support for these assertions has been found in the literature discussing northern aboriginal peoples (see e.g. Usher 1982; Feit 1983; Berger 1985; DeLancey 1985; Meeker 1986). On the other hand, while most park managers acknowledge that subsistence plays a "legitimate" role in Nuu-chah-nulth culture, they are concerned about the potential impact subsistence resource harvesting may have on park flora and fauna. Aboriginal people now have access to a greater array of technological artifacts, such as all-terrain-vehicles and motorboats, which allow them to put increasing pressures upon the environment and wildlife populations (see e.g. McTaggart-Cowan 1981). Moreover, subsistence activities are not always sustainable (Redford and Robinson 1985). Park managers are thus concerned because they do not have an adequate definition of subsistence harvesting, or its proportions (e.g. how much biomass will be harvested). Without such information, they cannot adequately protect biological resources in the park. If the concerns of both parties are not addressed, there is potential for problems. Firstly, it is quite possible that the park will interrupt Nuu-chah-nulth subsistence systems, with grave social and economic impacts on their people. In response, Nuu-chah-nulth people are unlikely to respond positively to reasonable park

conservation initiatives, because they may view them merely as further interference with subsistence activities.

Park managers may already have noted that all roads to Pacific Rim National Park Reserve pass through Indian reserves belonging to Nuu-chah-nulth people, and they could easily blockade these roads, preventing land access to the park. Perhaps, given the events of the summer of 1990,¹⁴⁸ it is a sign of their desire for cooperation that they have not blockaded the park. Obviously, positive relations between the Nuu-chah-nulth and Pacific Rim National Park Reserve managers will benefit all involved.

7.2.4 Improving the Relationship

The key question then is, "can the relationship be improved?" The resolution of a number of "internal" issues¹⁴⁹ could bring about improved relations. On the other hand, one "external" issue affects the relationship, but is unlikely to be resolved in the near future. This issue -- the aboriginal rights question -- involves the Nuu-chah-nulth people and the Canadian Parks Service, but not as the sole actors, and therefore these groups have little opportunity to resolve it among themselves.

148. The summer of 1990 might be described as "the summer of Indian direct action" in British Columbia. At one point, there were more than eight Indian road blockades throughout the province. The blockades began as sympathy demonstrations in support of Mohawk Indians from Kanasatake and Kahnawake, Que., but later became demonstrations to further Indian claims to aboriginal title in British Columbia. See e.g. *Vancouver Sun* May 31, 1990: D8; *Victoria Times Colonist* May 31, 1990: A3; *Globe and Mail* August 9, 1990: A3; *The Province* August 10, 1990: 4.

149. "internal issues" are referred to as such, because they involve the Nuu-chah-nulth people and the Canadian Parks Service as primary actors. They are thus internal to the relationship.

Prior to discussing these issues, one must acknowledge that measures to improve relations will require the action of both park managers and Nuu-chah-nulth people. However, most of the responsibility for making changes to improve the situation will fall on park managers, who as members of the dominant white society and as representatives of the government, hold much of the political and economic power in this relationship. Park managers are also satisfied with present relations while the Nuu-chah-nulth are not, further shifting the burden of change on the managers.

To improve their relationship, park managers and Nuu-chah-nulth people can address two internal issues:

1. the need for improved communication; and
2. the right of Nuu-chah-nulth people to continue subsistence activities in the park.

Both the band councillors and park managers agree upon the need for improved communication, but they differ on how to bring it about. Many councillors suggested a cooperative park management board to ensure that park managers are aware of Nuu-chah-nulth concerns and *vice versa*. Only one park manager, however, suggested such that joint management might be feasible "in the long run". Park managers appear, publicly at least, to be more interested in consulting Indian people rather than sharing power. Perhaps some of their reticence stems from the existence of certain unwritten and "hidden" federal government policies. For example, the federal Department of Justice does not want the Canadian Parks Service to acknowledge any special aboriginal interest in the land or resources in the

park, since this could be seen as implicit acknowledgement of aboriginal title. Similarly, they do not wish to see cooperative park management regimes negotiated now, since such agreements might be useful "bargaining chips" in later land claim negotiations with the Nuu-chah-nulth.

Notwithstanding such policies, the Canadian Parks Service has already negotiated a cooperative park management agreement with aboriginal people at Mingan Archipelago National Park Reserve and is negotiating another for the proposed South Moresby National Park Reserve. In the former case, a Management Council of the Mingan Archipelago National Park Reserve, comprised of four representatives each from le Conseil de bande de Mingan and the government of Canada (Canada 1989), was formed to oversee all aspects of park management. Similarly, an Archipelago Management Board, comprised of two representatives each from the Council of the Haida Nation and the government of Canada, is to be formed to oversee all aspects of park management at South Moresby National Park Reserve (Canada 1990). The situation at South Moresby is very similar to that at Pacific Rim: both parks have yet to be officially gazetted, and both aboriginal groups have yet to begin negotiating their land claims with the federal government (Berg, Fenge and Dearden, Forthcoming). Given that cooperative management initiatives are being implemented at other national park reserves, it seems logical to institute a similar approach at Pacific Rim.

A cooperative management agreement might also provide the means to resolve other internal issues. For example, the Gwaii Haanas/South

Moresby Agreement (Canada 1990: § 6.1) spells out those cultural activities, and traditional renewable resource harvesting which may occur in the proposed South Moresby National Park Reserve:

- (i) travelling into and within the Archipelago;
- (ii) gathering of traditional Haida foods;
- (iii) gathering of plants used for medicinal or ceremonial purposes;
- (iv) cutting of selected trees for ceremonial or artistic purposes;
- (v) hunting of land mammals and trapping of fur bearing animals;
- (vi) fishing for freshwater and anadromous fish;
- (vii) conducting, teaching or demonstrating ceremonies of traditional, spiritual or religious significance;
- (viii) seeking cultural and spiritual inspiration;
- (ix) use of shelter and facilities essential to the pursuit of the above activities.

The South Moresby Archipelago Management Board will be empowered to examine the scope and intent of all Haida subsistence and traditional activities in the proposed park reserve, and to ensure that such activities are not contrary to national park purposes (Canada 1990). Given the similarities between South Moresby and Pacific Rim, a cooperative management agreement would be a logical approach to resolving the question of continued subsistence activity by Nuu-chah-nulth people.

Cooperative management might also resolve a number of other issues at Pacific Rim. For example, band councillors want the park to employ more of their people; a cooperative management board could identify existing employment opportunities as well as jobs for which Nuu-chah-nulth people might be trained in future. Cooperative management would encourage a regular two-way flow of information, thereby helping park managers and Nuu-chah-nulth people better understand each other's perspective on a variety of issues. Accordingly, it could help Nuu-chah-

nulth people and park managers understand each other's differing perspectives of their respective relationships to the national park environment. The Nuu-chah-nulth people view the park region as their home, while the park managers have a different viewpoint, based on their legal mandate to "manage" and "protect" the area from human exploitation.

Cooperative park management is not a panacea, however, and it cannot help resolve a very important external issue impinging on the relationship between the Nuu-chah-nulth people and Pacific Rim National Park Reserve, namely the aboriginal rights question. There is overwhelming evidence to support the Nuu-chah-nulth people's assertion that their aboriginal right to land has not been extinguished. With the exception of one small illegal sale,¹⁵⁰ Nuu-chah-nulth land was never purchased nor was it surrendered by treaty or captured by overt act of war. In addition, "existing" aboriginal rights are now protected under section 35 of *The Constitution Act, 1982*.

The federal government and now also the provincial government (see the Epilogue) acknowledge the possibility that aboriginal title exists, and have agreed to negotiate the issue with the Nuu-chah-nulth people (at an as yet undetermined future date). At present, however, the Canadian Parks Service -- including park managers at Pacific Rim -- is prevented from

150. A treaty between Cleeshin of the Ohiaht and William Eddy Banfield, dated July 6, 1859 (see Madill 1981: 74 for a copy of the treaty), which was illegal under both Imperial law (The Royal Proclamation of 1763) and Colonial proclamation (see Douglas to Lytton, Feb. 9, 1859, in *British Columbia 1875*: 15).

acknowledging aboriginal title because of the federal government's Land Claims Policy. In this regard, the federal government enters land claim negotiations with the perspective that it is going to "give" title to aboriginal people as part of the negotiation process. In contrast, aboriginal people enter such negotiations believing that they already "have" such title; they are merely negotiating ways in which their title will integrate into the Canadian system.

