From stakeholders to citizens:
conflicts, identity, territory among the first nations of British Columbia (Canada)

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Abstract

In scientific production and in decision making practices, thanks to the role of English language and Anglo-Saxon institutional models, there is a wide use of the word "stakeholder". At the same time it has been consolidated an approach to participation and conflict management based on interest negotiation and mediation as kernel of scientific reflection and territorial practices. This conceptual approximation can easily interface with a tokenistic participation based on technical management of tools and far form any promotion of empowerment and active citizenship. Starting from the study case of First Nations in British Columbia this paper intend to highlight the difference between the term stakeholder and social actor, and to substitute the issue of interest's representation or mediation with the acknowledgement of rights and full citizenship as basic elements of any participatory and conflict management process. The Canadian province of British Columbia has stated in 1993 a tripartite commission made up by representatives of First Nations (aboriginal groups), representatives of Federal and Provincial Government. The BC Treaty Commission is the only experience existing at international level and has the task to define new treaties with indigenous population living in BC when European arrived in XVIII centuries (First Nations). Federal and Provincial Government intend to recognize the rights of hunting, fishing and gathering till now disputed, in order to grant sure rights on concessions about forestry, mining and oil exploitation. The treaties under negotiation demonstrate as negotiation about resources and territories can not satisfy completely the demand for citizenship of First Nations, so they use at the same time negotiation, law suite, social mobilisation, political intervention. Reconciliation process developed in British Columbia represents a key case study to test theoretical models and tools in the issues of eco-citizenship and inclusive decision making.

Keywords: First Nations, Identity, Citizenship

1. Citizens beyond stakeholders

To be citizens means to belong to one political community (the European Union, the State, the Commune) granting a set of individual rights. However, in recent years, the sphere of citizenship's rights is widening including for example the rights to safe and clean environment and sustainable development as defined in the Aarhus Convention, 1998. Collective life is normally based on idea of society seen as association of individuals made up to manage their own interests and giving the public administration the task to deal only with public goods.

Public goods, if apparently are associated with common goods, are reduced to "convergent goods". The sense of belonging and the value associated to a good is normally secondary compared to a pragmatic of contract among individuals in order to choose the public management of a good instead of a communitarian management. What is public is not a universal category of goods but is defined by the community itself. It becomes fundamental to move from an abstract citizenship to a sense of belonging not restricted to the sphere of rights but based on values, sense of identity resulting form a sharing of futures, neighbourhood, the sense of "WE" overcoming the sense of "I" and the sense of YOU (Rusconi, 1993; Taylor, 1989; 1991; 1992).

Citizenship classically intended as catalogue of right expanding over the time should be intended as reciprocity and base of civic solidarism. Citizenship is social practice not only acting on citizens but acted by citizens. To build citizenship, an active involvement in decision related to place, territory, and community is needed. Issues like water, energy, urban planning and more generally issues related to environment and

territory represent privileged context in which to promote active citizenship and democratic ownership by the widening of the participation to all citizens outside the traditional actors normally involved in decision making.

The restriction of decision making to experts (politicians, practitioners, scientists) reduces not only the effectiveness of decision-making, but also citizenship and democratic ownerships of common good.

However, in scientific production and in decision making practices, thanks to the role of English language and Anglo-Saxon institutional models, there is a wide use of the word "stakeholder". At the same time it has been consolidated an approach to participation and conflict management based on interest negotiation and mediation as kernel of scientific reflection and territorial practices.

This conceptual approximation ca easily interface with a tokenistic participation based on technical management of tools and far form any promotion of empowerment and active citizenship.

We need to accelerate the transition from stakeholder to social actor, and to substitute the issue of interest's representation or mediation with the acknowledgement of rights and full citizenship as basic elements of any participatory and conflict management process. However this paradigm continues to orient scientific research, consultancy, governments, decision making processes.

2. Conflicts environment and territory between technocracy and justice

During the last ten years, it has been increasing the production of researches, institutions and advice services related to environmental conflicts. A classical issue of geography - the relationship among population, territory and resources - seems suddenly redefined and metabolised by new descriptors and corresponding disciplinary groups competing for the conceptual imprinting and the arena of the professional charges.

The amount of research projects, publications, consultant activities about environmental conflicts can be organised around three conceptual kernels - generalistic the first two and more contextual the third - in which theoretical discourse nests:
- environmental scarcity (ES)
- environmental negotiation (EN)
- environmental rights (ER).

The three "paradigms" do not span in the same way: environmental scarcity is easily hosted into central governmental authorities and national and international political discourses; environmental negotiation prevails in local governmental organisations and firms; environmental right is managed by NGO and CSO.

