

BC TREATY COMMISSION PRESENTATION

Commissioner Michael Harcourt

Aboriginal Financial Officers Association of BC

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Check Against Delivery

Thank you for this special opportunity to talk about money.

I assume you are all interested in money and that's why you are financial officers.

Really though, sound financial management is important to everyone – an individual, an organization or a First Nation. Your job is extremely important and that is particularly true when we are talking about treaties.

Treaties will bring a major cash injection, new investment and new opportunities.

I want to start with some really big numbers – the dollar value that I attach to the economic benefits of treaties.

How does ONE HUNDRED AND FIFTY BILLION sound?

My mission, in the six months I have left as a commissioner is to get as many people as I can to ask themselves the question: Are we ready?

Are we ready for treaties? Are we ready for a piece of that \$150 Billion? Are we ready to take advantage of those economic opportunities?

What I've learned in three-and-a-half years as a treaty commissioner is that many First Nations are not ready for treaties.

But it's not just First Nations who are not ready. It's the Government of Canada. It's the Province of British Columbia. It's local and regional governments. It's businesses.

I'm a recovering politician.

So, I know from years of experience that you need a plan if you hope to be successful.

A treaty will create the legal and financial infrastructure for governance.

Self government, achieved through a treaty, can and will contribute to wealth creation.

A First Nation won't find this contemporary benefit through the Indian Act or through consultation and accommodation.

The aim of a treaty is to comprehensively address self government jurisdiction, structures and controls, as well as define assets and ongoing financing.

Effective self government means there is good governance. And there is no other way to get it than through treaty making.

A treaty is the most effective way to build intergovernmental relationships with Canada and with BC.

A treaty can provide the impetus for similar arrangements with local and regional governments.

I know there will continue to be debate about the best course of action for a First Nation.

Some First Nations will continue to wait and see what transpires in treaty negotiations. Others will continue to assert title and make arrangements where possible.

But there are many First Nations prepared to negotiate a comprehensive treaty which addresses self government and land and resource issues.

We know from experience that in negotiations, no one party will get everything it wants. But that is the nature of government-to-government negotiations.

A treaty is protection from some of the things that happened in the past being repeated.

A treaty is a success because it means a larger land base, more economic opportunity and self government.

I believe community conditions do have a better chance of improving with a treaty than they would under the Indian Act.

A treaty means the First Nation is taking the reins, their people no longer wards of the federal government and its failed policies. The First Nation no longer has to look over its shoulder every time its people want to do something.

I want to repeat the words of Chief Commissioner Steven Point from our 2006 Annual Report. This is what he said about planning.

He said, "Once the ink has dried on the treaty and the negotiators go back to their respective corners, the arduous task of treaty implementation will begin. Self government will be at the centre of this new stage of the treaty process.

"Stage 6 is just around the corner and it is time to give serious consideration to whether the parties are ready. I am now convinced that planning for implementation should take place sooner rather than later.

In planning for implementation a First Nation will be better able to see what its needs will be in areas like human resources, training and sustainability."

Steven went on to say "by planning ahead for implementation we can inform Stage 5 negotiations by determining whether positions taken are, in fact, practical and whether the treaty is a suitable tool for change."

If a First Nation wants to have a soft landing after the treaty is signed and the negotiators go home, then there needs to be a plan.

The plan I have in mind addresses:

- Vision;
- Structure for governing; and
- Capacity to govern.

Vision can be captured in a Comprehensive Community Plan, which I will talk more about later.

Structure is what a First Nation will need to make the transition from Indian Act band to self governing, self sufficient First Nation.

Capacity to govern is having the people with the training and knowledge to run a government.

Here's a modern-day example of what I'm talking about. Probably the most sensitive issue the Nisga'a had to deal with when their treaty came into effect was the annual budget.

A budget is all about priorities. And how the representatives of the Nisga'a Lisims Government House could come to an agreement on what those priorities should be.

The Nisga'a have grown to a point where there is a bottom-up process right from the first stages of setting the budget to bringing legislation into their House.

The Nisga'a say that was a very trying exercise in the first two or three years. It's much more refined now at all levels. It's more inclusive: it engages the communities and it is an example to each citizen of their responsibility to contribute to how productive or how positive their government can be.