Recognition of aboriginal rights is more than just a political and economic issue for aboriginal people, it is a matter of setting the historical record straight:

Underlying ... land claims, but usually unspoken by Indians and unnoticed by non-Indians, is the passionate Indian desire that non-Indians, both ordinary people and government leaders, acknowledge and appreciate the simple historical fact that Indians were present in established societies of high attainment before Europeans arrived (Tennant 1990b: 14).

Since Pacific Rim National Park Reserve was designated without recognition of the Nuu-chah-nulth people's aboriginal right to land, the park is seen as impinging on that right. Therefore, until the land question is resolved, it is unlikely that significant improvement can be made in the relationship between the park reserve and the Nuu-chah-nulth people .

EPILOGUE

ABORIGINAL RIGHTS AFFIRMED BY SUPREME COURT

On May 31, 1990, the Supreme Court of Canada handed down its landmark judgement in the case of *Sparrow v. The Queen et al.* Ronald Edward Sparrow, a Musqueam Indian, was charged in 1984 under the *Fisheries Act* with using a drift net longer than that permitted by the terms of his band's Indian food fishing licence. Sparrow admitted that the Crown's allegations were correct, but he defended his actions on the grounds that he was exercising an existing aboriginal right to fish, protected under s. 35(1) of the *Constitution Act, 1982*.

Provincial Court Judge Goulet¹⁵¹ held that the Musqueam did not have an aboriginal right to fish, and Sparrow was convicted. His appeal to County Court (*Sparrow v The Queen*. 1986a) was dismissed for similar reasons. The case was then appealed to the British Columbia Court of Appeal (*Sparrow v The Queen* 1986b), which held that the lower Courts had erred in ruling that the Musqueam had no aboriginal fishing rights. The Appeal Court also ruled that the aboriginal right to fish was in existence at the time of enactment of the *Constitution Act, 1982*, and was therefore a constitutionally protected right which could no longer be extinguished by unilateral action of the Crown. The Court also held, however, that the trial judge's findings of facts were insufficient to lead to an acquittal. The ruling was appealed by Sparrow¹⁵² and cross-appealed by the Crown.¹⁵³ On

151. Provincial Court, Goulet Prov. Ct. J., March 20, 1985.

152. Mr. Sparrow appealed on the ground that the Appeal Court had erred in two instances:

1) that the aboriginal right can be regulated for reasons of "proper management,"

(cont'd)

November 24, 1987, the case was argued before the Supreme Court of Canada.

In an unanimous ruling,¹⁵⁴ the Supreme Court of Canada held that there was insufficient evidence on which to decide the guilt or innocence of Mr. Sparrow (*Sparrow v The Queen* 1990; hereafter cited as Sparrow 1990). More importantly, however, the Court affirmed that the Musqueam people have an unextinguished aboriginal right to fish. It also set forth a framework for defining the existence and scope of aboriginal rights in Canada. In this regard, the Court (Sparrow 1990: 16) held that prior to 1982 aboriginal rights continued to exist unless they had been extinguished by an action of the Crown that was clearly intended to do so:

The test of extinguishment to be adopted, in our opinion, is that the Sovereign's intention must be clear and plain if it is to extinguish an aboriginal right.

Therefore, contrary to arguments made by the government of British Columbia, legislative action which is merely inconsistent with the concept of aboriginal title cannot be construed as extinguishing such title. Following enactment of the *Constitution Act, 1982*, aboriginal rights could no longer be extinguished by the Crown. The Supreme Court (Sparrow

"conservation," or "public interest"; and 2) failing to find the net length restriction in the band's food fish licence inconsistent with s. 35(1) of the *Constitution Act, 1982*.

153. The Crown cross-appealed on the ground that the Appeal Court had erred in holding that the Musqueam had an unextinguished aboriginal right to fish for food.

154. Reasons for judgement by Chief Justice Dickson, and Justices La Forest, Judgement concurred in by Justices Lamer, Wilson, L'Heureux-Dubé, and Sopinka, Justice McIntyre took no part in the judgement.

1990: 23) further defined the nature of constitutional protection of aboriginal rights:

The nature of s. 35(1) itself suggests that it be construed in a purposive way. When the purposes of the affirmation of aboriginal rights are considered, it is clear that a generous, liberal interpretation of the words in the constitutional provision is demanded.

Consequently, in the opinion of the Court (*Sparrow* 1990: 26),

the constitutional recognition afforded by the provision [s. 35(1)] therefore gives a measure of control over government conduct and a strong check on legislative power. While it does not promise immunity from government regulation in a society that, in the twentieth century, is increasingly more complex, interdependent and sophisticated, and where exhaustible resources need protection and management, it does hold the Crown to a substantial promise. The government is required to bear the burden of justifying any legislation that has some negative effect on any aboriginal right protected under s. 35(1).

BRITISH COLUMBIA AGREES TO NEGOTIATE LAND CLAIMS

Aboriginal groups in British Columbia were elated by the Supreme Court's decision in the *Sparrow Case*.¹⁵⁵ The ruling put increasing pressure on the British Columbia government to change its 130 year-old policy of ignoring aboriginal rights and title. At the same time, during the spring of 1990, aboriginal people stepped up a campaign of civil disobedience and direct action in the form of road and railway blockades,

155. For examples of the Aboriginal community's reaction, as well as white reaction to the *Sparrow* decision, see "Native Leaders Elated," *Vancouver Province*, June 1, 1990; "Indians Hail Aboriginal Rights Ruling," *Vancouver Sun*, June 1, 1990; "Gone Fishing," *Vancouver Sun*, June 1, 1990; "Provinces Must Respect Native Rights, Judges Rule," *Globe and Mail*, June 1, 1990; "Import of Court Ruling for Native Fishing is Disputed," *Globe and Mail*, June 2, 1990; and "Questions Remain, But Ruling a Win for Natives," *Victoria Times-Colonist*, June 4, 1990.

designed to force the government of British Columbia to move closer to acknowledgement of aboriginal rights and title.¹⁵⁶ Apparently, the combined effect of the Sparrow ruling, civil disobedience by aboriginal people, and increasing public sympathy for the plight of aboriginal peoples, had an impact on the British Columbia government -- on July 25, 1990, the British Columbia Minister of Native Affairs, Jack Weisgerber, announced he would ask Cabinet to endorse the findings of the Interim Report of the Premiers Council on Native Affairs (July 1990) calling for the Province to begin negotiating aboriginal land claims (B.C. Ministry of Native Affairs 1990a). On August 8, 1990, The Premier announced that Cabinet endorsed this recommendation, effectively ending a 130 year-old policy of ignoring aboriginal land claims (B.C. Ministry of Native Affairs 1990b). In spite of the Supreme Court of Canada's ruling in the Sparrow case that aboriginal rights continue to exist in British Columbia, however, the provincial government made it clear that it would not recognize aboriginal title in a press release announcing its decision to negotiate claims (B.C. Ministry of Native Affairs 1990b):

The Province of British Columbia, cannot, however, accept as the basis for negotiation of claims the position put forward by some that we must recognize the legal concept of aboriginal title.

156. Civil disobedience campaigns were undertaken by numerous bands and tribal councils during the period from May to August 1990, and one could find a report of such activities almost every day in the *Vancouver Sun*, *Vancouver Province*, or *The Globe and Mail*. See, for example, "Haida Move to Block Logging on Cultural Site," *Vancouver Sun*, May 31, 1990; "Natives Vow to Augment Blockade," *Victoria Times-Colonist*, May 31, 1990.

IMPLICATIONS FOR RELATIONS BETWEEN THE NUU-CHAH-NULTH AND PACIFIC RIM NATIONAL PARK RESERVE

While the full legal impact of the Sparrow decision will not be known for some time, it is clear that the court has given the government of Canada a directive to consult with aboriginal people on matters which might affect aboriginal rights. In the context of National Park Reserves, such as Pacific Rim, it is clear that the government should now be considering cooperative management agreements with aboriginal people.

The ruling also gives aboriginal people in British Columbia further reason to believe that they have unextinguished aboriginal rights, protected under the constitution of Canada. There now appears to be little reason for aboriginal people, such as the Nuu-chah-nulth, not to believe their aboriginal rights have been, and continue to be, wrongfully denied them.

BIBLIOGRAPHY

ARCHIVAL MATERIALS

British Columbia. Public Archives of British Columbia. Transcripts of Meetings of the Royal Commission on Indian Affairs for the Province of British Columbia with Indian Bands of the West Coast Agency, 1914. Typescript available at the Ethnology Division, Royal British Columbia Museum.

Canada. Public Archives Canada, RG10 (Black) series, Volume 4105. Microfilm copy available at Public Archives of British Columbia.

