

## PUBLIC POLICY Understanding the Nisga'a Agreement ...



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PDF

by S Adams · 1999 — 22 The Court also **ruled** that **oral histories must be accepted** as evidence. This made it easier for Native people to argue that there were, in fact, particular ...  
37 pages

**Understanding the Nisga'a Agreement is attached. I argued this earlier in the winter that oral history must be accepted as evidence and with that landmark supreme court decision, so too must it be accepted at these hearings.**

**L.Hanley**

# PUBLIC POLICY SOURCES

Number 17

## Understanding the Nisga'a Agreement and Looking at Alternatives

by *Stuart Adams*

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## Executive Summary

This paper provides key information missing from the campaign of the Nisga'a, the government of British Columbia, and the federal government promoting the Nisga'a agreement. It first comments on this campaign and then presents the missing information under the following 12 headings.

- (1) The agreement will give the Nisga'a far more land than most Canadian registered Natives now have, and far more than has been given in recent land-claim settlements outside British Columbia.
- (2) Besides land, it will give the Nisga'a far more cash and other benefits per capita than have been given in other land claim settlements.
- (3) It will entrench an historically unprecedented, two-tier form of government with far more power and responsibilities than those now given to bands and tribal councils.
- (4) In addition to winning these gains, the Nisga'a will continue to qualify for most of the special benefits available to registered Natives but not to other Canadians. They will lose their tax-exempt status but this loss may have little impact on those who live on Nisga'a lands if they continue to have low taxable incomes and receive non-taxable benefits.
- (5) Even after they are fully phased in, Nisga'a taxes will never come close to meeting the increased costs of their own government plus their share of the costs of the provincial and federal governments.
- (6) Proponents of the agreement say that conditions in reserve communities are poor and the Nisga'a agreement offers a solution to such conditions, allowing the Nisga'a to develop their own economy and become considerably more self-reliant. They provide no evidence for this, however, and there is reason to doubt it.
- (7) Proponents of the agreement say that Whites are guilty of "cultural genocide" against Native people; that Native people still have their own unique cultural traditions that they wish to recover and preserve; that, to do so, they need their own expanded homelands and governments, as provided by the Nisga'a agreement. The evidence and arguments supporting these assertions are less than persuasive, so we should be sceptical.
- (8) There can be little doubt that it serves the interests of Native politicians and bureaucrats (not to mention their consultants and lawyers) to fight for segregation and for large Native homelands with much expanded governments. But, before the rest of us, Native and otherwise, give any further support to their objectives, we should assess carefully where we are now and consider alternatives for the future.
- (9) The majority of ordinary Native people have already found alternatives for themselves. They have been voting for greater integration into the mainstream of Canadian society with their hearts and minds and feet.

(10) If approved, the Nisga'a agreement will have huge ramifications right across Canada, ultimately costing Canadian taxpayers tens of billions of dollars in settlements and ongoing support.

(11) In past treaty and land claim settlements, Native individuals were often offered choices, not just one take-it-or-leave-proposition. For example, they could choose between remaining registered Natives or opting out in exchange for compensation plus full citizenship, with all the rights and responsibilities that go with it and no special privileges. The agreement provides no such choices for Nisga'a individuals.

(12) Finally, it may be time to make a practical and realistic new deal with all the Native people of Canada, favouring no Native group over others, treating all equally, and offering choices.

The discussion under heading 12 is perhaps the most important part of this paper since it suggests possible ways out of the fix our governments have got us into with their inept handling of the Nisga'a negotiations. It suggests that Nisga'a and other Natives be provided with at least three, equally attractive choices: 1) remain registered members of their own bands, 2) become registered Natives at large, or 3) opt out of registered Native status in exchange for compensation.

## Introduction

From Tom Wolfe's *Radical Chic and Mau-mauing the Flak Catchers* in 1970 to Shelby Steele's *A Dream Deferred: A Second Betrayal of Black Freedom in America* in 1998,<sup>1</sup> there is a growing body of American literature questioning White motives for approving measures ostensibly designed to improve the lives of Blacks. Steele, who is Black himself, argues that Whites too often approve such measures not because they have sound reason to suppose they will work but because they are anxious to assuage their own guilt and to appear virtuous. The result of this "redemptive liberalism" and failure to apply rigorous standards of assessment has been an array of programs that benefit the leaders and employees of Black "grievance groups" but harm ordinary Blacks who are not on the payrolls of these groups. These programs encourage ordinary Blacks to think they are less than capable of living up to standards demanded of other Americans, so they become and remain dependent on financial assistance and other favours bestowed (sometimes capriciously) by their own leaders and the redemption-seeking White majority.

Jim Sleeper, who has worked as a social activist and journalist in Black neighbourhoods in New York, argues that it is not just guilt and a desire to appear virtuous that motivate Whites: many dis-

approve of materialism and other aspects of mainstream American society and think of Blacks and Natives as the bearers not only of similar disapproval but also of "redemptive social wisdom." Though there may be some element of truth in this, he says, "it damages and limits people more often than it ennobles them."<sup>2</sup>

Randall Kennedy, a Black and a law professor at Harvard, rejects the notion of racial kinship entirely "in order to avoid its burdens and to be free to claim 'the unencumbered self.'"<sup>3</sup> Having rejected the notion of racial kinship, he rejects the idea of special programs based on race but supports efforts to help young Blacks acquire the values, skills and education necessary for their success in American society.

You do not have to agree with everything Steele, Sleeper, Kennedy, and others of like mind say to recognize that they raise legitimate concerns. They add notes of caution to the continuing public debate that gives shape to government policy in a democracy.

I mention the American debate for two reasons. First, we Canadians have yet to have a similarly honest and lively debate about our motives and policies for addressing Native issues. Second, if

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- 1 Shelby Steele is a Senior Fellow of the Hoover Institution at Stanford University and a Director of the Center for New Black Leadership.
  - 2 "Letting Go of Race" (p. 4), an interview with Jim Sleeper available on *The Atlantic Monthly's* web site at [www.theatlantic.com/unbound/bookauth/sleepint.htm](http://www.theatlantic.com/unbound/bookauth/sleepint.htm). Jim Sleeper is the author of *Liberal Racism*. For an excellent primer on the current debate over race-targetted programs in the United States, look elsewhere on *The Atlantic Monthly's* site at [www.theatlantic.com/unbound/forum/race](http://www.theatlantic.com/unbound/forum/race).
  - 3 "My Race Problem—And Ours" (*The Atlantic Monthly*, May 1997). Randall Kennedy is the author of *Race, Crime and Law*. Other readings: Peter Collier (ed.), *The Race Card: White Guilt, Black Resentment, and the Assault on Truth and Justice*; Stephan Thernstrom and Abigail M. Thernstrom, *America in Black and White: One Nation Indivisible*; Daniel A. Farber and Suzanna Sherry, *Beyond All Reason: The Radical Assault on Truth in American Law*; Orlando Patterson, *The Ordeal of Integration: Progress and Resentment in America's 'Racial' Crisis*.

we were to have such a debate, we would find many parallels with the American situation.

During a conversation a few years back, a Native Canadian colleague and I came up with the phrase “noble savage racism” to refer to the same phenomenon that Sleeper refers to as “liberal racism.” We had both observed that some Whites dearly wish to believe that Natives, if uncorrupted by Whites, would be living in more perfect societies—perhaps collectivist societies where everyone cooperated and shared the benefits equally or environmentally responsible societies where every effort is made to live in harmony with nature. They do not know—or prefer to ignore the fact—that many Native societies were more feudal (with hierarchies descending from rich and powerful chiefs down to poor and powerless slaves) than collectivist and did little in the way of teaching what many Canadians today might consider egalitarian and environmental values.

They also do not know—or choose to ignore the fact—that more than a few Native Canadians would prefer to think of themselves as individuals, unencumbered by anyone’s notion of what it means to be Native. My Native colleague told me that she thought it unfair to put such an encumbrance on her own children and grandchildren, and so discourage them from making the same career and lifestyle choices open to other Canadians. Pointing to another problem with such an encumbrance, a young Native artist once told me that, because he graduated from Emily Carr College of Art with the terrible feeling that less had been demanded of him because he was Native, he registered at Ryerson Polytechnic. There he was treated as any other student would be and he graduated feeling confident and proud that he had lived up to the standards required of all.

The equivalent of radical chic in Canada today is automatically favouring the Nisga’a agreement, while giving little serious thought to the rationale behind it, its actual contents, its likely consequences, and alternatives that might be better. The equivalent of “mau-mauing”<sup>4</sup> the flak catchers in Canada today is the campaign of the Nisga’a, the government of British Columbia, and the federal government promoting the agreement. This campaign appeals, often in intimidating ways, to people’s sense of guilt and desire to do (or appear to do) the right thing, while not giving them the information they need to assess its true merits.

The British Columbia government’s advertisements, in particular, have not been designed to inform but to sell. They select and spin information, putting the agreement in the most flattering light. They appeal to emotion (feeling bad about past wrongs and feeling good about making up for those wrongs) rather than reason (weighing the pros and cons of the agreement and looking at possible alternatives, with all the facts at hand.)

Even more disturbing than the deceptive ads is the effort to discredit anyone who would raise a question or a doubt. When he signed the draft in New Aiyansh on August 4, 1998, Nisga’a Chief Joe Gosnell fired a warning shot across the bows of past and potential critics. He said, “Our detractors do not understand or, practising a wilful ignorance, choose not to understand. Or worse, using carefully coded language, they are updating a venomous attitude so familiar to the First Nations of the world.”<sup>5</sup> Since then, proponents of the agreement take every opportunity to remind us, the public, of the “third-world conditions” in Native communities and the “cultural genocide” that created those conditions. In effect, they tell

4 “Mau-mauing,” in Wolfe’s essay, means intimidating, by direct or implied threat of violence to body or character.