But such description is not rigid, it represents more an instant shoot then a trend. International Organisations like FAO implement project based on negotiation bridging to environmental rights, Universities normally work on the three field in a dynamic way; so, the debate around environmental conflicts is framing and re-framing around the three kernel presented above.

2.1.1 Scarcity as trigger of environmental conflicts

Scarcity represent the orthodox approach to environmental conflicts: a big amount of research production falls into this issue, moreover the citation system strengths the visibility of scarcity school by reciprocal cross-citation (Gizewsky, 1997; Rodal, 1994; Woodrow Wilson Center, 1995; 1996; 1997; 1998).

It exists an axiomatic core grouping researchers, institutions, consultants, governmental bodies: the direct causal path from environmental degradation to social conflicts (violent). The not discussed centrality of environmental causality is often protected by a belt of corollaries muffling the rigid determinism.

The standard reference of this logic is the model of "Toronto Group" co-ordinated by Thomas Homer Dixon (Homer-Dixon, 1991). This model ("tested by study cases", following the narrative of security community) assumes the environmental conflicts have an higher probability to happen in developing countries because of their vulnerability to environmental change.

After the elaboration of a causal model linking environmental change and acute conflicts, the author suggests the use of a simplified model pointing on two aspects: social effects of environmental changes and the conflict typology (Homer-Dixon, 1991, p. 87). This simplified model, elaborated to overcome the complexity of the first model, becomes the paradigm for academic production and public advice of the ES community. Following the simplified model, environmental effects cause social effects, then conflicts explode. The article of summer 1994 on *International Security* (Homer-Dixon, 1994) marks the shift from

environmental change to environmental scarcity and takes into consideration the role of institutions (mainly the State).

But the classical model of the community ES have a lot of assumption not well discussed. It is assumed that soil degradation, deforestation, water resources shortage, are clearly defined matters playing the role of independent variables of the conflicts. The categories of scarcity and security are further elements requiring a critical analysis. Natural resources are axiomatically considered scarce and object of disputation between individuals, groups and states (Lipschutz, 1997): scarcity is interpreted as natural factor on which the individuals can have a reduced control. Lipschutz (1997, p. 39), mentioning Amartya Sen, notices that the scarcity is more often accessibility matter than availability matter (ex. availability of food but the population cannot buy it); therefore it is important to question the role of the institutions and the political dimension of the scarcity, distinguishing between an absolute and relative scarcity.

To answer environmental scarcity the ES community proposes an environmental security model characterized by the authoritarian control on the environment aiming to guarantee the stability; even if interesting for the public actors (generally the central authorities of the state and the deputed institutions to the defence), this does not represent the only available environmental security model. As Brock (1997) notices, environmental change should be considered in the most general dynamics of the structural change in act in the worldwide economy: little attention, until now, has been reserved for the relations between political system and environmental performance. Therefore environmental security should be distinguished by state security and connections with military activities, it should be instead associated to the social and alimentary security. The criticisms to the ES models do not mean environmental causality in the conflicts does not exist, but only this typology of causality can not explain conflicts; to insist on the search for environmental causality does not seem to be in the reasons for the nature, but in the reasons for the potential purchasers of research and advice products. Avoiding to take into consideration this element could simplify and "naturalize" what is nor simple neither natural.

2.1.2. Negotiation as solution of environmental conflicts

The disciplinary community EN proposes a model of environmental conflicts almost specular to the environment-security model: it does not analyse the causes of the conflicts, but it is worried above solution (negotiated); it work less about violent conflicts and more on disputes and controversies.

The community "environment and negotiation" is in a definition stage more advanced than ES community; the approach is now mature and structured with academic institutions deputed to the preparation of the mediation professionals in order to support public and private organisations with "the art of the negotiation" (Raiffa, 1982); almost all the North American public administrations have offices deputed to ADR (Alternative Dispute Resolutions) and EDR (Environmental Dispute Resolution) (O'Lear *et al.*, 1999). The structural coupling, community- disciplinary field, started during the '70s in the countries with a juridical and public administration culture based on evolutionary and negotiable principles (Anglo-Saxon countries, North Europe), is now penetrating international agencies and globalising.

The negotiation approach is based on the assumption that a typical winning-loser conflict can be changed in a winning-winning relation in which everyone can earn from the agreement. The negotiation process would be possible when the actors rationally would measure the difference between the benefits in absence of agreement (BATNA, Best Alternative To No Agreement) and those with the agreement. The negotiation approach foresees that the actors move from the stiffening on positions to a real comparison between interests. Therefore it becomes important the dialogue face to face, the presence of intermediaries (from facilitator to referees), the definition of work procedures the elaboration of an agreement with mechanisms of verification.