Canada. Public Archives Canada, RG10 (Black) series, Volume 1277. Microfilm copy available at Public Archives of British Columbia.

COURT CASES

Calder v Attorney General of British Columbia 1969. [1969] 8 D.L.R. (3rd) 59, 71 W.W.R. 81 (Supreme Court of British Columbia).

Calder v Attorney General of British Columbia. 1970. [1970] 13 D.L.R. (3rd) 64, 74 W.W.R. 481 (British Columbia Court of Appeal).

Calder v Attorney General of British Columbia. 1973. [1973] S.C.R. 313, 34 D.L.R. (3rd) 145, [1973] 4 W.W.R. 1 (S.C.C.).

Guerin v The Queen. 1984, [1984] 2 S.C.R. 335, 36 R.P.R. 1, 20 E.T.R. 6, [1984] 6 W.W.R. 481, 59 B.C.L.R. 301, [1985] 1 C.N.L.R. 120, 13 D.L.R. (4th) 321, 55 N.R. 161 (*sub nom. Guerin v Canada*) (S.C.C.), reversing [1983] 2 F.C. 656 (*sub nom. R v Guerin*), 13 E.T.R. 245, [1983] 2 W.W.R. 686, [1983] 1 C.N.L.R. 20, 45 N.R. 181, 143 D.L.R. (3rd) 416 (Fed. C.A.) which reversed [1982] 2 F.C. 385, [1982] 2 C.N.L.R. 83, 10 E.T.R. 61 (Fed. T.D.).

MacMillan Bloedel Ltd. v Mullin. 1985. [1985] 66 B.C.L.R. 258, 2 C.N.L.R. 54 (B.C.C.A.).

Sparrow v The Queen. 1986a. County Court, [1986] B.C.W.L.D. 599.

Sparrow v The Queen. 1986b. 9 B.C.L.R. (2d) 300, 36 D.L.R. (4th) 246, [1987] 2 W.W.R. 577.

Sparrow v. The Queen et al. 1990. Supreme Court of Canada. Chief Justice Dickson, and Justices McIntyre, La Forest, Lamer, Wilson, L'Heureux-Dubé, and Sopinka. May 31, 1990. *QuickLaw Reports*, file 20311.

BOOKS, CONFERENCE PAPERS, JOURNAL ARTICLES AND MANUSCRIPTS

Abbey, Edward. 1989. *A Voice Crying in the Wilderness (Vox Clamantis in Deserto): Notes from a Secret Journal*. New York: St. Martin's Press.

Abrahamson, D. 1983. "What Africans Think About African Wildlife." *International Wildlife*. 13(4): 38-41.

Afolayan, T.A. 1980. "A Synopsis of Wildlife Conservation in Nigeria." *Environmental Conservation*. 7 (3): 207-212.

Allied Indian Tribes of British Columbia. 1926. "Petition Submitted to Parliament, June 1926." In *Proceedings, Reports and Evidence of the House of Commons*. Session 1926-27, Appendix No. 2. Pp. xix-xxiii.

Arima, E. 1983. *The West Coast People*. Victoria: Royal British Columbia Museum.

Atmosoedarjo, S., L. Daryadi, J. MacKinnon, and P. Hillegers. 1984. "National Parks and Rural Communities." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 237-244.

Barbour, Ian G. 1980. *Technology, Environment, and Human Values*. New York: Praeger.

Bayly, John U. 1985. "Conservation Through Native Claims." Unpublished paper prepared for Parks Canada Centennial, National Assembly Project. (mimeograph).

Berg, Lawrence, Terry Fenge and Philip Dearden. Forthcoming. "National Park Designation, Planning and Management in Canada: The Role of Aboriginal Peoples." In *Park and Protected Area Management in Canada*, P. Dearden and R. Rollins (eds.). Toronto: University of Toronto Press.

Berger, T. R. 1982. "The Nishga Indians and Aboriginal Rights." In *Fragile Freedoms: Human Rights and Dissent in Canada*. T.R. Berger. Toronto: Irwin Publishing. Pp. 219-254.

- Berger, T. R. 1985. *Village Journey: the Report of the Alaska Native Review Commission*. New York: Hill and Wang.
- Bernhardson, Wayne. 1986. "Campesinos and Conservation in the Central Andes: Indigenous Herding and Conservation of the Vicuna." *Environmental Conservation*. 13 (4): 311-318.
- Billinge, M. 1977. "In Search of Negativism: Phenomenology and Historical Geography." *Journal of Historical Geography*. 3: 55-68.
- Blower, John. 1984. "National Parks for Developing Countries." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 722-727.
- Boldt, Menno. 1980. "Canadian Native Indian Leadership: Context and Composition." *Canadian Ethnic Studies* XII(1): 15-33.
- Boldt, Menno. 1981. Social Correlates of Nationalism: A Study of Native Indian Leaders in a Canadian Internal Colony." *Comparative Political Studies*. 14(2): 205-231.
- British Columbia. 1875. *Papers Connected With the Indian Land Question, 1850-1875*. Victoria: Queen's Printer. (Reprinted 1987).
- British Columbia. 1888. *Papers Relating to the Commission Appointed to Enquire Into the Condition of the Indians of the North-West Coast*. Victoria: Richard Wolfenden, Government Printer.
- British Columbia. 1916. *Report of the Royal Commission on Indian Affairs for the Province of British Columbia*. 4 volumes. Victoria: Acme Press Limited.
- British Columbia. Ministry of Native Affairs. 1989. "Indian Land Claims in British Columbia." Unpublished briefing notes on file @ Ministry of Native Affairs, Victoria.
- British Columbia. Ministry of Native Affairs. 1990a. "Native Affairs Minister Seeks Endorsation of Findings." News Release, July 25, 1990.
- British Columbia. Ministry of Native Affairs. 1990b. "Province Accepts Recommendations of Premier's Council on Native Affairs." News Release, August 9, 1990.

- Brody, Hugh. 1988. *Maps and Dreams: Indians and the British Columbia Frontier*. Vancouver: Douglas and McIntyre.
- Brownrigg, Leslie A. 1985. "Native Cultures and Protected Areas: Management Options." In *Culture And Conservation: The Human Dimension in Environmental Planning*. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 33-44.
- Brundtland Commission. 1987. *Our Common Future*. Oxford: Oxford University Press.
- Buffinga, A. 1985. Pacific Rim National Park Workshop Session Report." In *Parks in British Columbia: Emerging Realities*. Proceedings of a symposium on parks in British Columbia. Vancouver: UBC Press. Pp. 123-126.
- Buttimer, A. 1974. *Values in Geography*. Association of American Geographers Resource Paper No. 24. Washington: Commission on College Geography.
- Buttimer, A. 1976. "Grasping the Dynamism of Lifeworld." *Annals, Association of American Geographers*. 66: 277-292.
- Cail, Robert E. 1974. *Land, Man, and the Law: The Disposal of Crown Lands in British Columbia, 1971-1913*. Vancouver: Univ. of British Columbia Press.
- Calhoun, J.B. 1972. "Plight of the Ik and Kaidilt Seen as a Chilling Possible End to Man." *Smithsonian*. 3 (8): 27-29.
- Canada. 1927. "Report of the Special Committees of the Senate and House of Commons Meeting in Joint Session To Inquire Into the Claims of the Allied Indian Tribes of British Columbia, as Set Forth in Their Petition Submitted to Parliament in June 1926." In *Proceedings, Reports and Evidence of the House of Commons*. Session 1926-27, Appendix No. 2.
- Canada. 1981. *In all Fairness: A Native Claims Policy*. Ottawa: Minister of Supply and Services.
- Canada. 1987. *Comprehensive Land Claims Policy*. Ottawa: Minister of Supply and Services.
- Canada. 1989. *Protocole D'Entente entre le Conseil de bande de Mingan et sa Majesté la Reine du Chef du Canada*. Copy available from the Office of the Minister of Environment.