5 “Nisga’a leader attacks opponents of new treaty,” *The Vancouver Sun*, August 5, 1998.

us that the problems are so terrible and non-Natives are so guilty of creating them that we must accept, on faith, whatever solutions our leaders propose. Those who, with the best of intentions, would question the merits of those solutions are discouraged from voicing their concerns for fear of being branded racist and ignorant. This hardly establishes an atmosphere conducive to civil debate.

Since the promotional campaign began, many colleagues, friends, and acquaintances have told me that they feel they are not being given the information they need to make up their own minds about the Nisga'a agreement and they deeply resent the efforts to shame or intimidate them into uninformed compliance. Generally intelligent and well-informed people, they especially resent being told by federal and provincial ministers that the agreement is too complicated for ordinary folks to understand. With them in mind, I began drafting this paper in August.

On October 28, 1998, I sent an earlier version of it, with covering letters, to Prime Minister Jean Chrétien and Premier Glen Clark plus copies to a

number of people I thought might be interested. One of these was Gordon Gibson, who frequently comments on Native issues in his weekly column in *The Globe and Mail* and is also Senior Fellow in Canadian Studies at the Fraser Institute. On his recommendation, the Institute has agreed to publish this slightly revised version as one of their occasional papers. The revisions respond to suggestions offered by readers of the earlier version. For those suggestions, I thank them all but leave them nameless and blameless.

I have a lifetime of personal association with Native people and their communities plus 20 years of experience working as a consultant on Native issues for Native groups and the government agencies and private corporations that do business with them. This paper outlines some things I believe all Canadians, Native and otherwise, should consider before making up their minds about the Nisga'a agreement. It raises serious concerns about the agreement and suggests alternatives that could provide real choices for individual Native Canadians. I hope readers will find it a constructive contribution to the debate, one that helps them form their own views.



## 12 points about the Nisga'a Agreement and alternatives

### 1 The agreement will give the Nisga'a far more land than most registered Natives now have, and far more than has been given in recent land-claim settlements outside British Columbia

In 1996, the combined area of all lands administered for registered Natives across Canada was 2,751,342 hectares, approximately equivalent to the size of Vancouver Island. The agreement will give the Nisga'a 199,200 hectares, including the 6,200 hectares of existing Nisga'a reserve.

Table 1 compares how much land the Nisga'a will get per capita with how much land regis-

tered Natives in various parts of Canada now have per capita. It shows that the Nisga'a will get almost nine times the average now allocated to Native Canadians. Calculated on the basis of members living on reserve, it works out to more than 13 times the average. The Mikisew Cree of northeastern Alberta are shown because they achieved a recent (1986) land claims settlement under one of the Prairie treaties, Treaty Eight.

**Table 1: Comparison of Per Capita Land Allotment to Be Provided under the Nisga'a Agreement and Allotments Now Provided to Registered Natives in Canada**

	Registered Membership		Hectares of Land	
	Total	On Reserve	Average Per Member	Per Member On Reserve
Nisga'a Agreement	5,230	1,992	38.1	100.0
Alberta	76,419	50,818	8.6	12.9
Saskatchewan	94,953	49,176	6.6	12.8
Ontario	138,518	70,434	5.1	10.1
CANADA	610,874	354,369	4.4	7.6
British Columbia	102,073	52,046	3.4	6.6
Mikisew Cree	1,700	870	3.0	5.9
Manitoba	94,113	60,694	2.3	3.7
Nisga'a Now	5,230	1,992	1.3	3.7
Atlantic Provinces	23,959	15,732	1.3	1.9
Quebec	58,640	41,487	1.2	1.7
Northwest Territories	13,998	10,240	1.0	1.3
Yukon	7,199	3,742	0.4	0.9

Note: 1996 population figures, except 1998 for Nisga'a

Sources: The data on population and gross Canadian hectares come from *Basic Departmental Data 1997*, an annual Indian Affairs publication. The data on hectares per province and territory come from *Schedule of Indian Bands, Reserves and Settlements*, an Indian Affairs publication issued in December 1990. It is only slightly out of date, with 68,894 hectares having been added to the Canadian total.

Proponents of the Nisga'a agreement point out that the Prairie treaties provide for up to one square mile (259 hectares) of land per family of five or 51.8 hectares per individual. They fail to note that, when the treaties were signed (1899 in the case of Treaty 8), most Natives still had mixed subsistence (hunting, fishing, trapping, and gathering) and fur-trading economies. They needed a substantial amount of land to make a go of it. Also, Canada was sparsely populated, the Native population was much lower, and there was abundant land for everyone. Reserve lands under those treaties were not to be owned outright but only protected by the Crown for Native use. (The Nisga'a land will be owned outright, communally by all the Nisga'a people.)

The implicit policy over the years has been one encouraging transition to the mainstream Canadian economy. Often reserves were diminished as governments deemed that transition to be sufficiently advanced. In fact, Canadian governments

have periodically proposed phasing out reservations, a policy followed by the American Government during several long periods of time. In any case, the treaties only set guidelines for land-claim settlements, leaving the actual settlements until later. Under the Prairie treaties, the later settlements provided less land than the earlier ones.

In the settlement with the Mikisew Cree, the negotiators agreed on a certain amount of land and a certain amount of cash in lieu of land. The cash settlement (\$36.2 million in today's dollars) was seen to be more appropriate for these times, since the traditional subsistence and fur trading economy had diminished in importance and the modern economy required capital to support new businesses. At the time of settlement in 1986, there were about 1,400 Mikisew Cree, so the settlement worked out to about 3.7 hectares of land and \$25,825 (in today's dollars) in cash per capita, to be spent for various specified community purposes.

## **2 Besides land, it will give the Nisga'a far more cash and other benefits per capita than have been given in other land claim settlements.**

The agreement will provide the Nisga'a not only 199,200 hectares of land, valued at \$106.66 million dollars, but also cash and other benefits worth from \$375.54 to \$382.54 million dollars. This works out to 38.1 hectares plus from \$71,805 to \$73,143 in cash and other benefits per member. (The combined value of land, cash, and other benefits comes to from \$92,199 to \$93,537 per Nisga'a.) This is ten times as much land and almost three times as much cash and other benefits as the Mikisew Cree got in their 1986 settlement.

To get a truer picture of what these figures mean consider that most people live as members of households. A household can consist of a family, unrelated individuals, or some combination of both, all sharing the same dwelling. The 1991 cen-

sus found that the average Canadian family had 3.1 persons and the average Canadian household had 2.7 persons. Native families and households were generally larger, with upwards of 3.4 persons per family and 3.8 per household. (The household counts tend to be higher than the family counts in Native communities.) Early results from the 1996 census show that there were still about 2.7 persons per household in Canada, but almost 4.1 per household in the four Nisga'a villages.

Assuming 3.4 persons per Nisga'a family, the Nisga'a agreement will provide about 125 hectares (worth \$69,300) per family. It will also provide from \$244,100 to \$248,700 in cash and other benefits per family. The total value of the Nisga'a package will be from \$313,400 to \$318,000 per family.

While the above “per member” and “per family” figures are useful indications of the value of benefits, the agreement will not distribute the land and other benefits to individuals or families but will give them to the Nisga’a Nation. They will be enjoyed mainly by those Nisga’a who choose to live in the nation’s newly expanded territory. As of August 1998, only 38 percent of the Nisga’a were living in the current Nisga’a villages. Unless many choose to move back to the Nass Valley, it may be that less than 40 percent of the Nisga’a people will gain much from the agreement.

(Indeed, the new Nisga’a constitution would seem to give those Nisga’a living in the territory far more representation in the Nisga’a legislature than those living outside of the territory and thus guarantee that those in the territory will receive far more attention.)

The above figures show just the up-front value of the Nisga’a package. We have yet to consider the annual cost of transfers from the federal and provincial governments to support the new Nisga’a government.

### **3 It will entrench an historically unprecedented, two-tier form of government with far more power and responsibilities than those now given to bands and tribal councils.**

Since the early 1970s, many (not all) bands in British Columbia have entered into voluntary associations, generally called “tribal councils.” A tribal council achieves economies of scale and more clout by uniting several bands into a confederacy. In most cases, such confederacies are historically unprecedented. Before Europeans arrived in this part of the world, there were sometimes loose confederacies for war, trade, and other purposes but bands were largely independent and often saw closely related neighbouring bands (with the same language and cultural traditions) as rivals.

Bands and tribal councils have not generally had a great deal of power over, or responsibility for, members living off reserve. In fact, under the *Indian Act*, band members who permanently reside off reserve are not permitted to vote in band elections. In recent years, however, some bands and tribal councils have been forming urban locals.

The Nisga’a agreement will entrench this two-tier, extended structure so that it is no longer voluntary but becomes a new form of government that is not only regional and local but extends its reach beyond territorial boundaries. There will be the new Nisga’a Lisims Government at the top plus four village governments and three urban locals, in Greater Vancouver, Terrace, and Prince Rupert/Port Edward.

This new government structure will have powers and responsibilities that go considerably beyond those now exercised by bands and tribal councils. For one thing, there will be the large new territory to administer, and this will require resource management staff. For another, there will be a Nisga’a justice system with its own laws, police, courts, and correction services, all requiring staff and facilities.

- 4 In addition to winning those gains, the Nisga'a will continue to qualify for most of the special benefits available to registered Natives but not to other Canadians. They will lose their tax-exempt status but this loss may have little impact on those who live on Nisga'a lands, if they continue to have low taxable incomes and receive non-taxable benefits.**

The campaign of the BC Government to promote the Nisga'a agreement makes a big point of telling us that the Nisga'a will lose their tax-exempt status and that this is unprecedented in previous treaty and land-claim settlements. The current exemption from sales tax will be phased out over eight years and the exemption from income tax will be phased out over 12 years, "as the Nisga'a develop their economy and become more self-reliant."

The campaign does not tell us, however, that the Nisga'a agreement specifies that "nothing in this Agreement affects the ability of the Nisga'a . . . to participate or benefit from federal or provincial programs for aboriginal people." So the Nisga'a will continue to get most of the other benefits provided to registered Natives but not available to most non-Native Canadians.

