

TFN deserves better than gov't vote-buying tactics

MP says province resorting to bribery to get deal ratified

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Governments act as if it is permissible to bribe Indians to get the result they want in the Tsawwassen treaty ratification referendum. It is an insult to natives and to Canadians when governments act as if Indians don't count.

When longtime Tsawwassen band member Bertha Wilson, in her letter to the prime minister, listed some of the corrupt practices used, B.C. Minister of Aboriginal Affairs Mike de Jong admitted her litany of bribes was all true and claimed that everything was permissible because these unscrupulous activities would help Tsawwassen band members to better appreciate the advantages of the treaty.

While the minister claims his hiring of election "consultants," his offering of free trips, his provision of funding to the band to promote the "Yes" side and the \$15,000 grant to band seniors should the "Yes" side win are all in the public interest, he has never provided the same funding to give band members a critical analysis of the impact of the treaty on their future quality of life.

Make no mistake, the treaty is directly linked with the B.C. government's promotion of the Roberts Bank port expansion in the Tsawwassen front yard and the storage of thousands of containers on treaty lands in the Tsawwassen backyard.

Has the B.C. government advised the community the treaty and related port expansion may make existing homes on the port side of the community uninhabitable? Has the B.C. government explained how the development of the new 24-track rail yard on nearby farmland will negatively impact the homes of many of the longtime Tsawwassen band members?

The federal government, which also has been discretely spending money to advance one side, has been silent when confronted with the Wilson letter.

Both governments should know better. The federal government has a constitutional obligation to act in the best interests of aboriginals. The Supreme Court has described this "fiduciary responsibility" as a duty "to prevent exploitation."

That special obligation to aboriginals binds the federal government in its own interactions with aboriginals and includes a responsibility to protect aboriginals from fraud perpetuated by third parties, including by the B.C. government.

The federal government has a duty to ensure that no one undermines or interferes with the right of Tsawwassen band members to vote freely. It is a duty it has failed.

The band government is in effect the "Yes" committee, so is not in a position to act as an impartial arbiter to protect the integrity of the referendum.

If this were a federal referendum, Elections Canada would use the federal Referendum Act of 1992 to prosecute:

- Anyone who offers a bribe to influence a voter;
- Anyone other than registered referendum committees who spend more than \$5,000; and

- Registered referendum committees who spend more than 56.4 cents per voter (in 1992 dollars).

If this were a provincial referendum, Elections B.C., a non-partisan office of the B.C. legislature, would use the B.C. Referendum Act of 1996 to oversee the referendum.

Premier Campbell has announced there will be a second referendum on electoral reform to be conducted at the same time as the 2009 provincial election. He has given an undertaking there will be public funding of "Yes" and "No" referendum committees and neutral public information available from the Electoral Boundaries Commission.

That implies the B.C. government will stay out of the promotion of one side or the other, something the minister has failed to do in the Tsawwassen treaty ratification referendum.

Tsawwassen band members must be accorded the rights of Canadian citizenship by the federal government, namely the right to vote in a referendum without other levels of government engaging in corrupt practices that undermine the free exercise of their right.

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