- Canada. 1990. *Gwaii Haanas/South Moresby Agreement between the Government of Canada and the Council of the Haida Nation*. Copy available from the Office of the Minister of Environment.
- Cardinal, Harold. 1969. *The Unjust Society: The Tragedy of Canada's Indians*. Edmonton: M.G. Hurtig Ltd.
- Cassidy, Frank and Norman Dale. 1988. *After Native Claims? The Implications of Comprehensive Claims Settlements for Natural Resources in British Columbia*. Lantzville, B.C.: Oolichan Books, and Halifax, N.S.: Institute for Research on Public Policy.
- C.D. Shulz & Co. Ltd. 1971. *Study to Determine the Effect of the Pacific Rim National Park Upon the Several Indian Reserves Located Within the Proposed Boundaries*. Unpublished report on file @ Pacific Rim National Park Reserve.
- Clad, James C. 1984. "Conservation and Indigenous Peoples." *Cultural Survival Quarterly*. 4: 68-73.
- Clad, James C. 1985. "Conservation And Indigenous Peoples: A Study of Convergent Interests." In *Culture And Conservation: The Human Dimension in Environmental Planning*. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 45-62.
- Crush J.S. 1980. "National Parks in Africa: A Note on the Problem of Indigenization." *African Studies Review*. XXIII (3): 21-32.
- Cumming, P.A. and N.H. Mickenberg. (Eds.). 1972. *Native Rights in Canada. 2nd Edition*. Toronto: The Indian Eskimo Association of Canada in association with General Publishing Co. Limited.
- Dasmann, Raymond F. 1976. "National Parks, Nature Conservation and Future Primitive." *Ecologist*. 6 (5): 164-167.
- Dasmann, Raymond F. 1984. "The Relationship Between Protected Areas and Indigenous Peoples." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 667-671.
- Dearden, P. 1988. "Protected Areas and the Boundary Model: Meares Island and Pacific Rim National Park." *Canadian Geographer*. 32(3): 256-265.

- DeLancey, D. 1985. "Trapping and the Aboriginal Economy." *Informationa North*. Winter 1985: 5-12.
- Dene Nation. 1988. "Dene/Metis Agreement in Principle: Detailed Summary of the Agreement in Principle." Unpublished typescript.
- Dewey, John. 1938. *Logic: The Theory of Inquiry*. New York: Holt.
- Dewhurst, John. 1978. "Nootka Sound: a 4,000 Year Perspective." *Sound Heritage*. 7 (2): 1-30. (On file @ Public Archives of B.C.).
- Drucker, Philip. 1951. "The Northern and Central Nootkan Tribes." *Smithsonian Institution, Bureau of American Ethnology, Bulletin 144*. Washington, D.C.: United States Government Printing Office.
- Drucker, Philip. 1958. "The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast." *Smithsonian Institution, Bureau of American Ethnology, Bulletin 168*. Washington, D.C.: United States Government Printing Office.
- Duff, Wilson. 1964. *The Indian History of British Columbia. Volume 1: The Impact of the White Man*. Anthropology in British Columbia Memoir No. 5. Victoria: Provincial Museum of Natural History and Anthropology.
- Eilers, Horst. 1985. "Protected Areas and Indigenous Peoples." *Cultural Survival Quarterly*. 9 (1): 6-9.
- Elias, P.D. 1989. "Aboriginal Rights and Litigation: History and Future of Court Decisions in Canada." *Polar Record*. 25(152): 1-8.
- Entrikin, J.N. 1976. "Contemporary Humanism in Geography." *Annals, Association of American Geographers*. 66: 615-632.
- Feit, Harvey. 1983. "Conflict Arenas in the Management of Renewable Resources in the Canadian North: Perspectives Based on Conflicts and Responses in the James Bay Region, Quebec." In *National and Regional Interests in the North*. Ottawa: Canadian Arctic Resources Committee.
- Fenge, Terry. 1986. "National Parks to Conserve the Northwest Territories?" *Park News*. 22(2): 4-9
- Fenge, Terry. 1987. "Conserving Nunavut Through the Settlement of the Inuit Land Claim." *Park News*. 23(1): 35-40.

- Fisher, Robin. 1971-72. "Joseph Trutch and Indian Land Policy." *B.C. Studies*. 12: 3-33.
- Fisher, Robin. 1977. *Contact and Conflict: Indian European Relations in British Columbia, 1774-1890*. Vancouver: Univ. of British Columbia Press.
- Foresta, R.A. 1985. "Natural Regions for National Parks: The Canadian Experience." *Applied Geography*. 5: 179-194.
- Foster, J., A. Phillips and R. Steele. 1984. "Protected Areas in the United Kingdom: An Approach to the Selection, Establishment, and Management of Natural and Scenic Protected Areas in a Densely Populated Country With Limited Choices." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 426-437.
- Fox, Allen. 1983. "Kakadu is Aboriginal Land." *Ambio*. 12 (4-5): 161-166.
- Francis, George. 1985. "Biosphere Reserves: Innovations for Cooperation in the Search for Sustainable Development." *Environments*. 17 (3): 23-36.
- Freeman, M.M.R. 1979. "Traditional Land Users as a Legitimate Source of Environmental Expertize." In *The Canadian National Parks: Today and Tomorrow Conference II: Ten Years Later, Vol. I*. J.G. Nelson, R.D. Needham, S.H. Nelson, and R.C. Scace (eds). Waterloo: Univ. of Waterloo. Pp. 345-361.
- Frideres, J.S. 1983. "A New Perspective on an Old Problem: The Macro Model." In *Native People in Canada: Contemporary Conflicts. 2nd. Edition*. J.S. Frideres. Scarborough: Prentice-Hall. Pp. 294-323.
- Frideres, J.S. 1988. "The Political Economy of Natives in Canadian Society." In *Native People in Canada: Contemporary Conflicts. 3rd. Edition*. J.S. Frideres. Scarborough: Prentice-Hall. Pp. 366-409.
- Fry, Bill. 1989. Coordinator for Indian Land Matters, British Columbia Ministry of Crown Lands. Personal Communication.
- Fudge, S.K. 1983. "Too Weak to Win, Too Strong to Lose: Indians and Indian Policy in Canada." *B.C. Studies*. 57 (Spring): 137-145.

- Gardner, J.E. 1979. *National Parks and Native People in Northern Canada, Alaska, and Northern Australia*. Unpublished M.A. Thesis, Department of Geography. University of Waterloo. (Waterloo, Ontario).
- Gardner, J.E. and J.G. Nelson. 1980. "Comparing National Park and Related Reserve Policy in Hinterland Areas: Alaska, Northern Canada, and Northern Australia." *Environmental Conservation*. 7 (1): 43-50.
- Gardner, J.E. and J.G. Nelson. 1981. "National Parks and Native Peoples in Northern Canada, Alaska, and Northern Australia." *Environmental Conservation*, 8 (3): 207-215.
- Garratt, Keith. 1984. "The Relationship Between Adjacent Lands and Protected Areas: Issues of Concern for the Protected Area Manager." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 65-71.
- Garton, Bill. 1989. "The Character of Aboriginal Title to Canada's West Coast Territorial Sea." *University of Toronto Faculty of Law Review*. 47(2): 571-586.
- Giddens, A. 1979. *Central Problems in Social Theory*. London: Macmillan.
- Glick, D. and J. Betancourt. 1983. "The Rio Platano Biosphere Reserve: Unique Resource, Unique Alternative." *Ambio*. 12 (3-4): 168-173.
- Gold, R.L. 1958. "Roles in Sociological Field Observations." *Social Forces*. 36: 217-223.
- Gomm, Roger. 1974. "The Elephant Men." *Ecologist*. 4: 53-57.
- Graham, Duncan. 1987. "Rudall National Park No Haven for Aborigines." *International Work Group on Indigenous Affairs Newsletter*. 51/52: 1-4.
- Green, L.C. 1983. "Aboriginal Peoples, International Law and the Canadian Charter of Rights and Freedoms." *Canadian Bar Review*. 61: 339-353.
- Gregory, D. 1981. "Human Agency and Human Geography." *Transactions, Institute of British Geographers*. 6: 1-16.

- Griffith, Ray. 1987. "Northern Park Development: The Case of Snowdrift." *Alternatives*. 14(1): 26-30.
- Guelke, L. 1974. "An Idealist Alternative in Human Geography." *Annals, Association of American Geographers*. 64(2): 193-202.
- Guelke, L. 1976. "Commentary: The Philosophy of Idealism." *Annals, Association of American Geographers*. 66(1): 168-169.
- Guelke, L. 1985. "On the Role of Evidence in Physical and Human Geography." *Geoforum*. 16(2): 131-137.
- Guthrie, Patricia. 1987. "Acoma Indians Protest a Proposed National Monument in New Mexico." *High Country News*. Nov. 9: 1, 10-11.
- Guthrie, Patricia. 1988. "New Monument in New Mexico Angers Tribe." *High Country News*. April 11: 7.
- Haig-Brown, Celia. 1988. *Resisitance and Renewal: Surviving the Indian Residential School*. Tillacum Library Press.
- Halffter, Gonzale. 1981. "The Mapimi Biosphere Reserve: Local Participation in Conservation and Development." *Ambio*. 10 (2-3): 93-96.
- Harmon, David. 1987. "Cultural Diversity, Human Subsistence, and the National Park Ideal." *Environmental Ethics*. 9 (2): 147-158.
- Harris, R.C. 1971. "Theory and Synthesis in Historical Geography." *Canadian Geographer*. 15: 157-172.
- Harris, R.C. 1978. "The Historical Mind and the Practice of Geography." in *Humanistic Geography: Prospects and Problems*. D. Ley & M.S. Samuels. (eds.). Chicago: Maaroufa Press. Pp. 123-137.
- Harrison, Jeremy, Kenton Miller, and Jeffrey McNeely. 1984. "The World Coverage of Protected Areas: Development Goals and Environmental Needs." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 24-33.
- Hill, Michael. 1983. "Kakadu National Park and the Aborigines: Partners in Protection." *Ambio*. 12 (3-4): 158-167.