The greatest continuing benefit to individual Nisga'a, in addition to provision of free communal land, will be the provision of free or heavily subsidized housing to families on reserve, regardless of their incomes, and of "social housing" for some low-income Nisga'a living off reserve. Non-Native Canadians typically spend from 30 to 50 percent of their incomes on housing. If they are poor enough to qualify for social assistance, they get shelter allowances to help them rent housing at market prices but programs to provide new social housing to non-Native people have been almost eliminated and there is not nearly enough already in existence to meet the demand. If you are a single mother on social assistance living in a Canadian city, your best bet for getting into social housing is to demonstrate that you are a registered Native. That way you

may qualify for one of the social housing units that the CMHC continues to fund for Native people but for few others. Nisga'a living on reserve, however, will continue to get free or heavily subsidized housing no matter what their incomes.

Other special Native benefits that will continue to be available to the Nisga'a include health, education, and business-development benefits. Beyond the basic care provided to other Canadians by provincial Medicare programs, health care to registered Natives includes dental care, Pharmacare, and free emergency transportation or transportation allowances between remote communities and medical facilities. Educational benefits include preferred admission (requiring lower academic qualifications) to post-secondary institutions plus grants to cover tuition and room and board. (As non-Native post-secondary students and their parents know, these are very substantial benefits, indeed.) Business development benefits include a range of special grants and loans to subsidize start-ups, equipment, and ongoing operations.

These special benefits constitute a substantial supplement to taxable cash income (see discussion under point 6, below) and reduce the incentive for earning as much income as might otherwise be needed. The new Nisga'a government will not be a taxable entity. As long as it delivers these benefits as parts of its normal services they will remain non-taxable.

There is no evidence to suggest that the newly expanded Nisga'a territory will provide sufficient new economic opportunities to substantially increase the incomes of Nisga'a living in the

Nass Valley (see discussion under point 6, below). Incomes are likely to remain low, so many Nisga'a may have to pay little income tax even after they lose their exemption.

In fact, the elimination of tax-exempt status may have greater impact on Nisga'a who choose not to live in the new Nisga'a territory. They general-

ly have higher cash incomes and currently can sometimes avoid paying taxes on that income if they work for a reserve-based organization. Currently, they are also often able to take advantage of sales-tax exemptions by taking delivery of major purchases on reservations belonging to other bands near the urban centres where they live. They will lose these privileges.

## **5 Even after they are fully phased in, Nisga'a taxes will never come close to meeting the increased costs of their own government plus their share of the costs of the provincial and federal governments.**

The costs of programs to serve registered Natives are already very high and they will get higher for the Nisga'a and for other Natives if the agreement is approved and it sets a new standard to which other Natives can aspire.

In fiscal year 1998/99, the estimated federal budget is \$148 billion. Of this, \$43.5 billion goes to service the debt and \$104.5 billion goes to program spending. Six percent or \$6.323 billion dollars of the program spending goes to special programs serving Native Canadians. Though some of this goes to serve non-registered Natives, the bulk of it goes to serve registered Natives, who compose 2.1 percent of Canada's total population. This works out to about \$10,000 per registered Native or \$35,000 per registered Native family, with much less going to serve those living off reserve and much more going to serve those living on a reserve.

Budget statements from Indian Affairs point out that the federal government has primary responsibility for providing services to registered Natives and that these include many of the services provided to other Canadians by their provincial, regional and local governments.

If you live in Vancouver and do a rough calculation (from annual budget statements) of how

much all of your governments and public authorities spend per Vancouver resident at all levels from Foreign Affairs, through roads and hospitals, to local garbage pick-up, you will soon come to a figure surpassing \$8,000 and approaching \$10,000. The result of such a calculation, however, cannot be fairly compared to estimates of government expenditures per registered Native on special Native programs. Registered Natives benefit not just from federal expenditures on special programs for themselves but also from many other federal, provincial, and municipal programs. Most services provided by the federal departments of Agriculture, Canadian Heritage, Citizenship and Immigration, Environment, Finance, Fisheries and Oceans, Foreign Affairs, Justice, National Defence, and National Resources are for all Canadians, including registered Natives. Most services provided by the provincial ministries of Agriculture, Fisheries and Food, Attorney General, Environment, Lands and Parks, Small Business Tourism and Culture, Transportation and Highways, and so on are for the benefit of all British Columbians, including registered Natives. It is hard to think of a regional or municipal government service (parks, streets, libraries, fire protection, and so on) that does not provide benefits equally to all residents, whether registered Native or not. (The 1996 census found 31,140 registered and non-registered Natives in Vancouver.)

Presumably Nisga'a taxes would go to cover some of their share of these services plus some of the costs of their own government and of special benefits available to them as registered Natives.

How much does it generally cost, now, to support band and tribal council governments and the services they provide to on-reserve residents? The British Columbia Government's promotional pamphlet, *Your Guide to the Nisga'a Treaty*, says \$26 million from the federal government and \$3 million from the provincial government "are currently paid to the Nisga'a for the provision of services, similar to other municipalities." If this were true, it would be interesting to note that the City of Vancouver's budget for fiscal 1998/99 provides for expenditures of \$554 million, or about \$1,065 for each of its 520,000 residents. The Nisga'a budget works out to \$14,558 for each of the 1,992 now living in Nisga'a villages in the Nass Valley. Contrary to what the pamphlet says, the Nisga'a budget covers some items that would normally be federal or provincial concerns, such as monies for social services, housing, education and health. Still, it is a lot of money.

Some band governments cost more. Last fall, a newspaper report told us that the 1996/97 budget for the Fort Albany Nation, northern Ontario, came to \$19,428 for each of 900 residents on reserve.<sup>6</sup> The federal government recently told

us that running the new government of Nunavut, which officially comes into being in April 1999, will cost about \$587 million in the first year and that 90 percent of that sum will be provided by the federal government. Nunavut will begin with a population of 25,000. Federal support will come to around \$21,000 per Nunavut resident.<sup>7</sup>

Without seeing any precise projections of the costs of operating the new Nisga'a government, we might assume it will cost considerably more than the \$14,558 per on-reserve resident now being spent by the Nisga'a bands and tribal council and could even approach the projected cost of running the Nunavut government. In an interview, however, federal and provincial officials indicated their belief that the additional cost of running the new government will be covered by an additional \$3 million in transfers.<sup>8</sup> This suggests something in the order of \$16,000 per resident on Nisga'a lands.

It is not remotely conceivable that the Nisga'a will ever be paying sufficient taxes to support all of the services they will be getting from the federal, provincial, and Nisga'a governments. Meanwhile, the agreement assures them that they will be guaranteed federal and provincial funding sufficient to support the elaborate governing system outlined in the agreement plus provide them with the special benefits provided to other registered Natives in Canada.

6 "Reserve headed toward trusteeship," *Globe and Mail*, Monday, September 1, 1997.

7 Effective April 1, 1999, the Northwest Territories will be divided into two separate territories. The eastern territory, Nunavut, will be 2,000 kilometres wide and 1,800 kilometres deep. Eighty-four percent of its population will be Inuit.

8 This information was relayed to the writer by Gordon Gibson, who interviewed the officials.

**6 Proponents of the agreement say that conditions in reserve communities are poor and the Nisga'a agreement offers a solution to such conditions, allowing the Nisga'a to develop their own economy and become considerably more self reliant. They provide no evidence for this, however, and there is reason to doubt it.**

Native and white politicians like to tell us that Native people live in "third-world" conditions. This is far from the case. A recent report from Indian Affairs (*Measuring the Well-Being of First Nation Peoples*, October 1998) exaggerated the poverty of Native Canadians by comparing apples with oranges, per-capita incomes of Native Canadians with per-capita GDPs of Canada and other countries. But even this faulty comparison (making the Native situation look worse than it is) told us that, for income, off-reserve Natives rank on a par with number 28 of 173 countries compared in a report from the United Nations.<sup>9</sup> This puts them well within the ranks of what the United Nations classifies as high-income people. On-reserve Natives rank on a par with number 43, putting them near the top of the medium-income category. With 1990 per-capita incomes of \$9,905 and \$6,542, off-reserve and on-reserve Natives were very much better off than people in those 53 countries the United Nations classifies as low income. Those countries, where there truly are third-world conditions, had 1991 per-capita GDPs ranging from \$650 down to \$370.

With average life expectancy of 72.2 years, off-reserve Natives were not far below the average of 74.1 for those countries the United Nations placed in the high human-development category. With life expectancy of 67.6, on-reserve Natives ranked near the middle of countries the United Nations placed in the medium human-development category. Countries in the low human-development category had average life expectancies of 55. As for educational achievement, the last of three human-development measures used by the United Nations, off-

reserve and on-reserve Natives ranked on a par with countries number 30 and 53, placing them both in the category of countries with high educational achievement.

Table 2 compares oranges with oranges, although, as we shall see, it too underestimates the real incomes of on-reserve Natives, who receive many tax-free benefits not available to other Canadians. It shows average 1990 incomes of British Columbia adults 15 years and older, from the 1991 census, and helps us understand where Native British Columbians stand in relation to all British Columbians. (The median is that level at which half earn more and half earn less.)

The key to this table is that it shows *pre-tax* cash incomes. Natives on reserve are exempt from paying most taxes and also qualify for free land and free or subsidized housing, as well as special health and education benefits. When you consider that most Canadians spend upwards of 20 percent of their incomes on taxes and upwards of 30 percent on housing, you can see that these benefits constitute a substantial supplement to cash income. If the Indian Affairs study discussed above had taken the benefits into account, it would have found that on-reserve Natives rank considerably higher on the United Nations' income and human-development scales.

