

**British Columbia Treaty Commission
Presentation to
House of Commons
Standing Committee on Finance
Pre-budget Consultations
Ottawa, Wednesday, October 28, 2009**

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Introduction

The British Columbia Treaty Commission is grateful for this opportunity to appear before the Standing Committee on Finance as the Government of Canada considers various measures to ensure prosperity and a sustainable economic, social and environmental future.

The BC Treaty Commission was established in 1992 by agreement of the governments of Canada and British Columbia and the First Nations Summit to act as the independent body responsible for facilitating treaty negotiations. Unlike in the rest of Canada – treaties remain unfinished business in BC, resulting in a continuous cloud of uncertainty over the land and economy.

This is the first time the BC Treaty Commission has appeared before this Committee. We do so, after 16 years, to emphasize to the Government of Canada the direct economic benefits of completing treaties. We do so because we believe that by accelerating treaty completions, the Government of Canada will be making an investment in British Columbia that will create a lasting economic benefit for all British Columbians and for Canadians.

Issue

Several independent studies completed over the past decade have identified the significant economic benefits to British Columbians and Canadians from completing treaties with First Nations in our province.

The BC Treaty Commission's most recent report on the economic impact of treaties will soon be released and it will confirm that the benefits are substantial. The valuations in the report are based on the three treaties that Canada has recently completed in British Columbia, two of which have been ratified.

If, for example, we were able to complete two treaties rather than one each year for the next 15 years, the net benefit doubles to \$2 billion and wage income doubles to more than \$7 billion.

Post-treaty, First Nations become self-supporting through their own taxes and earnings and will rely less on federal transfers. By settling treaties sooner, the federal government saves the costs incurred through prolonged treaty negotiations.

In addition there are the lost opportunity costs identified in an earlier study as \$1.5 billion annually.

Settling treaties now results in greater benefits being delivered sooner to First Nations and British Columbians and creates a multiplier effect in the economy.

In light of this new study, copies of which we will provide to Committee members in the next few weeks, and considering the call for innovative economic solutions by the federal parliament during the current economic downturn, we are asking the Government of Canada to do its part to accelerate treaty completions.

There are three actions the Government can take to finalize a number of treaties that are close to completion. We believe that completion of these treaties will result in a treaty completion stimulus effect throughout our province and Canada that will greatly benefit aboriginal and non-aboriginal Canadians.

Recommendations

1. The Government of Canada re-affirm its commitment to the BC Treaty Process

As the Auditor General of Canada noted in 2006, it is taking more time than originally estimated to negotiate treaties with all First Nations currently participating in the BC Treaty Process. In 1992, the federal government expected that all claims in British Columbia would be resolved in the year 2000. Clearly, that hasn't happened. The Government of Canada needs to reconsider the way it manages treaty negotiations so that we can pick up the pace.

- We seek a statement by the Prime Minister, recommitting the federal government to the BC Treaty Process with the goal of removing barriers to the settlement of treaties that are in their final stages.
 - This would send a strong signal to the various federal line ministries that the full weight of government focus and resources is backing this priority.
 - The recent passing of the Maa-Nulth First Nations Final Agreement in record time, with all Party support, by the House of Commons and Senate is an excellent example of the sort of effort that is required in the months ahead.

2. Timely completion of the West Coast Fisheries Review

- One barrier to completing treaties in BC is the lack of a fish mandate at local table negotiations. Canada's negotiators are prevented from discussing fisheries issues pending completion of the West Coast Fisheries Review. One treaty would be completed immediately if the fish issue was resolved and progress in seven more would be swift.

The Auditor General noted, again in 2006, that departments and agencies do not always provide timely responses about their treaty positions.

- Completion of the West Coast Fisheries Review is long overdue.
- A return to the negotiating table with a strong “fish” mandate from Canada's negotiators is urgently needed.

3. Provide a mandate to Canada's negotiators to remove other important barriers to treaty completion.

According to the Auditor General, the process of seeking a specific mandate – the federal government's detailed instructions for each treaty – or revisions to a mandate is lengthy, which can slow the pace of treaty negotiations. A fair amount of federal negotiating resources and time are spent trying to resolve internal differences within the federal government.

According to some officials, treaty negotiations are one of the most controlled and inflexible processes in the federal government. Other officials observed that this process is structured as if the main risk faced by the federal government in treaty negotiations is that of deviating from existing mandates, rather than that of not signing treaties.

- Important unresolved issues have stalled treaty tables close to treaty completion. Federal negotiators require clear mandates that are structured to achieve treaties.

Conclusion

The BC Treaty Commission believes that resolving these critical issues in an expeditious manner will unlock a treaty completion stimulus effect that will help to boost the economy for the benefit of all British Columbians.

What is required now is the continued leadership of the Government of Canada to see these recommendations through.

We ask the Standing Committee on Finance, to consider in your report to Parliament, the importance of achieving the economic stimulus effects that will result from completing treaties in British Columbia.