- Hill, Michael. 1985. "Kakadu National Park: An Australian Approach to Joint Management." *Environments*. 17 (3): 57-64.
- Hinrichsen, D. 1983. "Uranium: Kakadu's Catch-22." *Ambio*. 12 (3-4): 167.
- Hough, John L. 1987. *Indigenous People and the Grand Canyon National Park: A case study for the 21st International Park Seminar*. Draft. School of Natural Resources, University of Michigan, Ann Arbor, Michigan. (Mimeograph.).
- Hough, John L. 1988. "Obstacles to Effective Management of Conflicts Between National Parks and Surrounding Human Communities in Developing Countries." *Environmental Conservation*. 15 (2): 129-136.
- Hough, John L. No Date. "The Grand Canyon National Park and the Havasupai People: Cooperation and Conflict." Unpublished paper, Wildland Management Centre, School of Natural Resources, University of Michigan, Ann Arbor, Michigan. (Mimeograph.).
- Houseal, B., C. MacFarland, G. Archibold, and A. Chiari. 1985. "Indigenous Cultures and Protected Areas in Central America." *Cultural Survival Quarterly*. 9(1): 10-20.
- Hughes, J.D. and J. Swan. 1986. "How Much of the Earth is Sacred Space?" *Environmental Review*. 10 (4): 247-259.
- Indian and Northern Affairs Canada. 1987. *Schedule of Indian Bands, Reserves and Settlements*. Ottawa: Minister of Indian Affairs and Northern Development.
- Indigenous Survival International. 1986. "Outline of a Proposed Folio on Indigenous Peoples and Conservation." Report of Workshop 13, World Conservation Strategy Conference, Ottawa, 31 May - 5 June 1986. (Mimeographed).
- Infield, Mark. 1988. "Attitudes of a Rural Community towards Conservation and a Local Conservation Area in Natal, South Africa." *Biological Conservation*. 45: 21-46.
- Inglis, Richard. 1989. Curator of Ethnology, Royal British Columbia Museum, Personal Communication.
- Inglis, R.I. and J.C. Haggarty. 1985. *Historical Resources Site Survey and Assessment: Pacific Rim National Park*. Unpublished Manuscript on file @ Royal British Columbia Museum.

- Inglis, R.I. and J.C. Haggarty. 1986. *Pacific Rim National Park Ethnographic History*. Unpublished Manuscript on file @ Royal British Columbia Museum.
- Inglis, R.I. and J.C. Haggarty. 1987. "Cook to Jewitt: Three Decades of Change in Nootka Sound." In *Le Castor Fait Tout: Selected Papers of the Fifth North American Fur Trade Conference, 1985*. B.G. Trigger, T. Morantz, and L. Dechêne (eds.). Pp. 193-222.
- International Union for the Conservation of Nature and Natural Resources. 1984. "Categories, Objectives, and Criteria for Protected Areas." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institution Press. Pp. 47-53.
- Ions, Edmund. 1977. *Against Behaviouralism: A Critique of Behavioural Science*. Oxford: Basil Blackwell
- Jackson, P. 1981 "Phenomenology and Social Geography." *Area*. 13: 299-305.
- Jackson, P. and S.J. Smith. 1984. *Exploring Social Geography*. London: George Allen & Unwin.
- Jefferies, Bruce E. 1984. "The Sherpas of Sagarmatha: the Effects of a National Park on the Local People." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institution Press. Pp. 473-478.
- Johannes, R.E. 1982. "Traditional Conservation Methods and Protected Marine Areas in Oceania." *Ambio*. 11(5): 258-261.
- Johnston, R.J. 1983. *Philosophy and Human Geography: an Introduction to Contemporary Approaches*. London: Edward Arnold.
- Johnston, R.J. 1986. *Philosophy and Human Geography: an Introduction to Contemporary Approaches. 2nd edition*. London: Edward Arnold.
- Johnston, R.J. 1987. *Geography and Geographers. 3rd edition*. London: Edward Arnold.
- Kermani, W.A. and K.M. Khan. 1986. "Protected Areas and Local Populations in Kirthar National Park, Pakistan." *Parks*. 11 (1): 2-3.

- Klee, Gary A. 1985. "Traditional Marine Resource Management in the Pacific." In *Culture And Conservation: The Human Dimension in Environmental Planning*. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 193-202.
- Kovacs, Tom J. 1984. "Northern National Parks and Native People: The Canadian Experience." Submitted to First World Conference on Cultural Parks, Mesa Verde National Park. (mimeographed).
- Kwapena, Navu. 1984. "Wildlife Management By the People." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 315-321.
- LaBastille, Anne. 1979. "Facets of Wildland Conservation in Central America." *Parks*. 4 (3):1-6.
- Lang, A.H. and J.E. Muller. 1975. *Pacific Rim National Park: The Geology of Long Beach Segment*. Ottawa: Geological Survey of Canada.
- LaViolette, F.E. 1973. *The Struggle for Survival: Indian Cultures and the Protestant Ethic in British Columbia*. Toronto: University of Toronto Press.
- Lawson, Nicholas. 1985. "Where Whitemen Come to Play: National Parks and Native People in the Canadian North." *Cultural Survival Quarterly*. 9 (1): 54-56.
- Lehmkuhl, John F., Rajesh K. Upreti, and Uday R. Sharma. 1988. "National Parks and Local Development: Grasses and People in Royal Chitwan National Park, Nepal." *Environmental Conservation*. 15 (2): 143-148.
- Lemons, John. 1987. "United States National Park Management: Values, Policy, and Possible Hints for Others." *Environmental Conservation*. 14(4): 329-340 and 328.
- Leopold, Aldo. 1949. *A Sand County Almanac*. New York: Oxford University Press.
- Leopold, Aldo. 1966. *A Sand County Almanac with Essays on Conservation from Round River*. New York: Oxford University Press (Ballantine Books paperback edition).

- Levy, James R. 1988. "Planning Resource Management in Indigenous Territories of Pacific Tropical America: Experiences of the Bi-National Awa Project in Ecuador and Colombia." In *New Challenges for the World's Protected Area System*. Proceedings of the 30th working session of IUCN's Commission on National Parks and Protected Areas, San Jose, Costa Rica. January 30-31, 1988. Pp. 65-70.
- Ley, D. 1974. *The Black Inner City as Frontier Outpost*. Monograph No. 7. Washington D.C.: Association of American Geographers.
- Ley, D. 1977a. "The Personality of a Geographical Fact." *Professional Geographer*. 29: 8-13.
- Ley, D. 1977b. "Social Geography and the Taken-for-granted World." *Transactions, Institute of British Geographers* (new series) 2: 498-512.
- Ley, D. 1980. *Geography Without Man: a Humanistic Critique*. Research paper No. 24. Oxford School of Geography.
- Ley, D. 1981. "Cultural/Humanistic Geography." *Progress in Human Geography*. 5: 249-257.
- Ley, D. 1982. "Rediscovering Man's Place." *Transactions, Institute of British Geographers*. (new series) 7: 248-253.
- Ley, D. 1983. "Cultural/Humanistic Geography." *Progress in Human Geography*. 7: 267-275.
- Ley, D. 1987. "Styles of the Times: Liberal and Neo-conservative Landscapes in Vancouver, 1968-1986." *Journal of Historical Geography*. 13: 40-56.
- Lothian, W.F. 1976. *A History of Canada's National Parks, Vol. I*. Ottawa: Parks Canada.
- Lothian, W.F. 1977. *A History of Canada's National Parks, Vol. II*. Ottawa: Parks Canada.
- Lothian, W.F. 1979. *A History of Canada's National Parks, Vol. III*. Ottawa: Parks Canada.
- Lothian, W.F. 1981. *A History of Canada's National Parks, Vol. IV*. Ottawa: Parks Canada.
- Lusigi, W.J. 1981. "New Approaches to Wildlife Conservation in Kenya." *Ambio*. 10 (2-3): 87-92.