The lower incomes of all Natives can be accounted for largely by the fact that they have lower educational attainment. In 1991, only 4.8 percent of British Columbia's Native adults living off reserve and 0.8 percent of those on reserve had university degrees, whereas 11.2 percent of all

9 United Nations Human Development Programme, *Human Development Report 1994*. New York: Oxford University Press, 1994.

**Table 2: Comparison of Pre-tax Incomes of Native Adults and of All British Columbian Adults**

	All British Columbians	Natives Off Reserve	As Percent of All	Natives On Reserve	As Percent of All
Average 1990 Income	\$24,250	\$18,856	76.2	\$12,427	50.2
<i>Average for Men</i>	\$31,443	\$23,916	76.1	\$14,342	45.6
<i>Average for Women</i>	\$17,761	\$14,020	78.9	\$10,015	56.4
Median 1990 Income	n/a	\$13,662	n/a	\$9,203	n/a
<i>Median for Men</i>	\$26,791	\$19,419	72.5	\$10,170	38.0
<i>Median for Women</i>	\$13,756	\$11,049	80.3	\$8,284	60.2

Sources: Statistics, Canada, *1991 Census Profiles*, CD-ROM (Ottawa, ON: Statistics Canada, 1993); Statistics, Canada, *Profile of Canada's Aboriginal Population, 1991 census*, Catalogue No. 94-325 (Ottawa, ON: Statistics Canada, February 1995).

British Columbian adults had degrees. At the other end of the scale, 46.7 percent of British Columbia's Native adults off reserve and 60.5 percent of those on reserve had less than high school graduation, whereas only 34.0 percent of all British Columbian adults had so little education.

Another major factor accounting for low incomes of Natives on reserve is that many reserves are remote, far from the urban centres where most jobs are concentrated. Contributing factors are the benefits themselves. They reduce the need to earn higher incomes and reduce the incentives for educational attainment and relocation. In other words, they encourage people to be chronically dependent on welfare.

There is abundant evidence that Native North Americans who integrate into mainstream society by improving their education and moving to urban centres are better off than those who remain segregated on remote reserves. The American experience tells us that it does not much matter whether those reserves are small or very large, as is the case with many reserves in the western States. In 1989, according to the US Bureau of Statistics, the per-capita income of all Native Americans was US\$8,328 but the per-capita income of those on reserves was only US\$4,478.

It is hard to see how the Nisga'a agreement will be the most effective way of addressing the problems of low income, low life expectancy (related to low self-esteem and its contribution to poor living habits), and low education. It starts us down the road long since taken in the United States, where large Native homelands have led to nothing better than we already have in Canada with smaller reserves.

Natives are subject to the same economic forces as everyone else. The long-term trend is away from rural, resource-based economies and towards urban, knowledge-based economies. In many Native communities, we have already seen the old subsistence economy sink to near insignificance. People may still get up to one-third of their meat through hunting, fishing, and trapping but the costs of modern equipment (off-road vehicles, skidoos, boats with outboard motors, guns, etc.), fuel, and ammunition often make wild food more expensive than store-bought food, so these activities have become largely recreational or cultural phenomena. The trapping economy has also sunk to near insignificance, the net profit to Native trappers across Canada now amounting to a minuscule fraction when compared to, say, annual federal expenditures on Native programs.



If there are economic studies showing that forestry, fishing, and other industries in the Nass Valley can be developed to a level sufficient to make the Nisga'a self-reliant, then we should be told of these studies. Until we are told, we should be sceptical of assertions that the Nisga'a agreement

will help the Nisga'a escape the cycle of unemployment and dependency on government transfers. So far as we know now, there is no evidence to support that assertion and much evidence to dispute it.

**7 Proponents of the agreement say that Whites are guilty of “cultural genocide” against Native people; that Native people still have their own unique cultural traditions that they wish to recover and preserve; that, to do so, they need their own expanded homelands and governments. The evidence and arguments supporting these assertions are less than persuasive, so we should be sceptical.**

All human beings alive today are descended from the same ancestors, the *homo sapiens* who emerged from the evolutionary tree in Africa about 200,000 years ago. About 100,000 years ago, *homo sapiens* began migrating out of Africa. Around 50,000 or 60,000 years ago, inside and outside of Africa, they began developing languages. Ten thousand years ago, there may have been from 10,000 to 20,000 small groups of *homo sapiens*, each with its own language. Since then, the human story has been one of migration, conquest, slavery, and amalgamation, as the conquered and conquerors at first opposed and then adjusted to, and blended with, each other, interbreeding and exchanging vocabularies, ideas, and technologies. Now, there are only 50 languages spoken by 95 percent of the world's human population, and only 10 languages spoken by half.<sup>10</sup>

The Native arrival in the Americas, between 12,000 and 20,000 years ago, and the White arrival, 500 years ago, were both part of this long human story. For thousands of years after they arrived, Natives moved about conquering each other, taking slaves, intermarrying, and exchanging goods and ideas. Whites then joined this dra-

ma, fighting against each other, engaging Natives as their allies in those fights (*e.g.*, the English and Mohawk versus the French and Huron), fighting against Natives, and so on. There were episodes of brutal oppression—especially well-documented since Whites arrived with their written language—but the Whites were by no means uniquely brutal as invaders and conquerors. In fact, they were all too typically human and so prone to good, evil, and well-meant error.

People conquer with carrots as well as with sticks. In fact, seduction is usually easier and more effective than oppression. Native trappers were pleased when European traders arrived with desirable new goods and offered to exchange them for furs. There is considerable evidence that Natives were attracted to Christian teaching, too; see the evidence shown in Table 3. There is also considerable evidence that Native people wanted the schooling and other help they needed to adapt to the changing world and take advantage of all the opportunities it had to offer.

Less positively, the seduction by the new also caused culture shock, with people doubting that

<sup>10</sup> Gwynne Dwyer, “Family History,” *The Globe and Mail* (August 22, 1998); Richard Leakey *The Origin of Humankind* (Basic Books, 1994).

**Table 3: Home Languages and Religious Affiliations of Native British Columbians, All British Columbians, Native Canadians and All Canadians (percentages)**

	British Columbians			Canadians		
	All	Natives Off Reserve	Natives On Reserve	All	Natives Off Reserve	Natives On Reserve
<b>Home Language</b>						
English	88.7	98.7	90.1	67.5	80.5	53.9
French	0.4	0.2	0.0	23.0	12.5	1.3
Other	9.3	0.6	6.3	7.7	5.3	38.5
<i>Aboriginal</i>		0.5	6.1		5.2	38.4
More than One	1.8	0.5	3.8	1.8	1.7	6.4
<i>Aboriginal + another</i>		0.3	3.6		0.6	3.3
Total Aboriginal		0.8	9.7		5.8	41.7
<b>Religion</b>						
Catholic	18.0	24.0	53.0	45.0	44.0	51.0
Protestant	44.0	37.0	38.0	36.0	35.0	38.0
Other	6.4	1.7	3.3	5.5	1.4	2.8
<i>Aboriginal</i>		0.8	3.0		0.7	2.4
No Religious Affiliation	30.1	37.5	14.6	12.4	19.3	8.1
Source: Statistics, Canada, <i>Profile of Canada's Aboriginal Population, 1991 census</i> , Catalogue No. 94-325 (Ottawa, ON: Statistics Canada, February 1995).						

what they already had was sufficient and doubting that their beliefs and traditions were the right ones. This sometimes led to feelings of being drawn between two worlds and not wholly part of either, with consequent low self esteem and associated problems of drug and alcohol abuse, family violence and so on. After the Canadian Broadcasting Corporation brought television to Canada's northern Native and Inuit communities, for example, the people in those communities were never again so content with their old ways. The fact that their existing economies could not provide them with all of the things they saw on television added to their unhappiness. In this regard, northern Native and Inuit people are not so different from the rest of us, who often find ourselves drawn between the old and the new. It is also true, though, that once people get over the

shock of the new it often becomes second nature to them. And they learn that they can admire, respect, and feel proud of their ancestors without having to believe and live as they did.

Native people, like those of us who came (or whose ancestors came) to this continent more recently, have been subject to all of these historical forces. The results are evident in Table 3, based on figures from the 1991 census.

Anthropologists often point to language as by far the most important element of a particular culture. A language carries with it a unique way of making sense of the world around us. When a language is lost, much of a culture is lost. At the time of first contact with Europeans, there were up to 70 languages (many with several dialects) spoken

in what is now Canada and more than 30 spoken in what is now British Columbia alone. The 1991 census found only 14 Canadian aboriginal languages regularly used by more than 100 people as their home language and only 5 to 7 aboriginal languages so used in British Columbia.<sup>11</sup> Including regular home use, only 4.4 percent of British Columbian Natives living off reserve and only 10.5 percent of those living on reported any knowledge at all of an aboriginal language. In fact, it is rare in most of British Columbia's Native communities to find more than a few people under the age of 60 who have a working knowledge of their aboriginal language. Those older people with a working knowledge will often tell you that much of the vocabulary has been lost or replaced by English words and that their own children and grandchildren do not understand them when they speak the old language.

This loss of language is not, to any significant extent, a result of deliberate oppression.<sup>12</sup> It is a part of the natural tendency towards integration. If there are few speakers of a language, it tends to be lost when surrounded by another language that far more people speak. This is because the few want to be able to communicate with the many.

The fact that so few Natives reported an interest in aboriginal spiritual traditions will come as a surprise only to those who get their knowledge

from reading newspapers and watching television, and not from first-hand experience with Native people in their own communities. In fact, what passes for aboriginal spiritual tradition today is often a manifestation of the recent, evolving, and varied pan-Indian culture that is spreading throughout North America. It borrows much from the Christianity that aboriginal North Americans have practised for the past one to four centuries, much from Hollywood ideas about Native people, and much from the popular psychology and "New Age" mysticism of our times.<sup>13</sup> This new and evolving pan-Indian culture is spreading through the annual rounds of powwows popular across the central plains and beyond, the centres treating Native alcohol and drug abuse, the "cultural enrichment" programs in schools and prisons, and by many other means, including movies and television.

