



FIRST NATIONS SUMMIT

First Nations Summit's Views on the Province Wide Referendum on Treaty Negotiations

Shortly after being elected, Premier Gordon Campbell indicated that the provincial government intended to honour its commitment to hold a province wide referendum on the principles of treaty negotiations in late 2001 or early 2002. The Premier has indicated that the proposed referendum is not about Aboriginal rights or title which are protected under Section 35 of the Constitution.

The Select Standing Committee on Aboriginal Affairs, which is made up entirely of Liberal party MLAs, has been charged with overseeing the development of the referendum question(s). The Committee will be conducting public hearings around the Province during the month of October 2001 and accepting written submissions until November 2, 2001. The Committee will provide its report and recommendations to the Legislative Assembly no later than November 30, 2001.

The First Nations Summit is completely opposed to any referendum on treaty negotiations. A referendum will only create divisions and contention in the province. Further, the moral and legal rights of one group (First Nations) should not be determined by a majority. We cannot emphasize or repeat too many times how divisive the referendum will be.

We have difficulty in seeing the usefulness of such an undertaking when many First Nations have reached the advanced stages of negotiations. We cannot see how First Nations can return to meaningful negotiations while the referendum process is under way. Mr. Campbell has written to First Nations stating, ...*"It is important for me to be clear that this is not a referendum on Aboriginal rights or title. My government recognizes that Aboriginal rights exist, and are protected by Section 35 of the Constitution."* That being said, how will a referendum be instructive to the negotiations process? In our view the only result will be further delay to negotiations, which means continued uncertainty for all of us and mounting debts for First Nations.

First Nations are not interested in prolonging negotiations; we just want to conclude this unfinished business as soon as possible so that we can all get on with the rest of our lives. The referendum process was unilaterally imposed by the BC government and is not supported by First Nations in the treaty negotiations process. Furthermore, First Nations will boycott the referendum vote.

Following are First Nations' messages concerning the settlement of the land question in British Columbia.

- First Nations have inherent rights that have been recognized and affirmed in the Constitution Act of Canada as well as in numerous court rulings (including the Supreme Court of Canada).
- First Nations' preferred approach to resolving issues with Canada and BC is through reconciliation of Crown title and Aboriginal title. This means that First Nations and the governments need to work together to determine how Crown title and Aboriginal title will co-exist.
- First Nations will continue to pursue good faith negotiations as the proper course to reconciliation. First Nations believe that negotiation, not litigation or confrontation, is the best way to achieve reconciliation.
- First Nations will continue to work to improve the process of treaty negotiations and urge the provincial and federal governments to remove government-created obstacles to the process to ensure the treaty process proceeds on an efficient, results-oriented basis to enable agreements to be concluded in a timely manner.
- First Nations see the need for all key issues to remain on the negotiating tables in order for progress to be made. The inherent right of self-government must remain on the table as it is one of the fundamental underpinnings of the BC Treaty Process.
- First Nations stand by the 1991 BC Claims Task Force Report and the 19 Recommendations accepted by the First Nations Summit, Canada and British Columbia. The Report is still of relevance today and should be considered the 'blueprint' for a successful negotiations process.
- First Nations do not believe any meaningful public input can be provided through a one-time referendum. The governments' own consultative processes need to be revamped and improved to ensure ongoing public input into the negotiations process.
- The moral and legal rights of one group (First Nations) should not be determined by a majority. This is especially true when we are talking about constitutionally protected rights.
- A referendum will only create divisions and contention in the province. There is a potential for an escalation in racism and bigotry which could have direct adverse implications in the education system, especially on Aboriginal children.
- A referendum has the potential to further stall or incapacitate the current treaty process, in

which the governments of BC, Canada and First Nations have invested many years.

- The referendum process could further intensify the current economic instability in the province. This uncertainty would continue to hinder potential economic development in the province.
- Public education is a vital component to the treaty negotiations process. Increased public education initiatives and more timely and factual information is required to ensure public support for the treaty negotiations process. First Nations are committed to increasing public education and public information programs.
- First Nations' contributions to the development of this country and this province need to be recognized. As well, the rights of First Nations people need to be acknowledged. This can be achieved through a public education process.
- First Nations do not support and will boycott the unilateral BC Government sponsored referendum.
- First Nations will not vote in a referendum sponsored by only one party to the BC Treaty Process.