Two elements embodied into the original paradigms of negotiation are normally omitted in the implementation phases: the setting of the negotiation process more on problems than solutions, and the correlated issue of the power balance between the actors of the negotiation table.

The social and institutional context in which the negotiation process takes place is scarcely analysed; a pluralistic democracy with all the interests free to express is assumed. But this optimistic paradigm of power isotropy does not correspond to reality not even in the democracies in which negotiation procedures are consolidated.

2.1.3. Environmental conflicts as emerging of environmental rights

The distinctive elements of this third approach are the interpretation of environmental conflicts through some key word (participation, empowerment, rights, development) the multiscalar and multiactorial analysis of the conflict (from local level to national and international context), the focus on local groups, institutions, and the analysis of power dynamics. This model does not elaborate graphical causal models but uses discursive models typical of complex causalities and feedback effects. These researches, based on wide collections of case studies, come mainly from developing countries; the production in languages different from English, the narrow distribution circuit, the orientation to advocacy, make this important production little permeable beyond these "territories".

The amounts of study cases, the in-depth knowledge of context and involved actors, the attention to the definition of environmental issues and to the differentiated impacts of environmental policies on various social actors, make these researches key contributions for the exploration of environmental conflicts, not only in the developing countries.

A typical example of this approach is the work developed by the group of Quito "*Desarollo eco-Ilógico y Conflitos socio-ambientales*" (Varea *et al.*, 1992; 1997a; 1997b; 1997c). No scholars of security and negotiation communities mention this work, maybe because of a linguistic problem (production in Spanish), maybe because of lack of competition in the advice market (the group in fact works in NGO sector); maybe the approach is not so alarmistic as security models nor optimistic as negotiation models.

The environment and security community could read it like an example of "third generation of conflicts models" (Levy 1995; Rønnfelt 1997), considering the attention placed to actors, the role of the state, the management of the conflicts, the social-economical context.

Of remarkable interest it is the used denomination, the approach of the group (and more in general the American Latin approach) in conflict analysis makes a political option beginning from the word choice: the group adopt the key word *"conflito socio-ambiental"*, highlighting the different concepts, management models, social rights of the groups in conflict; trough environmental dimension emerges the issues of exclusion and oppression. "Quito-group" refuses the word "solution" and adopt the words "*tratamiento and manejo alternativo*" to mean a complex process requiring a careful analysis of the causes, whose solution cannot be guaranteed. The group explores the role of the environment in the conflicts and develops the environmental discrimination and the human environmental right issues.

3. Conflicts as opportunities for building new territories and enforce citizenship:

The analysis developed highlights three research problems concerning the environmental conflicts often omitted by the ES and EN logic:
- the inclusion of the environmental conflicts in the widest category of theories and practices concerning the conflicts,
- the consideration of the territory as process and product and not just physical space characterised by an scarce endowment of natural resources,
- the social actors' role, their organisation modalities and the dynamics between action and knowledge.

As regard to the first research question, the ES logic (but also the EN logic) offers a poor conceptualisation of "conflict" with lack of references to disciplines and authors producing conflict knowledge. It would not certainly expect the presence of conceptual and experiential references to the peace research approach, but at least the conceptual references to the neo-positivistic approaches of conflict research. There is in fact a wide production of conflict research coming from both neo-positivism and constructivism which could have allowed the study on environmental conflicts to reach greater knowledge progress, but the research programmes on the environmental conflicts want to invent everything, almost to build a new scientific foundation for the study both on conflicts and on environment. The issue of agreement, heart of the EN logic, should be re-framed on the polarities solution/transformation of the conflict (Sharoni, 1997, p.30); the conflictive experience, in fact, cannot be resolved going back to a situation of latency or temporary freezing of dynamics in a "before of the conflict" situation.

As regards the second element, the models of interpretation of the environmental conflicts adopted by ES and EN logic often neglect the territory, as structure of mediation between society and nature (Raffestin, 1991, pp. 154-156), it reveals many confused generalisations between resources, environment, natural capital and organisation of the society-nature relationships. The territory is never conceptualised and the

environmental conflict is located in a space characterised by a finished endowment of natural resources pushing the actors to the conflict. The issue of natural resources is reduced to the polarities scarcity-degradation (the key question of discussion into ES community), the interpretation is never framed in terms of accessibility to resources, entitlement, role of the actors, territorialisation rationality, complex relations human-environment (Raffestin, 1981; Turco, 1988; Vallega, 1982, 1990; Faggi, 1991). The classical debate of ES community proposes a determinism assuming a immediate social answer to environmental fluctuation (the famous threshold), without questioning in which conditions environmental crisis produces social vulnerability and without seeing the presence of more thresholds, corresponding to families of curves of stability typical of the territorial complex systems (Faggi, 1991, pp. 211-225; Turco, 1988).