Those few Native Canadians who are truly and deeply knowledgeable about the traditions of their own ancestors are often offended by this new pan-Indian culture. They see it as a threat to the survival of at least some memory of old ways. It grates on many elders on British Columbia's west coast, for example, to hear their grandchildren speak of sweet grass ceremonies, healing circles, mother earth, Turtle Island, and all manner of things that come from eastern Canada and have nothing to do with their own spiritual traditions.

11 The range is due to the fact that census publications lump all in the Wakashan family of languages (including Nootkan and Kwagiulth) together and all in the Salishan family of languages together.

12 Contrary to what some would have us believe, the evidence clearly shows that the missionaries usually were not intent on obliterating aboriginal languages and traditions altogether. Instead, they tried to learn those languages and traditions themselves and then to use them to draw people towards Christian beliefs and ways of living. They translated Christian texts into aboriginal languages, helping to invent ways of writing languages that had never been written before and so, as it turns out, helping to preserve some knowledge of many languages that are no longer much in use. They borrowed names and characters and events from aboriginal stories to tell stories with Christian messages. They also incorporated aboriginal elements into depictions of biblical scenes and the vestments of priests.

13 The ancestors of the Cree now living around James Bay and west into Alberta have been Catholic for more than 350 years. What they identify as their traditions, such as calling the creator "Manitou" and making offerings of tobacco, are often Cree adaptations of Christian ideas, adaptations encouraged by early missionaries. A white man wrote the famous "Chief Seattle speech" with ringing phrases such as "as long as the rivers shall run." Since then, Hollywood scriptwriters have been expressing their romantic notions about "noble savages" in the words they put into the mouths of Native characters.

In any case, much time spent with Native people in their own homes and communities will convince you that most Native Canadians, like most other Canadians, do not devote a great deal of time to practising or thinking about their ancestors' spiritual traditions. What often strikes me when I attend a potlatch ceremony is how many arrive late and leave early and how many more do not show up at all. Watching hockey on television, listening to Shania Twain's CDs, or playing pool with buddies at the local pub are, apparently, far more appealing activities to most. As for recent manifestations of pan-Indian culture, many Natives respond to them in much the same way many of the rest of us respond to "New Age" mysticism and pop psychology. They are as unlikely as anyone else to volunteer participation in a healing circle, an idea that has evolved from the T-groups so popular in the late 1960s and early 1970s.

The practice of old cultural traditions may be diminishing but many Native cultural leaders (who tend to be an set of people entirely different from Native political leaders) have legitimate concerns about preserving knowledge of the old

ways, doing Native interpretations of Native histories and cultures, and teaching their children and grandchildren to be proud of these things. They believe that people need to know and feel proud of their roots to have the self-esteem and confidence necessary to survive and prosper in today's world.

The Nim'gis people of Alert Bay, British Columbia, have been famously successful at preserving, interpreting, and teaching their culture. They do this even though their reserves are small. The Makah people of Neah Bay, Washington, USA, on the other hand, have had a very large reservation for many years. Until recently, they have had little knowledge of their ancestors' language and cultural traditions. They are learning these things now with help from professional linguists, anthropologists, and historians and, especially, from their close cousins, the Nuu-chah-nulth people from the west coast of Vancouver Island.

That the Nisga'a need a large territory and their own government to conserve what they most value from their ancestors' cultural traditions is far from obvious.

**8 There can be little doubt that it serves the interests of Native politicians and bureaucrats (not to mention their consultants and lawyers) to fight for segregation and for large Native homelands with much expanded governments. But, before the rest of us, Native and otherwise, give any further support to their objectives, we should assess carefully where we are now and consider alternatives for the future.**

Since late last century, the Nisga'a and other Native peoples of British Columbia have been asking for treaty settlements comparable to those Canada has long since reached with Natives in Alberta and further east. But, the story of how, through negotiations and law suits, the federal and provincial governments have come to offer them far more than they have offered Natives in any previous treaty settlements really begins in 1969, when Shuswap

Chief George Manuel and other Native leaders reacted strongly against a federal White Paper proposing to phase out special status and special programs for Native Canadians.

Born in 1921, George Manuel had become Chief of the Shuswap and President of the Native Brotherhood of British Columbia, an organization representing the province's aboriginal fishers. In 1969, he was an official with Indian Affairs.

According to a short biography distributed by the Center for World Indigenous Studies, he recalled years later that the White Paper demonstrated that “Canada was dead set on wiping out Indians once and for all.” By that, he meant not that Canada was determined to exterminate Indians in the flesh but that Canada was determined to assimilate them so that they were no longer truly Indian. Such are the roots of today’s term “cultural genocide.”

He mounted a campaign against the White Paper’s proposals, travelling Canada and the world organizing the leaders of indigenous peoples. Results included the founding of the Union of BC Indian Chiefs (UBCIC) in 1969, Canada’s National Indian Brotherhood in 1970, and the World Council of Indigenous Peoples in 1975. Each of those organizations elected Chief Manuel as its first president. UBCIC still exists as one of two umbrella organizations representing the band councils and tribal councils of British Columbia. The other is the First Nations Summit, which evolved from a breakaway group. The National Indian Brotherhood has evolved into the Assembly of First Nations. The World Council of Indigenous Peoples continues to operate as such.

Concurrently, the American Indian Movement was formed, partly to fight long-standing American policy aimed at doing some of the same things the Canadian White Paper proposed to do. From 1871 onwards, the American government had tried, over several long periods, to phase out special status and special programs for Native Americans. The latest attempt was from 1953 to 1970, now known as “the termination period.” The American government, under President Nixon, changed course while the American Indian Movement was occupying Alcatraz Island (1969–

1971) and the headquarters of the Bureau of Indian Affairs in Washington, DC (1972), and staging its siege and exchanging gunfire with federal agents at Wounded Knee, North Dakota (1973).

Chief Manuel and the American Indian Movement were key influences on a new generation of British Columbian Native leaders, who were born at the end of World War II, had often gone to regular public schools in British Columbia, and, often, had attended university as well.<sup>14</sup> For example, after graduating from the University of British Columbia, George Watts became manager of his own band, the Tseshahat and, in 1973, founded what is now known as the Nuu-chah-nulth Tribal Council. Later, he went on to become one of British Columbia’s—and one of Canada’s—most influential Native leaders. Similar stories could be told about Chief Joe Matthias of the Squamish Nation, Chief Sophie Pierre of St. Mary’s Indian Band, former Council President Miles Richardson of the Haida Nation, and about several others from that generation. They are pioneers and continuing leaders in the struggle, over the past 30 years, for recognition of Native peoples as “first nations” with continuing rights to exist as such within Canada, each with its own large territory and some considerable measure of self-government.

If you listen to these leaders speak, you often find that their words reflect much of the thinking found in the old speeches of Chief George Manuel, in statements released by the World Council of Indigenous Peoples, and on the web site of the closely related Center for World Indigenous Studies.

On their web site ([www.halcyon.com/FWDP/](http://www.halcyon.com/FWDP/)), the Center tells us that, by the last count, there

14 Beginning in 1951, most British Columbian Natives who lived close enough to regular public day-schools to commute from home, attended those schools. The residential schools were retained for another ten years, mostly for Native children from remote communities or from families deemed unfit by social workers.

are 191 of the entities that most of us call nations.<sup>15</sup> It calls these entities “states” and defines a “state” as “a territory built by conquest in which one culture, one set of ideals and one set of laws have been imposed by threat over diverse nations by a civilian and military bureaucracy. States are ephemeral and originate and disappear with the stroke of a pen.” The Center reserves the word “nation” for what it variously calls aboriginal, indigenous, or “Fourth World” nations. It defines a nation as “a self-identifying people who share a common history, often a language, a common culture and a homeland. A nation is the most persistent and resistant organization of people-culture-territory.” In short, large nation-states are bad; small indigenous nations are good.

By one of the Center’s estimates, there are from 7,000 to 10,000 indigenous nations in the world today. By another, there are from 5,000 to 6,000 that “maintain a distinct political culture within the states which claim their territories.” The Center says that one-third of the world’s population belongs to these indigenous or Fourth World nations and, “[i]n all cases the Fourth World nation is engaged in a struggle to maintain or gain some degree of sovereignty over their national homeland.”

There are many of us who would wonder about all of this. Are they not talking about reversing history, going back towards the highly fragmented tribal world that existed long before people united under empires and nations? What would be the implications if all 5,000 to 10,000 indigenous nations wanted what the Nisga’a may get? How could a country such as Ethiopia, with a per-capita GDP of less than US\$400, possibly cope with such demands? Assuming that it is true that one-third of the world’s population wants to go in that direction, are the rest of us,

the two-thirds who have left or whose ancestors have left our aboriginal homelands, obliged to indulge them? What does aboriginal mean, anyway? At which stops in their long migration out of Africa that started 100,000 years ago and into America that started 400 years ago, might my own ancestors have been considered aboriginal?

In addition to holding this dubious philosophy, most of British Columbia’s Native leaders lack experience outside of government and have worked in long and intimate relationships with federal and provincial bureaucracies. They have had much to do with the incredibly expensive and inefficient bureaucratic maze that has been built over the past 30 years to administer programs to Native Canadians.

In British Columbia, for example, there are some 476 aboriginal organizations employing politicians, staff, consultants, and lawyers to administer programs to Natives and advance the arguments for treaty and land-claim settlements, more program funding, and self-government. These include the 197 band councils and 33 tribal councils, which serve the 55,492 registered Natives living on reserves. That works out to an average of one band council for every 282 Natives living on reserve and one tribal council for every 1,682.

Another 246 provincial and local organizations serve those registered Natives living on reserve, the 50,219 registered Natives living off reserve and, to a lesser extent, the 67,000 Metis and other self-identified Natives who are not registered. There are 39 health and human-services organizations, 35 economic and resource-development groups, 31 educational groups, 24 friendship centres, 19 arts and cultural groups, 18 communications societies, 16 housing societies, 16 legal services organizations, 16 Metis organizations, 13 Native women’s organiza-

<sup>15</sup> There are 185 members of the United Nations.

tions, 11 treatment centres for substance abusers, and eight umbrella groups.

