

Tsawwassen First Nation Final Agreement Act – Second Reading

Premier Gordon Campbell

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I am pleased to rise today in the traditional territories of the Songhees and the Esquimalt First Nations and in this place that we call the Legislature, the parliament, the voice of the people, of all British Columbians, to say without equivocation that I am in favour of this first modern, urban treaty with the Tsawwassen First Nation, as it opens the door to a brand-new future.

This treaty breaks through the barriers of dependence and is founded on two words: self-determination. Within those two words are the strength, the vision, the independence, the optimism, the responsibility and the opportunities of the Tsawwassen First Nation. It opens the door to a future which they have imagined, which they have decided on and which they are ready to pursue.

As I stand here today, I do think it's important for us to reflect on the long road the Tsawwassen First Nation has travelled. In 1914, a Tsawwassen chief actually petitioned the government to acquire the rights and title to their lands. That great leader left behind him a sense of responsibility and hope for the First Nation he led. His name was Chief Harry Joe. He did that in 1914 to the McKenna-McBride Commission. Today, I am pleased to be in the presence of his great-granddaughter, Chief Kim Baird.

Chief Baird reminded us, when she spoke in this House on behalf of her First Nation, that this treaty reflects the Tsawwassen's vision for their future. This treaty reflects the work of the elders, the councillors and the negotiators of the Tsawwassen First Nation with negotiators from the Province of British Columbia and the Government of Canada. Most importantly, this treaty is an inspiration to future generations of the Tsawwassen First Nation, one which reminds them of all they can be and all they will be in British Columbia.

For her leadership, let me say thank you on behalf of all British Columbians, for she is not just an exceptional chief of the Tsawwassen; she is an exceptional British Columbian and a truly great Canadian.

This treaty is a triumph of negotiation, of reconciliation and, above all, of self-determination. It is about a First Nation that has said: "We will make our own future. We will take command of the decisions we make as we build the kind of future we want for our children and for their children that will follow them."

Together we say, across our province, that this is a very important beginning. This is the first treaty to be brought to this House for ratification under the B.C.

Treaty Commission process. It has been a long and arduous process. It has taken patience, it has taken persistence, and it has taken true drive. It has taken a First Nation willing to not just examine the strength of their ancestors, to not just reflect on the wisdom of their elders, but to talk about how they can seize the opportunities that today and tomorrow may represent for their First Nation.

This is about negotiation. It's about an effort to reconcile differences that may exist, and it has started with an open mind – with the willingness to listen; with the willingness to learn from one another; with the willingness to give as much as we take; and with the willingness to talk openly and find ways we can act together in harmony and build understanding. That is why it is so critical that we continue the path of negotiations with those First Nations who choose to follow this course of action.

We heard this week from some First Nations leaders that this was not the course they may decide to follow, and that is totally within their realm of responsibility to decide for each of their First Nations. But this treaty is what the Tsawwassen chose for themselves, and this treaty gives us an opportunity to work with them, to put the days of confrontation and litigation behind us and to look forward as we build reconciliation in the province.

We should all be proud of what the Tsawwassen have accomplished with our negotiators. Today, as I congratulate Chief Baird and her negotiating team, I also want to congratulate the negotiating team from the federal government and the provincial government, which worked to put into effect an agreement that could be approved and brought to this House for ratification. They have done yeoman's work, Hon. Speaker.

The Tsawwassen started this process in December 1993. In the fall of 2002, chief negotiators of all three parties agreed to work towards completion of a draft agreement-in-principle. In 2003, that draft was initialled. In March 2004, the Tsawwassen First Nation, British Columbia and Canada signed the agreement-in-principle at a ceremony at the Tsawwassen First Nation longhouse.

Tsawwassen initialled the final agreement with B.C. and Canada in December 2006, which was taken to their members for a vote on July 25, 2007. It was an open vote that encouraged all members to participate, to discuss, to debate and then to decide. Hon. Speaker, 69.5 percent of the Tsawwassen First Nation voted in favour of ratification.