Regarding the third research problem, actors' social organisation and actions-knowledge dynamics, it is necessary to proceed to further explorations. The ES logic has concentrated the analysis and the modelling of conflicts at the state level with two options: the conflicts between states and the conflicts inside the state; in the two cases the main actor remains the state with a poor attention to the multi-actor dynamics and the multi scalar dimension. The result is a confusion between internal and interstate conflicts and the extent of the same logic to different analytical level.

Another element escaping the ES and EN analysis is the reconstructive analysis of conflict latency - when "cooperation" was prevailing among actors; the ES and EN reconstructive analysis tends to identify only the pre-existing environmental factor pushing the conflict without paying attention to the processes of refusal and detachment from the situations of "agreement". Then, it misses a dialectic vision of the relations between actors in the continuum cooperation-conflict. Exploration of environmental conflicts should simultaneously answer two questions: because conflicts happen and because they do not happen; without this bipolar perspective the optimism of negotiation theorists can build too fragile agreements.

4. Citizenship identity and territory in British Columbia

The Canadian province of British Columbia has stated in 1993 a tripartite commission made up by representatives of First Nations (aboriginal groups), representatives of Federal and Provincial Government with the task to define new treaties with indigenous population living in BC when European arrived in XVIII centuries (First Nations) (Fisher, 1992). Considering the increasing interests of national and international firms in investments on forestry, mining and oil exploitation, Federal and Provincial Government intend to recognize the rights of hunting, fishing and gathering till now disputed, in order to grant sure rights on concessions. (British Columbia Treaty Commission, 2004; 2006 a; 2006 b). But if economic issues represent an easy way to motivate the commitment of Provincial Government for treaty process in front of citizens, the need of reconciliation and the recognition of indigenous rights are the foundation of the new relationships inside BC society (British Columbia Treaty Commission, 2002; Government of British Columbia, 2006; Penikett. 2006).

Despite the number of treaties under negotiation and almost 15 years of work, few treaties arrived to final agreement. The treaties under negotiation demonstrate as negotiation about resources and territories can not satisfy completely the demand for citizenship of First Nations, so they use at the same time negotiation, law suite, social mobilization, political intervention.

Any process of negotiation can not avoid to take into account the conditions of first people in the context of Canadian society.

In Canada the total aboriginal population is 741.371 representing the 2,29% of total Canadian population of 32.270.507 (31/12/2005). First peoples are organized in 612 Indian Bands and 2675 reserves. Total reserves of Canada cover 26.844 sq Km representing the 0,27% of national territory (9.974.670 sq km).

In British Columbia Aboriginal population is 120.044 representing the 2,65% of provincial population (4.524.522 at 31/12/2005). Aboriginal population is organized in 198 Indian Bands and 29 Tribal Councils. In British Columbia there are 1701 reserves covering a total area of 3437,41 sqkm, and representing the 0,36% of provincial territory /944.735 sqkm).

A final data can give an imagine of complexity: 49% of indigenous population live in reserves and 25 % of non indigenous population live in reserves.

Looking from an actor point of view it appears immediately as the aboriginal society is organized/divided into many ethnical organizations (bands and tribal councils) on one side, and in many organizations dealing with specific issues or problems on the other side. So there are organizations dealing with art and culture, education, health, housing, woman, family, youth.

From a territorial point of view, considering the majority of aboriginal population lives outside the reserves, any aboriginal policy developed starting from the territorial rights can not achieve the welfare of all aboriginal population, and on the other side it have effects on non-aboriginal population living inside the reserves.

At moment 116 Indian Bands on 198 are involved in treaty processes. The BC Treaty Commission is the only experience existing at international level and the reconciliation processes developed in British Columbia represent key case studies to test theoretical models and tools in the issues of eco-citizenship and inclusive decision making.

