

MP says he must vote against TFN treaty

John Cummins contends lack of scrutiny and public debate has failed to reveal dangerous flaws in deal

John Cummins
Special to *The Delta Optimist*

Saturday, October 13, 2007

Our most basic democratic principles and values will once again be under attack as our two senior governments move to ratify the treaty with the Tsawwassen First Nation.

On July 25, less than 200 Tsawwassen band members participated in their referendum on the terms of the treaty with Canada and B.C. A majority of the band approved the treaty in a vote that was tainted by promises of \$15,000 cash payments and other enticements not permitted by law in any other jurisdiction in Canada.

None of the million or so non-band residents in the area the treaty refers to as Tsawwassen Territory, an area stretching from the Gulf Islands to Langley and Maple Ridge, will have an opportunity to vote on the treaty. In fact, other than Tsawwassen band members, no ordinary British Columbian and no Canadian will have an opportunity to vote on this precedent-setting agreement that will have far-reaching consequences for us all.

Equally disturbing, the terms of this agreement were negotiated behind closed doors with next to no meaningful consultation with those most impacted by the treaty and significantly no formal direction from either the provincial legislature or the federal Parliament.

At the time of the ratification votes in the B.C. legislature and in Parliament, ceremony and celebration will eclipse any serious consideration of the terms of the agreement. There will have been no thoughtful discussion of the intent of the treaty and no clause-by-clause consideration of its content; in fact, no real debate.

We will be ignoring the long-term implications this treaty might have on the way we all govern ourselves in this country, whether we are aboriginal or non-aboriginal, whether we live on the former reserve lands governed by the new Tsawwassen government or live and vote in municipalities within the new Tsawwassen Territory.

We will be setting a precedent for a new relationship between our long-standing elected governments and a new order of government created by the treaty -- all without any serious public discussion or parliamentary debate.

An unexpected flaw is the treaty doesn't create real opportunities for aboriginal people. It will simply transfer dependency from the federal government to the new band government but without any safeguards to ensure an equitable distribution of benefits and opportunities.

This treaty will create a company town where the band government controls or owns virtually all of the jobs and resources. The type of collectivist government structure that will govern the Tsawwassen and that will serve as a model for future treaties is one devised by the elites on all sides who participated in the secret negotiations.

This treaty bears little resemblance to the traditional free democratic governing systems by which we govern ourselves and under which a free enterprise economy allows us all to flourish. Where in this treaty is there provision for individual rights and initiative?

We will find out too late if the structures created by this treaty will withstand the pressures of corruption, be resilient enough to provide opportunity and ensure the protection of political and civil rights, all the while co-existing in the larger world where individualism, individual rights and a free enterprise economy are at the heart of our democracy.

Once ratified the treaty will have constitutional status and as such, will be virtually impossible to change. We will only be able to watch as trial and error exposes the failings of a collectivist model for economic and political rights embodied in this treaty.

We all know that such experiments have proved disastrous for the freedoms of people in other countries that have put collectivism ahead of individual rights and initiative.

Moreover, the lack of serious scrutiny and open public debate about this first-of-its-kind urban treaty will mean that non-aboriginal people will never be able to ask the serious questions about the value of the trade-offs made to reach the settlement and their long-term costs to our way of life in our local communities.

Whether as MPs or as residents of the Lower Mainland most impacted by the treaty, we won't have had an opportunity to explore whether the treaty-making process itself, as evidenced in the Tsawwassen negotiations, represents the Canada we desire for ourselves and for our children.

We will not have had the opportunity to consider the disenfranchising of the 500 or more non-Tsawwassen living in the three housing developments on the former reserve lands now to be governed by the new Tsawwassen government, a government in which they cannot fully participate. These non-aboriginal residents on the former reserve lands may no longer have the same opportunity to vote for those to whom they pay their municipal taxes.

We won't have the opportunity to explore the impact on the rights of the million or so non-Tsawwassen band members living in communities from the Gulf Islands to Langley and Maple Ridge in the area designated by the treaty as Tsawwassen Territory. We won't have had the opportunity to consider the overlapping claims from other bands to the area that now forms the Tsawwassen Territory.

We won't have the opportunity to consider the impact on the Fraser River fishery as this and future treaties largely exclude all persons without treaty rights.

We will not have had the opportunity to consider whether the loss of farmland and wildlife feeding areas will be a tipping point leading to further destruction.

We will not have had the opportunity to consider if the treaty was more about providing an easy way to expand the Roberts Bank port with its road and rail corridor than providing a just and final settlement of aboriginal claims.

These are some of the fundamental questions that need answers now -- questions which our children and grandchildren may answer with some regret generations from now and may question where we stood when the mistakes were made.

Some may be surprised to know that as the MP representing the area most impacted by the treaty that my input was not sought when the treaty was negotiated, nor has any effort been made to convince me of the worth of the final agreement. I will simply be expected to vote for it.

To comply with this expectation would be to do a disservice to my constituents, both aboriginal and non-aboriginal, a disservice to the people of my province and country. I will not do that.

© *The Delta Optimist* 2007