I am confident that this treaty, this final agreement, will receive strong endorsement from this House, and I am confident it will continue to receive strong support as it travels the thousands of miles from here to Ottawa, where the House of Commons will be asked to provide its approval of the official treaty.

This treaty is about reconciliation, a process of coming to an understanding between the Government of Canada, the Province of British Columbia and First Nations.

Reconciliation is ongoing. It does not start with this treaty. It is simply the beginning of a journey of reconciliation – a journey that will build understanding, a journey where we find new ways to work with one another, to listen to one another, to learn from one another and to act in concert for the benefit of all those who will follow.

Reconciliation is an opportunity to bridge the gulf that has separated B.C.'s first citizens from the rest of our citizenry since this province was first founded. That gulf has divided us. It has impoverished Aboriginal Canadians. It has consigned them to a fate that still stands as the biggest blight on our national history.

For too long, First Nations have been a third solitude – one we often did not pay attention to. We barely noticed as a country, as a society.

I can tell you that in this province, we welcome and embrace the First Nations of British Columbia as one of our defining cultures, as many of our defining cultures, as people who will add to the quality of life of all British Columbians, enrich our lives and enrich our future. We will be a province that bridges the divide that has kept us apart and builds a future for every British Columbian, First Nations and non-First Nations alike.

There has been a gulf of opportunity, understanding and standard of living wrought by policies that kept us apart and denied the very existence of Canada's first founding nations as full and equal partners in our Confederation. It was a gulf of hope and equality, and it is a gulf we must now span.

We started that journey with the Charter of Rights and Freedoms, which sought to change that. For many years, the path toward reconciliation seemed to be broken by litigation, by confrontation. It was only after those years that we discovered – through the advocacy of our courts and our First Nations leadership – that the true path to the future, to reconciliation, was through negotiation.

The courts consistently told governments across Canada that their legal, moral and fiduciary obligations under the constitution required us not just to recognize but to respect aboriginal rights and title and aboriginal cultures across our country. They have told us we must consult and we must accommodate First Nations where their unique rights and title are affected. They have also told First Nations that they, too, have obligations in helping governments to respect their rights and in advancing the goal of reconciliation.

We want to move to a society of reconciliation, not because we must, but because respect, reconciliation and recognition will enhance all of our lives in

British Columbia and in Canada. When we acknowledge each other and when we respect one another and seek a shared vision, there is so much more we can accomplish as a society. Recent history has proven that when we work together, when we are open to new ideas, when we are open to new approaches and to new dialogue, we can make real progress.

As I have travelled on this journey in public life and listened and learned, I have become more and more convinced that there are many roads to reconciliation. Treaties are only one of those paths to reconciliation, but they are the ultimate vehicle to get us closer to that goal. Treaties help define and entrench constitutionally protected rights that provide greater certainty and confidence for all. They leave less doubt as to our respective obligations: what they are and what they are not. They provide and answer the questions of land title and rights.

They are the ultimate mutual affirmation and a constitutionally binding expression of what we understand, and how we can pursue and liberate the opportunities for all of us. I can tell you, Hon. Speaker, that this government, this party supports treaties that work for all British Columbians, First Nations and non-First Nations alike.

Over the last number of years, I have had the opportunity to build many personal relationships with First Nations leaders across our province. As I have listened and learned and reflected on their aspirations, I have shared their hopes and tried to map a course that will help us reach our mutual goals and realize the dreams of their people. Understanding and flexibility is a key to making progress, for it is the key to negotiation. Understanding and wholehearted acceptance of the fact that there are different ways of doing things is a critical component of building the long-term future of our province and our country.

One side doesn't always achieve all it wants. Reconciliation is a process that involves give and take, that obliges all parties to stand up for what they believe in – and I underline, to stand up for what they believe in – but also to do their part to honestly try and find a resolution.

That's what the New Relationship is all about. It's a sincere commitment from this government to find additional paths to reconciliation that can complement and, hopefully, also help advance the treaty process. Treaties are not the only way to forge that new relationship, because the new relationship is grounded on mutual respect, recognition and healing that ensures we honour the legal rights of Aboriginal Canadians.