- Lusigi, W.J. 1984. "Future Directions for the Afrotropical Realm." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 137-145.
- Machlis, G.E. and D.L. Tichnell. 1985. *The State of the World's Parks*. Boulder: Westview Press.
- MacKenzie, G.A. 1972. "Logging and Landscape Change in Phase I of the Pacific Rim National Park." In *Pacific Rim: An Ecological Approach to a New Canadian National Park. Studies in Land Use History and Landscape Change, National Park Series, No. 4*. J.G. Nelson and L.D. Cordes (eds.). London Ont.: Department of Geography, University of Western Ontario. Pp. 60-83.
- Madill, Dennis. 1981. *British Columbia Indian Treaties in Historical Perspective*. Ottawa: Indian and Northern Affairs Canada, Research Branch, Corporate Policy.
- Marks, Stuart A. 1984. *The Imperial Lion: Human Dimensions of Wildlife Management in Central Africa*. Boulder: Westview Press.
- Marshall, D.S. and H. M. Koulas. 1987. "Native Heritage Parks: What They Are, Why We Need Them, How They May Be Achieved." *Heritage For Tomorrow. Proceedings of the Canadian Assembly on National Parks and Protected Areas*. Vol. 3. Ottawa: Supply and Services. Pp. 189-198.
- Martin, Vance. (ed.). 1988. *For the Conservation of Earth*. Golden CO.: Fulcrum.
- Mascarenhas, Adolfo. 1983. "Ngorongoro: A Challenge to Conservation and Development." *Ambio*. 12 (3-4): 146-152.
- Masyk, W.J. Superintendent, Pacific Rim National Park. Personal Communication.
- McInnes, T.R.E. 1909. "Report on the Indian Title in Canada With Special Reference to British Columbia." *House of Commons Sessional Paper No. 47, 1914*. (Unpublished). On File @ Department of Indian Affairs, Treaties and Historical Research Centre, Ottawa.
- McMillan, Alan D. 1988. *Native Peoples and Cultures of Canada: An Anthropological Overview*. Vancouver/Toronto: Douglas & McIntyre.

- McMillan, A.D. and D.E. St. Claire. 1982. *Alberni Prehistory: Archaeological and Ethnographic Investigations on Western Vancouver Island*. Port Alberni and Penticton, B.C.: Alberni Valley Museum and Theytus Books.
- McNeely, J.A. and K.R. Miller. (eds). 1984. *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Washington D.C.: Smithsonian Institute Press.
- McNeely, J.A. and D. Pitt. (eds). 1985. *Culture and Conservation: The Human Dimension in Environmental Planning*. London: Croom Helm.
- McTaggart-Cowan, Ian. 1981. *Wildlife Conservation Issues in Northern Canada*. Ottawa: Canadian Environmental Advisory Council.
- Meeker, J.W. 1986. "The People Who Read the Day." *Wilderness*. 50 (174): 29.
- Meganck, R.A. and J.M. Goebel. 1979. "Shifting Cultivation: Problems for Parks in Latin America." *Parks*. 4 (2): 4-8.
- M'Gonigle, R. Michael. 1988. "Native Rights and Environmental Sustainability: Lessons From the British Columbia Wilderness." *The Canadian Journal of Native Studies*. VIII(1): 107-130.
- Miller, Kenton R. 1984. "The Natural Protected Areas of the World." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 20-23.
- Miller, M. 1972. "The Origins of Pacific Rim National Park." In *Pacific Rim: An Ecological Approach to a New Canadian National Park. Studies in Land Use History and Landscape Change, National Park Series, No. 4*. J.G. Nelson and L.D. Cordes (eds.). London Ont.: Department of Geography, University of Western Ontario. Pp. 5-25.
- Mishra, H.R. 1982. "Balancing Human Needs and Conservation in Nepal's Royal Chitwan Park." *Ambio*. 11 (5): 246-251.
- Mishra, H.R. 1984. "A Delicate Balance: Tigers, Rhinoceros, Tourists and Park Management vs. The Needs of the Local People in Royal Chitwan National Park, Nepal." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*.

- Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 197-205.
- Myers, Norman. 1972. "National Parks in Savannah Africa." *Science*. 178 (4067): 1255-1263.
- Nash, Roderick. 1970. "The American Invention of National Parks." *American Quarterly*. 22 (3): 726-735.
- Needham, R.D., and R.C. de Loë. 1990. "The Policy Delphi: Purpose, Structure, and Application." *Canadian Geographer*. 34(2): 134-142.
- Nelson, J.G. 1984. "Living With Exploitation in the Subarctic and Arctic of Canada." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 527-533.
- Nelson, J.G., R.C. Scace, B. Sadler, G-H. Lemieux, and S. Washington. 1985. "Heritage Issues in Canada: The Second Threshold, 1985-2085." In *Heritage for Tomorrow: Canadian Assembly on National Parks and Protected Areas, Vol. 1*. R.C. Scace and J.G. Nelson (eds.). Ottawa: Supply and Services. Pp. 13-53.
- Newby, J.E. and J.F. Grettenberger. 1986. "The Human Dimension in Natural Resource Conservation: A Sahelian Example From Niger." *Environmental Conservation*. 13 (3): 249-256.
- Newby, John. 1984. "The Role of Protected Areas in Saving the Sahel." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 130-135.
- Nietschmann, Bernard. 1984. "Indigenous Island Peoples, Living Resources and Protected Areas." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 333-343.
- Nowicki, P. 1985. "Cultural Ecology and 'Management' of Natural Resources or Knowing When Not to Meddle." In *Culture And Conservation: The Human Dimension in Environmental Planning*.

- Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 269-282.
- Ovington, J. D. 1984. "Aboriginal People--Guardians of a Heritage." *The Environmentalist*. 4 (supp. 7): 36-39.
- Pallemaerts, Marc. 1986. "Development, Conservation, and Indigenous Rights in Brazil." *Human Rights Quarterly*. 8(3): 374-400.
- Parks Canada. 1979. *Parks Canada Policy*. Ottawa: Department of Indian and Northern Affairs.
- Peat Marwick and Partners. 1979. *Clayoquot Band Relocation and Land Exchange Study*. Unpublished report prepared for the Tla-o-qui-aht band council.
- Pentney, William. 1988a. "The Rights of the Aboriginal Peoples of Canada in the Constitution Act, 1982. Part I: The Interpretive Prism of Section 25." *University of British Columbia Law Review*. 22(1): 21-59.
- Pentney, William. 1988b. "The Rights of the Aboriginal Peoples of Canada in the Constitution Act, 1982. Part II: Section 35: The Substantive Guarantee." *University of British Columbia Law Review*. 22(2): 207-278.
- Polunin, N.V.C. 1985. "Traditional Marine Practices in Indonesia and Their Bearing on Conservation." In *Culture And Conservation: The Human Dimension in Environmental Planning*, 91-99. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. 1985.
- Ponting, J. Rick. 1987. *Profiles of Public Opinion on Canadian Natives and Native Issues: Module 3, Knowledge, Perceptions, and Attitudinal Support*. Calgary: Research Unit for Public Policy Studies, Faculty of Social Sciences, University of Calgary.
- Porteous, J. Douglas. 1976. "Home: The Territorial Core." *Geographical Review*. 66: 383-390.
- Porteous, J. Douglas. 1986. "Bodyscape: The Body-Landscape Metaphor." *Canadian Geographer*. 30: 2-12.
- Porteous, J. Douglas. 1987. "Deathscape: Malcolm Lowrey's Topophobic View of the City." *Canadian Geographer*. 31: 34-43.
- Porteous, J. Douglas. 1988. "Topocide: The Annihilation of Place." In *Qualitative Methods in Human Geography*. J. Eyles, and D. Smith eds. Cambridge: Polity Press. Pp. 75-93.