All of these organizations are almost entirely dependent on government funding, whether it comes directly from the federal and provincial governments, or indirectly through their constituent or sponsoring organizations. Including the band and tribal councils, it all works out to one government-funded Native organization for every 362 Native individuals in British Columbia, including those who are registered and those who are not.

Besides these 476 Native organizations, there are many other agencies in British Columbia employing both Native and non-Native people to run special Native programs. These include the federal and provincial departments that administer Native programs plus everything from special counselling and cultural enrichment programs in schools to Native relations divisions in Crown corporations that do business with bands and tribal councils.

Only 10.4 percent of federal spending on Native programs goes directly to Native individuals in the form of social assistance. Nineteen percent goes to education (excluding costs of building schools) and 18 percent goes to health. Much of federal spending, including much of the spending on education and health, goes to support the vast maze of politicians, bureaucrats, consultants and lawyers.

Such is the proliferation of Native organizations which get funding from the federal government, and such is the lack of training and experience among the staff of these organizations that it is no surprise that Canadian newspapers

frequently carry stories of financial mismanagement and shenanigans.

In September 1997, the Fort Albany First Nation of Ontario was in the spotlight. We learned that they had a budget of \$17.5 million to serve 900 members. The chief had collected \$61,939 for travel expenses, the other councillors and staff had collected \$177,589 for travel, and they had been paying a lawyer \$200 per hour (for a total of \$239,237 in legal fees) to do everything from write band council resolutions to defend against wrongful dismissal suits.<sup>16</sup>

In September 1998, we learned that the three chiefs and 12 councillors of the Stoney Nation of Alberta collected more than \$1.4 million dollars in tax-free salary and other income in the last fiscal year, with the highest paid chief earning \$167,988 tax free.<sup>17</sup> The Stoney Nation had 3,300 members living on reserve. In comparison, the City of Grand Forks, British Columbia, has an estimated population of 3,800. The mayor is paid \$15,000 per year, each councillor is paid \$8,300 per year, and they all pay taxes.

In October 1998, we learned about the Samson Cree Band, with 5,100 members living on reserve. In 1996, the band had revenues exceeding \$97 million, with \$47 million from federal and provincial transfers and \$50 million from oil and gas holdings and investments. This worked out to more than \$19,000 per individual band member, yet 80 percent of the members were receiving social assistance. For the 1997/98 fiscal year, according to preliminary figures, the chief and 12 councillors may have collected \$1.9 million in salaries, fees and benefits, for an average of \$146,000 each, all of it tax free since they lived and worked on reserve.<sup>18</sup>

16 "Reserve headed towards trusteeship," *The Globe and Mail*, Monday, September 1, 1997.

17 "Expenses doubled natives' salaries," *The Globe and Mail*, Friday, September 4, 1997.

18 "The money pit: An Indian band's story," *The Globe and Mail*, Saturday, October 24, 1998.

In spring of 1998, when Reform MPs asked questions about the accountability of the Stoney Nation and other Canadian bands (28 percent of which were in debt), Phil Fontaine, Grand Chief of the Assembly of First Nations, was quoted as saying, "the attempt here is to discredit First Nations and put into question their ability to govern themselves. And that's racism. Pure and simple."<sup>19</sup> Subsequently, newspapers reported that the Assembly of First Nations had agreed to pay Phil Fontaine in excess of \$170,000 this year, far more than the Prime Minister of Canada or any provincial premier or cabinet minister gets paid. The Assembly's money comes directly and indirectly (through constituent organizations) from Canadian taxpayers.

Stories of financial mismanagement are not uncommon in the world of consultants who do work with Native organizations. Managers of those organizations often say that the problem is that there is too little in the way of proper accounting and audits required, too few spend-

ing guidelines, and too little training provided for politicians and staff. High salaries, high travel allowances, and other benefits to politicians and staff are not unusual. In fact, travel budgets tend to be astronomical, such is the proliferation of meetings held by the multitude of Native organizations and the demand of many Native politicians and bureaucrats to travel in style, staying in the better hotels and eating in the better restaurants. The expenditure of very large sums of money on lawyers and instances of abuse of office and misallocation of funds are not unusual either.

There are good reasons to stop and do a careful assessment of how we are spending now and what results we are achieving, before committing ourselves to going in the direction set by the Nisga'a agreement. After doing that, we would do well to consider how much we are prepared to spend in the future and how we might best spend that money to benefit ordinary Native people. There are alternatives to the proposed Nisga'a model that are worth looking at.

## **9 The majority of ordinary Native people have already found alternatives for themselves. They have been voting for greater integration into the mainstream of Canadian society with their hearts and minds and feet.**

Ordinary Native people, not their leaders, have been showing us effective alternatives for many years now. Regardless of the segregationist policies favoured by the elected leaders of Natives living on reserve and, now, by non-Native leaders as well; despite the heated rhetoric about "cultural genocide" from would-be rulers of small ethnically homogeneous nations, ordinary Natives have been integrating themselves into mainstream Canadian society.

The 1996 census found that there were 1.1 million people (3.9 percent of all Canadians) who

had some Native ancestry. Of these, 27.5 percent did not self-identify as Natives and another 19.1 percent self-identified as Métis, indicating that at least 46.6 percent of the 1.1 million were of mixed ethnic origins. Though precise statistics are not available, anyone very familiar with Native people will tell you that most have at least some non-Native ancestry; this indicates that there is a high level of ethnic mixing. Even many registered Natives are less than half Native and, since one can become a registered Native through marriage, some are 100 percent non-Native.

<sup>19</sup> "Reform, Fontaine square off over racism," *The Globe and Mail*, Thursday, April 9, 1998.



It is also true that people with Native origins typically have ancestors from two or more ethnic groups. It is the rare Nisga'a who does not have some Gitksan, Haida, Tlingit, or Tsimshian ancestry and it is the rare Dené who does not have some Cree ancestry.

The ethnic mixing will continue. There is no comparable statistic available for Canada but, according to a story recently published by the *Globe and Mail*, 44 percent of American Indians marry non-Natives. They are part of the melting pot, like all other Americans.

Indian Affairs reports that there were 610,874 registered Natives in 1996. Only 354,369, or 58 percent, lived on reserves. In 1982, 71 percent of all registered Natives lived on reserves. The percentage has declined partly because of Bill C-31 and the fact that many Métis and others living off reserve have qualified as Registered Indians.<sup>20</sup> But the decline is also due to the fact that Native people are following the universal trend and moving away from small and remote communities towards larger communities where there are more opportunities.

If we look at both 1996 census data about all Natives and Indian Affairs' data about registered Natives, we come to the conclusion that no more than one-third of all Canadians of Native ancestry now choose to live on reserves. The 1996 Census found 20 percent of Canada's Native population concentrated in seven large cities: Winnipeg, 45,750 Natives; Edmonton, 32,825; Vancouver, 31,140; Saskatoon, 16,160; Toronto, 16,100; Calgary, 15,200; and Regina, 13,605. There were only 39,690 Natives in the entire Northwest Territories, including about 21,000 Inuit people in the part soon to become Nunavut.

A similar pattern of Native migration to urban centres prevails in the United States. The 1990 Census in the United States found a total population of American Natives (including American Indian, Eskimo and Aleut) of 2.2 million. Of these, 242,000, or 11 percent, lived in California; by far the greatest number were concentrated in the area of Los Angeles. More than 90 percent of those living in California came from elsewhere.

When they talk about their hopes for their children, Native parents sound like other Canadian parents. They hope their children will get good educations and good jobs. Some hope their children will return to their hometowns or villages after getting their educations and establishing themselves in careers. But even these say that if having a better life means living elsewhere, then that is what they hope their children will do. The children themselves dream of becoming scientists, teachers, nurses, doctors, lawyers, television news anchors, artists, basketball players, and rock stars. They dream of going to the cities where they suppose such dreams come true. It is too often the case, unfortunately, that their records of academic achievement indicate that their fondest dreams are unlikely to come true.<sup>21</sup>

As suggested in section 6, integration into the mainstream of North American society, through education and migration to urban centres, gives Native people, like all other North Americans, financial advantages: those who move off reserve earn higher incomes than those who stay on reserve, whether the reserves are large or small. They fare better in other ways, too. Average life expectancy is one of the best measures of physical and emotional health. The higher life expectancy of Natives off reserves, as noted in section 6, confirms what many studies tell us. They are less

20 Bill C-31, passed by the federal parliament in 1985, restored "Registered Indian" status to native women who had previously lost their status when they married non-Native men. It also enabled the descendents of these women to apply for status.

21 I have known, and know today, many aboriginal parents and have interviewed many others whom I know less well.

prone to the diseases, often related to stress and life style, common amongst Natives on reserve.

Before pouring tens of billions of dollars into new efforts to encourage Natives to stay in remote communities, segregated from the rest of Canadian society, we might be wise to consider

whether some of that money might better be spent on new efforts to help Natives get better educations and relocate to centres where there are good job opportunities. Does it not make sense to put more money into solutions we know to work and less into solutions that have a long history of failure?

**10 If approved, the Nisga'a agreement will have huge ramifications right across Canada, ultimately costing Canadian taxpayers tens of billions of dollars in settlements and on-going support.**

The Nisga'a agreement, if approved, will be a landmark victory in the struggle, begun in 1969, for recognition of Native peoples as "first nations" with continuing rights to exist as mini-nations within Canada, each with its own large territory and some considerable measure of self-government but reliant on massive transfers from non-Native taxpayers.