Treaties are not the only way to help close the gaps in health care, education, housing and economic opportunity. They're at the root of our legal obligations. Believe me, I have learned a lot since my days as opposition leader when the Nisga'a treaty was brought to this chamber. I have not always been correct in my

views, but I have always been, and I will continue to be, willing to learn and to listen to the voices of goodwill that drive a better British Columbia.

Mr. Speaker, I can tell you this today. The Nisga'a treaty has not divided us from one another, as I had once feared. It has helped bring us together. It has helped build a better future for the Nisga'a First Nation, and that's something we should all applaud.

I want to stress this. I am proud of the distance we have travelled together, notwithstanding the challenges that it presented. I am more convinced than ever that the road to reconciliation cannot be imposed or achieved by shutting down debate or by trying to silence those who have different views.

The treaty before us is not a perfect document. As Chief Baird pointed out to us the other day, she has decided to pursue the good. The Tsawwassen people have decided to pursue a better future, not a perfect future. They are not willing to let the pursuit of perfection drive out the good in the lives of their children and their grandchildren for the future, and neither are we in British Columbia.

As we discuss and debate this treaty in this House, I would hope that every single member of this assembly has the right to speak their minds for their constituents and, most importantly, to speak their hearts for British Columbia, because it is only by opening this chamber to full discussion and full debate that we will provide the solid foundation for a future which every member of the Tsawwassen First Nation deserves.

There should not be a penalty for members of this House standing and speaking about what they believe. It is no more appropriate for that to happen in this Legislature, this House of the Province of British Columbia, than it would have been for Chief Baird to say to her people in the longhouse: "You may not disagree."

You must be able to stand up for your beliefs if we are to build the kind of future that we have. This is the place for an unfettered expression of people's sense of what we can do in British Columbia, and I would hope that every member feels and has that opportunity to speak in British Columbia.

I have had the privilege of being the Premier of this province for just a short period of time. But in that time, I have tried to learn, and we have tried as a government to reach out and find new opportunities to share with First Nations people. In 2001, we invited the First Nations Summit to come and meet with the cabinet – something that has been ongoing since that time. We established First Citizens Forums in 2002.

In 2003, in one of my prouder moments as a Premier, I traveled on behalf of British Columbians and Canada to Prague with the leaders and the chiefs of four

First Nations – the Squamish, the Tsleil-Waututh, the Lillooet and the Musqueam – to encourage the international community to award us the Olympic Games, and I am proud that every one of those four First Nations remains committed and are active proponents of Canada's Olympic Games.

In 2003, this government issued this statement of regret during the throne speech. It said:

"The future will be forged in partnership with First Nations, not in denial of their history, heritage and culture. It will be won in recognition of First Nations constitutional rights and title, not lost for another generation because we failed to act. It will be earned through reconciliation and mutual respect. It will be built with bold new approaches that will materially improve First Nations quality of life before and after treaties are concluded."

In March 2005, our government signed *The New Relationship* accord with leaders of the Union of B.C. Indian Chiefs, the First Nations Summit and the Assembly of First Nations, based on mutual respect and reconciliation, and recognition of aboriginal rights and title.

That same year, in Kelowna, we signed the transformative change accord. It outlined a path we would take to close the gaps in health care, education, housing and economic opportunity. We committed ourselves and our government to try to close those gaps by 2015. I again salute the First Nations Leadership Council for the drafting of that accord and for its co-operation in building that accord as we look to the future.

What's happened since that time? We have almost three dozen educational enhancement agreements with First Nations and school boards across this province, and they're showing real results. We signed Canada's first education jurisdiction agreements with the First Nations Education Steering Committee and the federal government recognizing the right of First Nations to make decisions about the education of their children.

We developed a \$65-million aboriginal education strategy to help aboriginal students start, stay and succeed in post-secondary education and training. We have an aboriginal internship program here in the Government of British Columbia to encourage young Aboriginal people to take a full and active part in our public life here and in the public life of their First Nations.