- Porteous, J. Douglas. 1989. *Planned to Death: the Annihilation of a place called Howdendyke*. Manchester: Manchester University Press.
- Premier's Council on Native Affairs. 1990. "Progress Report and Interim Recommendations of the Premier's Council on Native Affairs." July 25, 1990. (Available from the Ministry of Native Affairs).
- Raunet, Daniel. 1984. *Without Surrender Without Consent: A History of the Nishga Land Claims*. Vancouver: Douglas & McIntyre.
- Redford, Kent H. and John G. Robinson. 1985. "Hunting by Indigenous Peoples and Conservation of Game Species." *Cultural Survival Quarterly*. 9 (1): 41-44.
- Relph, E. 1970. "An Inquiry Into the Relations Between Phenomenology and Geography." *Canadian Geographer*. 14 (3): 193-201.
- Relph, E. 1981. *Rational Landscapes and Humanistic Geography*. London: Croom Helm.
- Reti, Iosefatu. 1986. "Resolving Conflicts Between Traditional Practices and Park Management." *Parks*. 11 (1): 17-19.
- Rolston, Holmes, III. 1985. "Valuing Wildlands." *Environmental Ethics*. 7: 23-48.
- Rorty, R. 1982. *Consequences of Pragmatism*. Minneapolis: University of Minnesota Press.
- Runte, Alfred. 1979. *National Parks: The American Experience*. Lincoln, Nebraska: University of Nebraska Press.
- Sadler, Barry. 1989. "National Parks, Wilderness Preservation and Native peoples in Northern Canada." *Natural Resources Journal*. 29(1): 185-204.
- Saharia, V.B. 1984. "Human Dimensions in Wildlife Management: The Indian Experience." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp 190-196.
- Samuels, M.S. 1978. "Existentialism and Human Geography." In *Humanistic Geography: Prospects and Problems*. D. Ley and M.S. Samuels (eds.). Chicago: Maaroufa Press. Pp. 22-40.

- Samuels, M.S. 1981. "An Existential Geography." In *Themes in Geographic Thought*. M.E. Harvey and B.P. Holly (eds.). Beckenham: Croom Helm. Pp. 115-133.
- Sanders, Douglas. 1973. "The Nishga Case." *B.C. Studies*. 19: 3-20.
- Sanders, Douglas. 1983. "The Rights of the Aboriginal Peoples of Canada." *Canadian Bar Review*. 61: 314-338.
- Sax, Joseph. 1980. *Mountains Without Handrails: Reflections on the National Parks*. Ann Arbor: University of Michigan Press.
- Sayer, A. 1979. "Epistemology and Conceptions of People and Nature in Geography." *Geoforum*. 10: 19-43.
- Sayer, A. 1984. *Method in Social Science: A Realist Approach*. London: Hutchinson.
- Schonewald-Cox, C.M. and J.W. Bayless. 1986. "The Boundary Model: A Geographical Analysis of Design and Conservation of Nature Reserves." *Biological Conservation*. 38: 305-322.
- Schwarz, O. Douglas. 1987. "Indian Rights and Environmental Ethics: Changing Perspectives, and a Modest Proposal." *Environmental Ethics*. 9(4): 291-302.
- Scott, Duncan C. 1927. "Report on the British Columbia Indian Question." Testimony given before the Special Committees of the Senate and House of Commons Meeting in Joint Session To Inquire Into the Claims of the Allied Indian Tribes of British Columbia, as Set Forth in Their Petition Submitted to Parliament in June 1926. In *Proceedings, Reports and Evidence of the House of Commons*. Session 1926-27, Appendix No. 2. Pp. 3-20.
- Shankel, George E. 1945. *The Development of Indian Policy in British Columbia*. Unpublished PhD. Dissertation, Department of History, University of Washington. (On file @ Public Archives of British Columbia).
- Shively, John T. 1981. "Subsistence Hunting in Alaskan Parks." *National Parks*. 55(3): 18-21.
- Sierra Club. 1971. *West Coast National Park Life-Saving Trail: A Plea for Wider Boundaries*. Sierra Club of British Columbia (place of publication unknown).

- Sierra Club. 1980. *The West Coast Trail and Nitinat Lakes. 4th ed.* Vancouver: Douglas and McIntyre Ltd.
- Slattery, Brian. 1982-83. "The Constitutional Guarantee of Aboriginal and Treaty Rights." *Queen's Law Review.* 8: 232-273.
- Slattery, Brian. 1985. "The Hidden Constitution: Aboriginal Rights in Canada." In *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights.* Menno Boldt, J. Anthony Long and Leroy Little Bear (eds.). Toronto: University of Toronto Press. Pp. 114-138.
- Slattery, Brian. 1987. "Understanding Aboriginal Rights." *Canadian Bar Review.* 66: 727-783.
- Smith, Barry J.N. 1987. *The Imaginative and Experiential Significance of the Island.* Unpublished PhD. dissertation, Department of Geography, University of Victoria (Victoria, British Columbia).
- Smith, David M. 1987. *Geography, Inequality and Society.* (Cambridge Topics in Geography: Second Series). Cambridge and New York: Cambridge University Press.
- Smith, S.J. 1981. "Humanistic Method in Contemporary Social Geography." *Area.* 13: 293-98.
- Smith, S.J. 1984. "Practicing Humanistic Geography." *Annals, Association of American Geographers.* 74: 353-374.
- Sproat, Gilbert M. 1868. *Scenes and Studies of Savage Life.* London: Smith, Elder and Co.
- Statistics Canada. 1986. *Canada Census, Catalogue 94-120.* Ottawa: Minister of Supply and Services.
- Stewart, George. 1878. *Canada Under the Administration of Earl Dufferin.* Toronto.
- Stiven, S. and B. Downie. 1985. *National Parks and New Initiatives in British Columbia.* Victoria: NPPAC.
- Stix, John. 1982. "National Parks and Inuit Rights in Northern Labrador." *Canadian Geographer.* XXVI (4): 349-354.
- Stoddard, R.H. 1982. *Field Techniques and Research Methods in Geography.* Dubuque, Iowa: Kendall/Hunt.

- Stuckey, N. E. 1981. *Tsimshian Testimony Before the Royal Commission on Indian Affairs for the Province of British Columbia (1913-1916)*. Unpublished M.A. Thesis, University of Victoria Department of Anthropology.
- Swem, T. and R. Cahn. 1983. "The Politics of Parks in Alaska." *Ambio*. 12 (1): 14-19.
- Task Force on Park Establishment. 1987. *Our Parks--Visions For The 21st Century*. Waterloo: Heritage Resources Centre, University of Waterloo.
- Task Force to Review Comprehensive Claims Policy. 1985. *Living Treaties: Lasting Agreements: Report of the Task Force to Review Comprehensive Claims Policy*. Ottawa: Department of Indian Affairs and Northern Development.
- Tennant, Paul. 1982. "Native Indian Political Organization in British Columbia, 1900-1969: A Response to Internal Colonialism." *B.C. Studies*. 55: 3-49.
- Tennant, Paul. 1983. "Native Indian Political Activity in British Columbia, 1969-1983." *B.C. Studies*. 57: 112-136.
- Tennant, Paul. 1990a. "The Historical Dimensions of Indian Land Claims." Paper presented at *Reaching Just Settlements: Land Claims in British Columbia--A Conference*. February 21-22, 1990, University of Victoria, Victoria, B.C.
- Tennant, Paul. 1990b. *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989*. Vancouver: University of British Columbia Press.
- Tinker, Jon. 1974. "National Park in the Amazon Rain Forest." *The Geographical Magazine*. XLVII (1): 33-49.
- Torres, Hernan. "The Andean Native Peoples in the Conservation Planning Process." In *Culture and Conservation: The Human Dimension in Environmental Planning*. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 103-107.
- Tuan, Yi-Fu. 1974a. "Space and Place: Humanistic Perspective." *Progress in Geography*. 6: 211-252. Reprinted 1979 in *Philosophy in Geography*. S.Gale and G. Olsson (eds.). Boston: Reidel Publishing Co. Pp. 387-427.
- Tuan, Yi-Fu. 1974b. *Topophilia*. Englewood Cliffs: Prentice-Hall.