The Supreme Court's *Delgamuukw* decision of 1997 said that three things establish the basis for Native claims in British Columbia: (1) section 35(1) of the Constitution Act of 1982, (2) common property law, which recognizes occupation as proof of possession, and (3) systems of Native law that were in place before establishment of British sovereignty.<sup>22</sup> The Court also ruled that oral histories must be accepted as evidence. This made it easier for Native people to argue that there were, in fact, particular Native laws that defined their sovereignty over a particular territory before the British established sovereignty and that they have, in fact, occupied or used those territories continuously to this day.

The Supreme Court's decision only set down some ground rules for negotiating or litigating claims. It

did *not* say that claims in British Columbia should result in vastly more land and cash benefits than had been given to Natives east of the Rockies. It did *not* say that British Columbian Natives should be given a new, complicated, and very expensive kind of self-government that will never be self-reliant but always dependent on massive subsidies from non-Native taxpayers. In fact, it did *not* say anything at all about a requirement for self-government, although in the earlier (1996) *Pamajwon* decision they made it clear that, *if* there is any right to self-government, it is highly constrained.

The Nisga'a agreement will be seen as a new standard for treaties and land claims. Those who do not already have treaties or who have not already settled their claims under existing treaties, will aspire to achieve that standard. It is very likely those who have already settled treaties and claims will seek to reopen their settlements and bring them up to the new standard. It is quite possible that the *Delgamuukw* decision, together with the established legal doctrines of "fiduciary duty" and "honour of the Crown," will provide them with basis for doing so. We can be sure, at least, that there will be no shortage of lawyers ready to argue that this is so.

<sup>22</sup> The Royal Proclamation of 1763 is subsumed under section 35 (1) of the Constitution Act of 1982. In coming to their decision, the Supreme Court Justices mention both the proclamation and section 35 (1) as bases for aboriginal title, although they do not explain exactly why or how the proclamation should apply to British Columbia and the *Delgamuukw* case.

If approved, the immediate costs of the Nisga'a agreement will be from \$92,000 to \$93,500 in land, cash, and other benefits for each of the 5,230 Nisga'a individuals. Once the new nation is established, the transfers to support it could approach or even surpass \$16,000 per capita per year.

British Columbia's Premier has referred to it as "the template" for agreements that will eventually settle land claims across the province. British Columbia's Leader of the Opposition has called it "the floor" and pointed out that it is in the nature of negotiations or court settlements that each supplicant tends to win a bit more than the supplicant before. In any case, if we multiply the \$92,000 or \$93,500 by the 105,711 registered Natives in British Columbia as of August 1998,<sup>23</sup> we come up with immediate costs of about \$10 billion for settling all claims in the province.

The actual costs could be much higher than that. Real estate in the Nass Valley is worth considerably less than real estate in the Lower Mainland, Okanagan, or Southern Vancouver Island. If aboriginal groups from those areas go any distance in winning arguments that they deserve as much land per capita as the Nisga'a were given, or else cash equivalents, then the final costs for settling all claims will be very much more than \$10 billion. *Globe and Mail* columnist Gordon Gibson may be right in guessing that the costs could be more like \$30 billion.

There can be no doubt that the struggle for more aboriginal territory and self-government will extend beyond British Columbia to the rest of Canada. Why should the Mikisew Cree or any other bands in Alberta or further east be satisfied with their existing settlements when they see how much the Nisga'a have won? It is almost certain that, one by one, they will seek new settle-

ments through negotiations or litigation. They will cite the Nisga'a agreement as a precedent and they will turn to the Supreme Court's *Delgamuukw* decision for some of their arguments. In fact, the Mikisew Cree have already filed a new claim asking for much more than they got in their 1986 settlement and alleging that they were not properly informed when that settlement was reached.

A few decades from now, once all negotiation and litigation is ended, the costs of going in the direction set by the Nisga'a agreement could be several tens of billions of dollars for settlements. The portion of federal program spending devoted to special programs for Native people could also escalate from 6 percent this fiscal year to 8 percent, 10 percent, or more in future fiscal years. (Federal spending on Native programs has been increasing at an alarming rate, anyway. That part of federal Native program spending managed by the Department of Indian and Northern Affairs increased from \$2.03 billion in fiscal year 1988/89 to \$4.50 billion in fiscal year 1998/99.)

Are those representing Canada and British Columbia in the courts and at the negotiating tables thinking this far ahead? If so, what is their thinking? Do they think it is right to give the Native people of British Columbia so much more than Native people in the rest of Canada? Or do they see the Nisga'a agreement as the beginning of a process that, eventually, will see all Native Canadians treated equally? Do they think it is right to continue giving special housing, health, and other benefits even to high income Native people, when such benefits are often not available even to the poorest non-Native Canadians?

Do they think Canada can afford to go in the direction set by the Nisga'a agreement? Sup-

23 This figure is from "BC Registered Indian Population by Residence Code for Month Ending August 1998," a monthly report available from Indian and Northern Affairs, Vancouver.

posing Canada can afford it and agrees to devote so much to spending on Native people, have they considered other options for spending before deciding that this is the best option? Have they considered, for example, that it might be better to focus more on education and

development of opportunities to relocate and find jobs in the urban areas where most economic growth takes place?

If they have thought about these things, they should tell us their thinking.

**11 In past treaty and land claim settlements, Native individuals were often offered choices, not just one take-it-or-leave-proposition. For example, they could choose between remaining registered Natives or opting out in exchange for compensation plus full citizenship, with all the rights and responsibilities that go with it and no special privileges. The agreement provides no such choices for Nisga'a individuals.**

It is common for Native leaders to point out that, before amendments to the *Indian Act* in 1951 and 1960, many rights given to other Canadians were denied to registered Natives. These included the right to attend provincial public schools and the right to vote in federal elections. What they do not mention is that, historically, in both Canada and United States, the policy was to give people either registered Native status, with its special rights, or else full citizenship, with all the rights and responsibilities that normally go with citizenship. They did not allow both at once, just one or the other.

A cry to arms during the American Revolution had been “no taxation without representation.” Implicit American and Canadian policy regarding Natives was “no representation without taxation,” hence no vote. In the case of Canadian provinces, there was no right to attend provincial public schools without contributing to those schools through taxes. Only when the federal government agreed to contribute on behalf of registered Native children did they allow them into provincial schools.

When the Prairie treaties were signed in Canada, Natives were often given the choice of retaining their registered status, with treaty rights and rights to benefits provided under the *Indian Act*,

or else exchanging their registered status for full citizenship plus scrip to buy land. In fact, that is the origin of many of the people known as Métis. They did not necessarily have less Native ancestry than people who chose to remain registered Natives. They just chose to take the scrip and become full citizens.

The American government was more assertive in terminating Native status. From 1887 to 1934, under the General Allotment (or Dawes) Act, they parcelled out land from old reservations, 160 acres per family, to be held in trust for 25 years and then given outright, to be held in fee simple. Their intent was to encourage transition towards full participation in mainstream American society. Towards this end, they granted full American citizenship to Natives in 1924. The Dawes Act was withdrawn in 1934 when it was found that many Natives had disposed of their land and were left in poverty. The Reorganization Act then called for establishment of band governments. However, in 1953, the American government again resolved to terminate reserves and special Native status. They stayed on this course until 1970, when American Indian Movement protests caused them to cease termination.

In addition, both the American and Canadian governments established rules to phase out

Native status as people became less Native in ancestry. The Americans did it on a "blood" percentage basis, resulting in terms like "half-blood" and "quarter-blood." The Canadians did it on the basis of the patrilineal system common in Europe. Women lost their registered status if they married men who were not registered. The children of such unions had no right to registered status either.

In 1951, the federal government began paying for attendance of Native children at British Columbia's public schools. In most cases, those living within easy commuting distance of these schools began attending them in grade one. Native children from remote communities continued to board in the old church-run residential schools, sometimes taking their elementary classes at those schools but usually travelling by bus to public schools for junior and senior high school. In 1960, attendance at provincial public schools became federal policy for all Native children.

In 1960, too, changes to the *Indian Act* had the effect of giving registered Natives both their special status (qualifying them for rights and benefits not available to other Canadians) plus full rights of Canadian citizenship, but without the full responsibilities of Canadian citizenship. That is, they could vote but they still did not have to pay taxes. This change weakened the federal government's bargaining hand considerably. It denied them a significant carrot to offer in future negotiations with Native people.

In 1982, Bill C-31 also weakened the government's ability to phase out Native status. It resulted from protests, at the United Nations and elsewhere, that the patrilineal policy specified in the *Indian Act* was unfairly biased against women. The Bill changed the Act and enabled women who had lost their status through marriage and the children of such women to regain their status. It left it to band councils to decide who would be

admitted to membership. The result has been a substantial increase in the number of registered Natives since 1982, and an increase in that portion who are half or less than half Native by ancestry.

Many have been applying for status under Bill C-31 because there is nothing to lose and a lot to gain by becoming a registered Native. Even Métis whose ancestors gave up their status for scrip have been applying for registered status because of the benefits it provides. Gaining status qualifies people for houses on reserves and, once they are living or working on reserves, exemption from taxes. It also provides the special health, education, and business development benefits already noted.

The 1969 White Paper, "Statement of the Government of Canada on Indian Policy," was the last federal attempt to phase out special status for Native people and make a bold new deal with them. It followed a year of consultations with aboriginal people across Canada and concluded, "the separate legal status of Indians and the policies which have flowed from it have kept the Indian people apart from and behind other Canadians." It criticized those Native people for whom there is but one road, "the only road that has existed since Confederation and before, the road of different status, a road which has led to a blind alley of deprivation and frustration."

In future, the White Paper said, Native people must be "free to develop Indian cultures in an environment of legal, social and economic equality with other Canadians." It proposed that the *Indian Act* be repealed, that special federal programs aimed at Native people be phased out, and that all services to Native people be delivered under the same (mostly provincial) programs and agencies that serve all other Canadians. As a step towards "full social, economic and political participation in Canadian life," it proposed that a commission be estab-

lished to consult the Natives and recommend acceptable procedures for settling land claims. As part of any settlement, it proposed to transfer title of lands to Native people so that these lands would no longer have special status as reservations held in trust by the Crown, and would be subject to the same laws applying to lands owned by other Canadians. It also proposed to make "substantial funds available for Indian economic development as an interim measure."

