

By David Dennis

**AN OPEN LETTER TO HUU-AY-AHT
REGARDING THE MAANULTH FINAL AGREEMENT**

July 24, 2007

Dear Huu-Ay-Aht Members,

I am writing this letter to explain why I will not be participating in the upcoming vote on the Final Agreement. Contrary to what folks might be telling you, its not out of a personal attachment to the Indian Act, a motivation to stay with the status quo, or to make light of the work that's been done on our behalf. It is because I believe we are being tricked.

There are very important reasons that I believe we are being tricked, bought off, and in certain cases misled into believing that this Final Agreement is a good thing for our people. Very high stakes are at play, and from what I have witnessed over the past month since it was announced that the vote would take place on July 28th, I do not feel that the membership has been fully informed of the consequences of each chapter of the Final Agreement and how it will impact their lives and the lives of their children.

I would like you to take some time to consider what I am saying. I will break down my concerns with the Final Agreement and the way it has been presented to you into these basics: 1) all of the material is biased towards a "yes" vote; 2) all of the public sessions have biased towards a "yes" vote; 3) there has been no opportunity, aside from attending the "yes" sessions, to produce any dissenting information to the membership; and, 4) we are being asked to make a final decision for our future generations when people under 18 years old at the time of this vote will have zero say. In other words, we have only heard from sources that want you to vote "yes" on the "treaty", NOT try to produce a clear understanding of what the treaty means.

Aside from these concerns with the process and way the Final Agreement has been brought to our people, I believe there are serious problems with the Final Agreement itself, and with the language it contains and how it will affect our future generations.

The main problem is that the coming generations of our nation will have to endure the non-native governments of Canada and the province of British Columbia as their ultimate authority FOREVER! This in itself should be enough to cause us to reject what is being proposed. But there are more problems the closer you look at this Final Agreement. I will explain just four of the major points:

1. Governance. The Agreement will set up our government as an executive

run organization. If it is ratified, be prepared to give up the power to pass resolutions at the annual assembly. In s.2.29 of the Agreement's constitution, it is stated that "the people's assembly may by way of majority of those in attendance, make recommendations to the HUU-AY-AHT First Nations Council by way of resolution". There is absolutely no power for the citizens to make changes on the floor! In addition to this our Ha'wiilth are reduced to a token advisory council to the executive branch.

2. Taxation. In 12 years our tax exemptions will cease to exist, along with any fundamental aboriginal right of trade and commerce outside of the control of the federal and provincial governments. This is explained in s.19.5.1. In 12 years all those living on reserve will be expected to pay income tax, property tax, GST, and provincial tax. Consider this, here are the federal tax rates Canadians paid for the 2006 tax year: 15% on the first \$36,378 of taxable income; 22% on the next \$36,378 of taxable income; 26% on the next \$45,529 of taxable income; and 29% of taxable income over \$118,285. Any time that you purchase anything from socks to a new house you will pay 14% in provincial and federal GST. Finally, your property will be assessed on the value of your land and the value of your house and will be taxed on that. To be clear NONE of these resources will flow directly into our nations coffers for us to decide how best to spend these taxes. These moneys will be collected for us and FOREVER used by the provincial and federal governments.

3. Aboriginal title and aboriginal rights. These rights will be extinguished forever and replaced with what is referred to by lawyers as modified rights under the Final Agreement s.1.11.1. This Agreement "constitutes the full and final settlement in respect of the aboriginal rights, including aboriginal title of each Maanulth first nation.." meaning that we can never again claim to have inherent or Native rights outside of what Canadian courts and governments give to us. It goes on to explain that unless it is written in ink clearly on this paper in this Final Agreement, you can kiss it goodbye forever! Think about it: is everything that is of value to our rights and heritage written out clearly on paper in the Agreement? Despite what the "yes" people are telling you, this is the section that is of the utmost importance and value to the federal and provincial governments, because any lands and rights not mentioned or not spelled out are left out, and we will have NO RIGHTS to these lands. They will have been surrendered forever.

4. Finality. You should understand that through this Agreement, the non-native governments are achieving their goals of "finality" and "certainty", meaning that our laws are finished and their laws will apply and prevail over the land and over us. This all designed to trump any future challenge to the authority and power of the non-native governments over our communities.

I cannot say for sure why anyone would support this Final Agreement. But I do know that anyone who does ask you to vote "yes" is not aware or not

respecting the full implication of this so-called "treaty". By the way, if I did feel that this process was fair, transparent and honest, and that we as members were fully informed, I would vote and I would vote NO!!!

Sincerely,

Dave Dennis

Huu-Ay-Aht First Nation