1763 Royal Proclamation decrees that Indian peoples should not be disturbed in their use and enjoyment of the land. The proclamation also states that any land held by Indians is to be purchased by the Crown only — not by individuals — and that all purchases have to be agreed on by the Indian people and only after an open negotiating session.
1850s James Douglas, as Chief Factor of the Hudson's Bay Company and then as governor of the Crown colony of Vancouver Island, arranges 14 treaties to buy 358 square miles of land on Vancouver Island.
1860s Lands commissioner Joseph Trutch prohibits the pre-emption of Crown land by aboriginal people and denies the existence of aboriginal rights or need for treaties.
1876 Canada's Parliament passes the Indian Act to regulate most aspects of aboriginal peoples' lives.
1880 Government begins to remove aboriginal children from their families, placing them in residential schools.
1884 Parliament outlaws the potlatch, the primari social, economic and political expression of some aboriginal cultures.
1887 Nisga'a and Tsimshian chiefs travel to Victoria to press for treaties and self government. They were turned away.
1890 Nisga'a create the first Nisga'a Lands Committee.
1899 First Nations in northeastern BC sign on to Treaty 8, extended from Alberta.
1913 The Nisga'a Nation petitions the British Privy Council to resolve the Land Question.
1927 The Canadian government makes it illegal for aboriginal people to organize to discuss land claims.
1931 The Native Brotherhood of BC forms to secretly discuss land claims.
1949 British Columbia extends the provincial right to vote to male native Indians, two years after it adopted otherwise-universal male suffrage and dropped property requirements.
1951 Responding to international human rights criticism, the Canadian government amends the Indian Act to remove anti-potlatch and anti-land claims provisions.
1960 Aboriginal people gain the right to vote in federal elections. The phasing-out of residential schools begins.
1973 In a landmark decision in the Calder case, the Supreme Court of Canada holds that aboriginal title did exist but is split on whether it continues to exist. The federal government establishes its "comprehensive claims policy" to address the issue of the continued existence of aboriginal title and initiates negotiations with the Nisga'a.
1982 The Constitution Act recognizes and affirms aboriginal and treaty rights — both those that exist and those that may be acquired through a treaty.
1991 BC Claims Task Force recommends a six-step treaty negotiation process. British Columbia recognizes the existence of aboriginal rights.
1992 Federal and provincial governments and First Nations Summit establish BC Treaty Commission.
1994 Canada recognizes the inherent right to self government as an existing aboriginal right within the Canadian Constitution.
1996 The Nisga'a Tribal Council and the governments of Canada and BC sign an agreement in principle as a foundation for negotiating BC's first modern treaty. (These negotiations occur outside the BC treaty process.)
1997 The Supreme Court of Canada issues the landmark Delgamuukw decision, which confirms that aboriginal land title is a right to the land itself — not just the right to hunt, fish and gather.
1998 Nisga'a approve Final Agreement but face criticism from some of BC's non-aboriginal population and also court challenges from the BC Liberals and the BC Fisheries Survival Coalition.
1999 BC and Canada ratify the Nisga'a Final Agreement. Sechelt Agreement in Principle is signed, marking the beginning of talks to conclude a treaty.
2000 The Nisga'a treaty becomes law. BC Supreme Court rules Nisga'a treaty and enacting legislation are constitutionally valid. BC Supreme Court rules that self government is a constitutionally-protected aboriginal right.
2003 First Nations Lheidli T'enneh Band, Maa-nulth First Nations and Sliammon Indian Band ratify agreements in principle with the governments of Canada and British Columbia.
2004 Tsawwassen First Nation ratifies an agreement in principle with the governments of Canada and British Columbia.
2005 Yekooche Nation ratifies an agreement in principle with the governments of Canada and British Columbia.
2005 The Supreme Court decisions in Haida and Taku confirm the BC government must consult with, and if necessary

Table 1. A brief history of aboriginal relations (British Columbia Treaty Commission, 2006b)

Figure 1. Two poster prepared by the British Columbia treaty Commission (BCTC) for the communication about treaties. In the left the "Eagle" with the title "In the treaty making we take the long view". In the right the "Bear" with the title "A fair treaty is written not jut on paper but on land itself".
BCTS are developing many materials for information and effective communication about treaties.

Figure 2. The cover of the final agreement of the Tsawassen First Nation signed the 8th of December 2006 between the Canada State, the Province of British Columbia and the Tsawassen first Nation.

Figure 3. (Below) Two images of the Tsawassen territory. The plate at the entrance of territory informing that "All individuals entering the village are subject to federal laws as well Tsawassen First Nation bylaws". The other pictures show some houses bordering the sea. The Tsawassen community is located near the ferry terminal connecting city of Vancouver with the provincial capital Victoria. (photos M. De Marchi, M. Ruffato, august 2007)

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