The White Paper proposed new programs for "strengthening and developing an Indian identity which preserves the good things of the past and helps Indian people to prosper and thrive" and for promoting understanding by other Canadians of Native culture and historical contributions to Canada.

The White Paper was an expression of fundamental principles dear to then Prime Minister Pierre Trudeau. He was against ethnic nationalism, the identification of a people with a territory, and for a multicultural Canada in which many different peoples co-habit in one territory, under one system of government and law. He saw need for a hierarchy of government and law, from the international, to the national (in the nation-state sense), to the provincial, to the local. But all of these levels of government and law, he believed, should recognize the individual human being (not the ethnic group) as the essential unit. Each individual should be equal to each other, and each should be guaranteed large measures of freedom, including freedom to move about and pick and choose among ideas and lifestyles.

In an interview on CBC radio's "This Morning" on 9 September 1998, Quebec writer Roch Carrier said that there are two kinds of people, the notaries and the *coureurs du bois*. The notaries are fundamentally conservative and want to stay where they and their ancestors were born, relate to their own kind, and adhere to the beliefs and tradi-

tions of their ancestors. The *coureurs du bois* are eager to move about and experience new things. English writer Bruce Chatwin has said much the same thing, only he likens those who want to stay in one place to Cain, the tiller of soil, and those who want to experience movement to Abel, the shepherd.

Trudeau was a *coureur du bois*, an Abel, and so were many Canadians in 1969. The very name of Expo '67, *Terre des Hommes*, had inspired many to think of a world in which all of humanity might live as brothers and sisters under the sun and stars, free to go where they might. It came from the title of a book by Antoine de Saint Exupéry and expressed a humanist and internationalist view that was popular amongst people who had lived through World II and who had seen that extreme ethnic nationalism was largely responsible for the horrors of that war. Canada's own pavilion at Expo '67 was called *Katamavik*, an Inuit word meaning a gathering place of all the people, and carried the message that people of all different backgrounds should strive to understand and live in harmony with each other.

The view that people of different backgrounds should be equal members of one society was appealing to many Canadians then. In the case of non-Natives, they or their ancestors had migrated from elsewhere sometime within the past 400 years, often to escape the consequences of ethnic, religious, or class prejudice. Through interbreeding, they had produced offspring of mixed ethnic origins and, often, people happy to consider themselves simply Canadian, without any prefix announcing those origins.

Canadians who sympathized with Trudeau's humanist and internationalist view were often the most enthusiastic sympathizers with the movements against segregation and apartheid in the United States and South Africa. It embarrassed them when American or South African

racists pointed to Canada's long-standing Native policy as evidence that Canadians, too, practised racial segregation. To them, the White Paper seemed a move in the right direction, towards

racial integration and equality. How ironic that, today, those who argue against special status based on race and against segregation are branded racists and perpetrators of cultural genocide.

**12 Finally, it may be time to make a practical and realistic new deal with all the Native people of Canada, favouring no Native group over others, treating all equally, and offering choices.**

It is evident that, if given incentives or, even, if left to their own devices, many Native people opt for integration. With the Nisga'a agreement, however, the federal and provincial governments are offering Natives nearly irresistible incentives to opt for special status and segregation. Who would say no to a package that requires them to give up little (except tax-exempt status) but gain much, unless there were a better or equally attractive deal on offer?

By going this far along the road to negotiating an agreement with the Nisga'a people, the federal and provincial government have upped the stakes tremendously. Still, we know that at least one Nisga'a has said he is afraid to speak out against the agreement for fear of being shunned by his own people but that his real sentiments are, "I want a cash settlement . . . I don't see anything in this for me."<sup>24</sup>

Before going ahead with the Nisga'a agreement, all of us, whether Native or not, should be thinking about "what is in it" for individual Nisga'a people and, if it is to become the model, what is in it for all Native Canadians. We should be thinking about treating all Natives equally but perhaps offering them choices, as in the past.

My suggestion is that the Nisga'a agreement be put on hold and that our governments commit themselves to a new course of action. It would

involve consulting ordinary Native people, not just the elected leaders of on-reserve Natives and their consultants and lawyers, and developing alternatives that work best for all of them, not just the privileged few.

Given the awkward situation our governments have got us into, the first step might be an announcement committing them to finishing consultations and producing alternatives within a year and promising all Native British Columbians and, in the federal case, all Native Canadians a generous new deal. The new deal might be called a grand treaty, pertaining to all the Native people of Canada. Following are some elements that might be included in a new deal.

***Benefits of equal value***

All Native individuals (at least all registered Natives and possibly others) would be given benefits of equal value, whether they choose to live on band lands or off, whether they wish to retain their registered status or not.

***Three Choices***

All Native individuals would be offered three choices:

- (1) remain registered members of their own bands, with rights to live on band lands and receive all the other benefits that go with band membership;

<sup>24</sup> "Nisga'a treaty to be signed today," *Globe and Mail*, August 4, 1998.

- (2) become registered Natives at large, with freedom to live in urban centres or elsewhere but still with rights to receive benefits comparable in value to those given those who live on band lands;
- (3) opt out of registered Native status and receive a generous buy-out package at least equal in value to what they would receive during their lives if they retained registered status.

### **Choice 1**

Those opting for choice 1 would be assured that every band in Canada would be treated like every other band and given a combination of land, cash, and other benefits that puts them all on a par per capita. They also would be assured that there would be consistent rules and guidelines for the administration of band and tribal council affairs, and consistent and well-enforced accounting and auditing procedures that prevent the kinds of abuses that are so common today.

### **Choice 2**

Those opting for choice 2 would be assured that they would be given benefits that make living elsewhere an equally attractive alternative to living on band lands. These might include subsidized housing, education, health, business assistance, and other benefits that would help them become established and maintain a reasonable standard of living. These might be administered through regional trusts or corporations set up to provide services to registered Natives living off band lands. These regional bodies might be overseen by boards with majority membership elected or appointed by Native people but also some membership appointed by federal and provincial governments, to look out for their interests as primary providers of funding. Such a board might also include members from business and industry and major non-profit organizations, appointed jointly by Native people and the

senior governments, to provide the benefit of their expert knowledge and experience.

### **Choice 3**

Those opting for choice 3 would give up their registered Native status and become equal to all other Canadian citizens. They would be offered generous settlements for choosing this option, possibly including one-time cash amounts plus annuities for life. Once they had made this choice, neither they nor their descendents (except possibly through marriage) would be allowed to go back to registered Native status. However, the annuities might be extended, in diminishing amounts, for a generation or two, to children and grandchildren. Those choosing this option might be required to go through a screening and counselling process to ensure that they are fully prepared and fully understand the consequences of their choice.

### **Switching**

Those opting for choice 1 or 2 would be able to switch back and forth between those two choices, but with some restrictions. They would also have the option of making choice 3 at any time they so chose or perhaps only periodically, according to some fixed rule or schedule.

### **New rules for Native status**

There would be a new set of rules, consistent across Canada, for admitting people to registered status if they were Native but not already registered and for denying registered status to offspring who cease to have sufficient Native ancestry. Giving special status for people who happen to be Native is, by definition, a race-based or ethnicity-based practice. It is fair, then, to have rules denying status to people who do not have a specified amount of Native ancestry. Denying status might be handled by offering final settlements (for example, annuities) to children who have a registered Native parent but who, themselves, have less than a given percentage of Native ancestry.



***Sunset clause***

A further possibility would be some sort of sunset clause connected to the third choice. This sunset clause might entail something like a

mandatory move to choice 3, with a buy-out, for registered Natives who have been living off reserves for very long periods of time, such as a generation or two.

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**Conclusion**

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Our governments, by going as far as they have with the Nisga'a negotiations, have already held out the promise of a generous new deal for Native Canadians that will cost tens of billions of dollars. The problem with that new deal is that it is more of the same, the sinking of much

money into a vast bureaucratic structure that produces only meagre benefits for individual Natives. Another kind of new deal might cost less but offer much more in the way of tangible benefits to individuals.

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## About the Author

**Stuart Adams** is a planning consultant and owner of Stuart Adams and Associates Planning Consultants Limited. He began his professional career as a city planner, first, for the City of Niagara Falls, Ontario, and next for the City of Vancouver, British Columbia. He then became a Senior Social Planner for Vancouver. Born and raised in Port Alberni, on the west coast of Vancouver Island, he has had close associations with Native people from early childhood. Since he established his consulting practice in 1978, much of his work has been with Native groups and with the government agencies and Crown and private corporations that do business with them. This work has involved research into a broad range of social, cultural, economic, and health issues; evaluating existing policies and programs that address those issues; and developing new policies and programs.

In the 1990s, Stuart Adams has been helping BC Hydro develop strategies for resolving grievances and improving its relations with First Nations. On contract to BRC Imagination Arts, he recruited and coordinated Nim'gis and other Native participation in development of a Nim'gis theme show at Knott's Berry Farm, duplicating the earlier success of a Nim'gis theme show, "Spirit Lodge," that he helped develop for the General Motors pavilion at Expo '86. Recently, he completed a major study of the impact of the W.A.C. Bennett Dam on the social and economic conditions of the Athabasca Chipewyan, Métis, and Mikisew Cree people of the Peace-Athabasca Delta.

Stuart Adams has a B.A. in Sociology from the University of British Columbia and an M.Sc. in Urban and Regional Planning from the University of Toronto. He is a member of the Canadian Institute of Planners. His recent publications are *Fort Chipewyan Way of Life Study: Final Report* and *Fort Chipewyan Way of Life Study: Summary Report* (June 1998); *Grand Forks and Christina Lake Housing Study* (September 1997); *Williams Lake Homes and Neighbourhoods, Today and Tomorrow* (January 1997).