



Analysis of the British Columbia Treaty Referendum Questions

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March 2002

About the Centre for Aboriginal Policy Change

The Centre for Aboriginal Policy Change (the Centre), was founded in 2002 to provide a permanent and professional taxpayer and democratic advocacy presence to monitor, research and offer alternatives to current aboriginal policy and court decisions under the guiding principles of support for individual property rights, equality, self-sufficiency, and democratic and financial accountability.

The Centre's five-fold mandate is:

1. *Demand Accountability for Money Spent* – billions of tax dollars are spent by governments each year – with little accountability – in a seemingly futile attempt to help improve conditions for Canada's aboriginal people;
2. *Thoroughly Examine Proposed New Treaties* – new treaties being signed along the lines of the Nisga'a template will cost taxpayers untold billions of dollars. In addition, existing treaties are being reopened. Land ownership and resources in Canada are increasingly becoming a Pandora's Box;
3. *Support the Equality of Individuals* – Fishing, paying tax and voting are increasingly being assigned on the basis of racial ancestry;
4. *Track Government Policies and Court Developments* – aboriginal-related legislation and court decisions with significant long-term ramifications are coming down virtually every day; and
5. *Offer Positive Alternatives* – efforts to watchdog and critique are of little value without providing positive, proactive alternatives to the status quo.

In addition to fulfilling its mandate, the Centre will publish a minimum of one position paper each year, make presentations to government committees and legislative hearings, and be available for media comment.

Aboriginal issues are a growing area of public policy. Billions of tax dollars are spent each year of which little seems to be properly accounted for or find its way to people it is intended to help. The implications of treaties, in particular, will change the landscape of Canada for all time. The Centre is dedicated solely to examining current aboriginal policy and court decisions from the perspective of those – native and non-native – who will pay the bill: the taxpayers.

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Introduction:

In general, the Centre for Aboriginal Policy Change supports the BC treaty referendum. Treaties, similar to diamonds, are likely to last (almost) forever; therefore, treaty principles are too critical *not* to solicit the opinions of British Columbians.

What follows are the Centre's responses to the 8 treaty referendum questions.

Analysis:

1. Private property should not be expropriated for treaty settlements.

Secure private property rights are the foundation for wealth creation and all its benefits: jobs, prosperity – and lest we forget – even the tax revenues that pay for \$10 billion now directed every year to aboriginal peoples by Canadian governments.

To date, the BC Treaty Commission and the federal government only consider using privately held land to settle a land claim if there is a clear willing seller and willing purchaser: That policy should be reinforced by the public. Vote 'yes' on Question One.

2. The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.

Resource development (and the jobs for native and non-natives that go with it) has been increasingly disrupted by aboriginal land claims over the past decade. Supposedly secure tenure rights have been thrown into question. To be fair to treaty claimants, taxpayers, and commercial interests, and for investors to be attracted to British Columbia, guarantees are needed that reduce an investor's exposure to losses due to land claims. Vote 'yes' on Question Two.

3. Hunting, fishing and recreational opportunities on Crown land should be ensured for all British Columbians.

This question is problematic. Even if the citizens of British Columbia answer 'yes' to this question, what will stop the government from allotting 9 fish out of every 10 for a native-only fishery and yet arguing it has "ensured" some "opportunities"?

B.C.'s beautiful landscape should be accessible to all citizens of the province. That said, to ensure the ongoing sustainability of our fish stock and wildlife, it is imperative that definite hunting seasons and catch limits apply to all citizens regardless of ancestry. Vote 'yes' on Question Three, but tell the politicians that equal access must be guaranteed for all.

4. Parks and protected areas should be maintained for the use and benefit of all British Columbians.

The same reasoning applies here as applies to Question Three. Beautiful B.C. really should belong to everyone. Vote 'yes' on Question Four.

5. Provincewide standards of resource management and environmental protection should continue to apply.

At a minimum the provincial resource management and environmental protection standards should be upheld. Vote 'yes' on Question Five.

6. Aboriginal self-government should have the characteristics of local government, with powers delegated from Canada and British Columbia.

Existing aboriginal governments often influence and even control many aspects of a resident's life i.e., on-reserve employment, housing, social assistance, and education to name but a few. This combination – of an enormous amount of influence with few checks and balances – has led to abuses of power. In some cases, it has even resulted in corruption. The local government model has established checks and balances, thus providing the degree of certainty and accountability for citizens. Such government, because it is delegated, is also changeable if the governance structure is not working properly. Vote 'yes' on Question Six.

7. Treaties should include mechanisms for harmonizing land-use planning between aboriginal government and neighbouring local governments.

Imagine if your local grocery store was co-managed by the province, a municipality and a local manager. The opportunity for errors, mismanagement, and misunderstandings is enormous – not to mention the degree of red-tape. The same is true for the resource sector. The current provision for “co-management” of timber, minerals and fishery resources creates an environment ripe for disagreements and additional bureaucracy. While some forms of government overlap are unavoidable, it is not clear that “harmonization” will help unless there is also a clear line of authority, i.e., where does the buck really “stop”? Vote 'yes' on Question Seven, but tell the politicians that a clear line of authority must be established.

8. The existing tax exemptions for aboriginal people should be phased out.

Currently, only aboriginals living and working on reserves are exempt from paying taxes. All Canadians need and deserve tax relief and tax reform, but such policies must be based on the principle of fairness. Taxes should be based on income, meaning if people do not pay taxes it should be because they are too poor to pay not because of their ancestry.

Taxation at all levels, municipal, provincial, federal should be phased in for aboriginals. As it is now, an unfair competitive advantage for aboriginal businesses is emerging. For example, aboriginal owned malls situated on reserve land can have aboriginal employees not subject to payroll tax, and therefore not as expensive to the employer as in the case of an off-reserve employer and employee. In addition, these stores – when aboriginally owned - are able to purchase their merchandise and supplies tax free. As a result these businesses are able to provide goods and services at a lower cost than non-aboriginal businesses. Vote ‘yes’ on Question Eight.

Conclusion:

This referendum isn't about racism or rights; it's about a political bargaining position for the provincial government. Clarifying the position of the citizens will provide a concrete set of principles for the province's treaty negotiators. This is not to assure that all treaties will be identical. The historical and current situation of each aboriginal claim is unique. Variations will likely occur in order to reach agreement, but all parties involved in the negotiations need to know where each other stands, this will be provided if the majority of British Columbians provide clear direction in a referendum.

Treaties are made between groups of people or collectives – in British Columbia treaties are made between the federal and provincial governments and aboriginal people. All parties, aboriginal, provincial and federal negotiators alike, will know precisely what fundamental principles the province will or will not negotiate. Hopefully this clarity, within a few years, will bring finality to the treaty negotiation process in British Columbia.