We have worked to close the health gap. We have had the first-ever national health summit of Aboriginals right here in British Columbia, the first-ever tripartite aboriginal health plan between the federal government, the provincial government and First Nations – a plan drafted by First Nations. We appointed the province's first-ever aboriginal health officer. We are going to close the health gap between aboriginal and non-aboriginal British Columbians, because we are

dedicated to doing that. We launched the \$6-million ActNow B.C. program to promote aboriginal health.

On top of that, we have, as a government, launched an effort to close the housing gap. The \$60-million to create 292 additional housing units in 10 communities across the province was in addition to the transfer of 3,000 housing units to aboriginal health authorities so they can decide how they are going to provide for aboriginal people across this province.

On top of that, we have four long-term agreements with the Blueberry River First Nations to support aboriginal participation and economic certainty in northeast B.C.'s oil and gas, mining and forest industries.

Land use plans with the Squamish First Nation, the In-SHUCK-ch First Nation, the central coast First Nations, and First Nations in the Morice planning area are going to create economic opportunities. They are going to establish a sound social base and protect cultural assets and environmental values.

We have forest and range agreements with 130 First Nations, which provide \$166.5 million in revenue and 24.4 million cubic metres of timber.

Reconciliation is a process that is done one step at a time, but it is done consistently. Last year, we resolved for the first time in the history of the province and settled with the Songhees and Esquimalt First Nations their claim relating to the lands upon which these legislative buildings sit.

An agreement-in-principle with the Tsay Keh Dene and the Kwadacha nations recognized the flooding that was caused and the impacts of the Bennett Dam in the northeast.

At the end of the day, this treaty is, as I mentioned, about self-determination, and there are so many reasons to support it. The most important is that the Tsawwassen people support it. It is their new lease on life, their ticket to the future. This treaty will provide the Tsawwassen people with land, finances, governance, resources to move forward and build a future for their children, and it will provide certainty and economic stability for their lands.

They have considered their history, their elders and the generations before them who struggled and said: "We must find a better way for our children." By taking control of their own destiny, they have found a better way. The treaty gives the Tsawwassen self-determination to reclaim their past traditions and carry those forward for their children.

The Tsawwassen were and continue to be accomplished fishers. Salmon and sturgeon were mainstays of their traditional diet. This treaty recognizes the established right of the Tsawwassen First Nation to harvest fish for food, social

and ceremonial use. It includes a long-term renewable harvest agreement for the commercial allocation of salmon and crab, and it gives them the authority to make laws to regulate their fish harvest, determining who participates and how harvested fish are distributed amongst its members.

It will provide them the land base and the cash necessary to build economic stability and security for their people. It will expand their land base from 290 hectares of their former reserve land to 724 hectares in the treaty. A total of \$70.1 million in land and cash value for the treaty provides a foundation for them to move forward on their own.

The Tsawwassen First Nation know what is best for their people, and they will now have the governance model that enables them to make the best decisions for themselves, their land and their resources, the education of their children, their health services, child and family services, peace and order, and traffic and transportation.

Treaties are about accepting personal responsibility by all levels of government and its citizens. It's about stepping up to the plate and asking: what can we do to build a better future? Are we willing to work and to take action today for the benefit of our children tomorrow? Are we willing to think long-term? Are we willing to go beyond next week and next year and think about the next generations?

In British Columbia and Canada, we all share a common goal: to build a better future for the generation to come, one where hope and prosperity are the norm and not the exception.

On Monday, when we came to the House, I was given this special pin by the Tsawwassen First Nation. It's a heron. On the land looking out to the sea – and these are the people of the land looking to the sea – the heron line those banks. If you think of the Tsawwassen for a minute, I just want you to think of those herons. I don't know how many of you have ever watched a heron. The heron stands on the shore, and it looks out and it waits, and it waits, and it waits.

The Tsawwassen people waited, and they waited, and they waited. But the Tsawwassen people, like the heron, are about to take flight to a future that is full of abundance, full of opportunity, full of hope, full of the vision of their leaders that says that they can be what they want to be where they have always lived and build the future for their children that they deserve.

I am proud to stand here today in support of ratifying this treaty. I am proud of the Tsawwassen First Nation. I am proud of their leadership. We are all British Columbians. We are all Canadians. We can build a better future for everyone by following their example.