- Tuan, Yi-Fu. 1976. "Humanistic Geography." *Annals, Association of American Geographers*. 66: 266-276.
- Tuan, Yi-Fu. 1977. *Space and Place: The Perspective of Experience*. Minneapolis: University of Minnesota Press.
- Tungavik Federation of Nunavut. 1985. "Land Claims, National Parks, Protected Areas and Renewable Resource Economy." In *Arctic Heritage*. Proceedings of a Symposium, Aug. 24-28, 1985, Banff. J.G. Nelson, R. Needham, and L. Norton (eds.). Ottawa: ACUNS. Pp. 285-297.
- Turnbull, Colin. 1972. *The Mountain People*. New York: Simon and Schuster.
- Usher, Peter. 1982. "Fair Game?: Precisely at the time when native people are seeking to entrench and extend their traditional hunting rights, other Canadians are beginning to question the validity and legitimacy of those rights." *Nature Canada*. 11: 4-11 and 35-43.
- Vayda, A.P., C.J. Pierce-Colfer and M. Brotokusmo. 1985. "Interactions Between People and Forests in East Kalimantan." In *Culture and Conservation: The Human Dimension in Environmental Planning*. Jeffrey A. McNeely and David Pitt (eds.). London: Croom Helm. Pp. 211-227.
- Walmsley, D.J. 1974. "Positivism and Phenomenology in Human Geography." *Canadian Geographer*. 18(2): 95-107.
- Weaver, Sally M. 1984. "Progress Report: the Role of Aboriginal People in the Management of Cobourg and Kakadu National Parks, Northern Territory, Australia." Unpublished Seminar given at the Northern Australia Research Unit, Darwin, July 30, 1984. (Typescript).
- Weeks, Nancy C. 1986. "National Parks and Native Peoples: A Study of the Experiences of Selected Other Jurisdictions with a View to Cooperation in Northern Canada." In *Contributions to Circumpolar Studies*. Uppsala Research Report in Cultural Anthropology Number 7. Hugh Beach (ed.). Uppsala, Sweden: University of Uppsala, Department of Cultural Anthropology. Pp. 83-150.
- Weeres, S. and G.M. Hamre. 1987. "Planning for the Establishment of a Park: A Case Study From the Northwest Territories." *Park News*. 23(1): 17-19.
- Western, David. 1982. "Amboseli National Park: Enlisting Landowners to Conserve Migratory Wildlife." *Ambio*. 11 (5): 302-308.

- Western, David. 1984. "Amboseli National Park: Human Values and the Conservation of a Savanna Ecosystem." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society*. Proceedings of the World Congress on National Parks, Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 93-100.
- White, A.T. 1986. "Philippine Marine Park Pilot Site: Benefits and Management Conflicts." *Environmental Conservation*. 13 (4): 355-359.
- White, Brian P. 1974. *Pacific Rim National Park: Human History Study*. Volume I. (Mimeograph: Publisher Unknown).
- World National Parks Congress. 1984. "Recommendations of the World National Parks Congress." In *National Parks, Conservation, and Development: The Role of Protected Areas in Sustaining Society* Proceedings of the World Congress on National Parks Bali, Indonesia, 11-22 October 1982. Jeffrey A. McNeely and Kenton R. Miller (eds.). Washington D.C.: Smithsonian Institute Press. Pp. 756-776.
- Yapp, G.A. 1987. "Wilderness in Kakadu National Park: Aboriginal and other Interests." Unpublished manuscript (Mimeographed).
- Zube, E.H. "Local and Extra-Local Perceptions of National Parks and Protected Areas." *Landscape and Urban Planning*. 13(1): 11-17.

APPENDICES

Appendix I Band Councillors – Interview

1. Which band are you a member of?
2. Have you been a part of negotiations for any understandings/agreements which involve Nuu-Chah-Nulth people and Pacific Rim National Park?
Probe: What are they? Are they written? Verbal?
3. Are you aware of any other understandings/agreements which involve Nuu-Chah-Nulth people and Pacific Rim National Park?
Probe: What are they? Are they written? Verbal?

Note: If NO to questions 2 and 3, go to question 7

4. Have any of these understandings/agreements had a positive impact on yourself, your band, or Tribal Council? **Probe:** in which way?
 5. Have any of these understandings/agreements had a negative impact on yourself, your band, or Tribal Council? **Probe:** in which way?
 6. Are there any understandings/agreements with the national park which you would like to see modified? If so, please DESCRIBE.
-
7. a) Are there any understandings/agreements with the national park which you think should be completed? (ie. Do you feel that there are agreements which might improve relations between your band and the Park?)

b) Any which you would not like to see completed?
 8. Since 1970, when the national park was designated, has it had any **positive** impacts on yourself, your band, or Tribal Council? **Probe:** How?

Probe: * has it provided job opportunities?
* has it protected your lands?
* has it protected fishing rights? Hunting rights?
 9. Since the national park was designated, has it had any **negative** impacts on yourself, your band, or Tribal Council? **Probe:** How?

Probe: * has it prevented you from earning a living?
* has it interfered with subsistence activities (hunting, fishing, trapping, gathering)?
* has it interfered with land-claim?

Appendix II
Park Managers -- Interview

1. a) How long have you worked at PRNP?
 b) Have you worked in other parks where you had dealings with native Indians?
 Probe: If YES, how would you characterize these dealings?
2. Have you been a part of any negotiations for any understandings /agreements which involve the Nuu-Chah-Nulth people and/or their reserve lands and Pacific Rim National Park?
 Probe: If YES, what are they? Are they written? Verbal?
3. Are you aware of any other understandings/agreements which involve the Nuu-Chah-Nulth Indians and/or their reserve lands and Pacific Rim National Park?
 Probe: If YES, what are they? Are they written? Verbal?

Note: If NO to questions 2 and 3, go to question 7

4. Have any of these understandings/agreements had a positive impact on the national park? If so, WHY?
 5. Have any of these understandings/agreements had a negative impact on the national park? If so, WHY?
 6. Are there any understandings/agreements involving Indians and/or their reserve lands and the park which you would like to see modified? If so, please **DESCRIBE**.
-
7. a) Are there any understandings/agreements involving Indians and/or their reserve lands which you think **should be completed**? (i.e. do you feel that there are agreements which might improve relations or make resource management easier?)
 b) Any understandings/agreements which **should not** be completed?
 8. Since the national park was established, have the Indian reserve lands had any **positive** impacts upon the park? If so, please DESCRIBE.
 9. Since the national park was established, have the Indian reserve lands had any **negative** impacts upon the park? If so, please DESCRIBE.
 10. **Overall**, have the Indian reserve lands had a **positive or negative** impact on the national park?

11. a) Are you aware of any **methods** which have been used to **improve** relations with the Indian people in the past? What are they?
b) Were they **successful**?
12. Are you aware of any **other strategies** for improving relations with the Indian people which have not been used but could be helpful? If so, what are they?
13. a) Have there been any cases where the actions of the Indian people living on reserves located **within or adjacent to the park** had a **positive** effect upon the park?
b) a **negative** effect?
14. Overall, do you think that the National Park has had a **positive** or **negative** impact upon the **Indian people** living within the area (ie. on reserves)?
15. a) Do you feel the **present relationship** between the national park and the Indian people is **positive** or **negative**? Has this always been the case?
b) if **POSITIVE**, how could it be made **more positive**?
c) if **NEGATIVE**, how might this situation be **improved**?
16. Are there any additional comments you wish to make regarding the relationship between native Indians and/or their reserve lands and the national park?
17. Do you have any other comments?

THANK YOU FOR YOUR COOPERATION

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Berg, Lawrence, Terry Fenge and Philip Dearden. Forthcoming.
"National Park Designation, Planning and Management in Canada:
The Role of Aboriginal Peoples." In *Park and Protected Area
Management in Canada*, P. Dearden and R. Rollins (eds.). Toronto:
University of Toronto Press.

Berg, Lawrence, and Philip Dearden. 1990. "Aboriginal People and Protected Areas: The Nuu-chah-nulth People and Pacific Rim National Park Reserve." Paper presented at the Annual General Meeting of the Western Division, Canadian Association of Geographers. University of British Columbia, Vancouver, B.C., March 9-11, 1990.

Berg, Lawrence. 1989. "Native Peoples and Protected Areas: An International Perspective." Panel discussion paper in *Wilderness, Parks and Native Land Claims*, proceedings of the 1989 Annual General Meeting of the Canadian Parks and Wilderness Society, June 8-11, 1989. Victoria: Canadian Parks and Wilderness Society, B.C. Chapter.

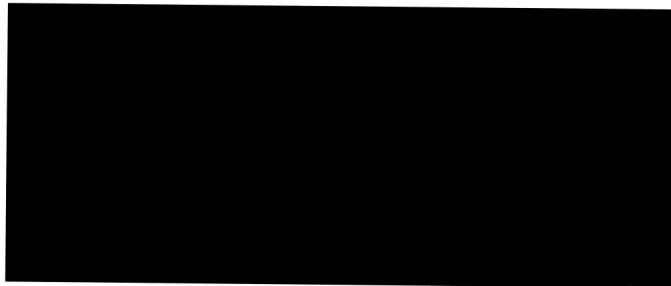
Berg, Lawrence. 1989. "A Comment on the Logging vs. Parks Controversy in British Columbia." *Environmental Essence*. March 23, 1989.

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Title of Thesis: Aboriginal People, Aboriginal Rights, and Protected Areas:
An Investigation of the Relationship Between the Nuu-chah-nulth People
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JANUARY 4, 1991