Nisga'a Government Chairperson Kevin McKay said, "If we can trust each other on something as important to our communities as the budget of the nation and where the respective communities fit into that budget, then we should be able to trust each other."

Now I said earlier that everyone needs to be ready for treaties, not just First Nations, but all orders of government – federal, provincial, local and regional.

The provincial government has to reconcile its land use regimes. Planning and management must recognize First Nations. It must reflect the government's duty to consult First Nations and accommodate First Nations. This is equally true when its actions may have a negative impact, but also to include First Nations in decision-making on things that matter to the region in which they live.

There must be treaty provisions that deal with existing licence and permit holders and that address the long-term financial needs of the First Nation.

The Province must work with First Nations to improve outcomes in health, education, social and economic development, and justice.

The Government of Canada must have an orderly plan to dismantle its bureaucracy and transfer those responsibilities to First Nations and give them the authorities and capabilities to succeed.

The Government of Canada must work with First Nations and the provincial government to improve outcomes in health, education, social and economic development, and justice.

The Auditor-General has reported that First Nations must complete approximately 162 reports each year. Federal Treasury Board information reveals that First Nations must deal with over 35 federal departments and agencies to access over 400 First Nation services and programs. First Nations are being drowned in paper and rampant ad hocery.

We need to turn that system on its head. These departments and agencies and those 400 programs should be tailored to fit the First Nation Comprehensive Community Plan. Now there's a radical suggestion for the federal government to consider.

I said I would get back to the Comprehensive Community Plan. It's something I think every First Nation should consider.

Comprehensive community planning is a holistic process undertaken with broad community participation.

A comprehensive approach:

- Enables the community to establish a vision for its future and implement projects to achieve this vision;

- Helps to ensure that community projects and programs are thought through, make sense and are the best use of resources; and
- Integrates and links to all other plans the community has produced.

Through an effective plan:

- The community becomes more self aware, creates its own future and has the tools to adapt;
- The community identifies its priorities;
- Acts on the decisions it makes; and
- Is able to build better relationships with its neighbours

There are local and regional governments that are showing us the way to build better relationships with First Nations in this province. They have memorandums of understanding and communication protocols. They work together, share services and other infrastructure.

Good examples are Sliammon and Powell River and Lheidli T'enneh and Prince George.

Business has to step up its game, too. As I said earlier the potential economic benefits of treaties in British Columbia could be as high as \$150 Billion over next 20 to 25 years.

Business needs to work with First Nations to realize the opportunities treaties represent. Everyone benefits: the First Nation, the regional and provincial economies. There are some good business relationships we can all learn from.

I want to end with another passage from our 2006 Annual Report, this time from Nisga'a President Nelson Leeson.

First I should say that over the past six years since the Nisga'a treaty came into effect, they have learned that it does not pay to wait for a land claim or treaty.

They have learned that aboriginal people must work to build a better future while they work to secure a settlement.

They have learned that it is crucial to invest in and encourage occupational training, which ensures the right skills are available to the nation.

The Nisga'a are working to build their economic base and train their people now, a process they say they should have started long ago.

Their advice is not to wait for treaties to solve the problems First Nations face today, not to postpone taking action, but to improve and build capacity now.

Nisga'a President Nelson Leeson, in a speech earlier this year, said:

"For those of you who are still at the treaty table, negotiate hard to get the best settlement possible for your communities. However, work just as hard, or harder, to prepare for the day after.

"Spend as much or more time on self-criticism and self-evaluation as you do criticizing the other side. Land claim settlement is a just cause, but do not rest on that virtue. One day, the long journey to a settlement will be over. Will you be ready?

"We have to roll up our sleeves and get to work. In terms of development, aboriginal people are so far behind it is going to take generations to catch up.

"We need to ask more of ourselves and our children, not less. We need to establish and hold ourselves to a higher standard, not cling to old grievances.

“The implementation stage is when the spotlights go up and the eyes of the world are upon you. Fair or not, as far as the rest of society is concerned all the roadblocks to success have been removed.”

These are the words of a man who has been there.

Are you up to the challenge? Do you see the opportunities?

Only you can answer that.

I wish you well on your journey to find the answer.

Godspeed.

Now, I will be happy to answer any questions you may have.

