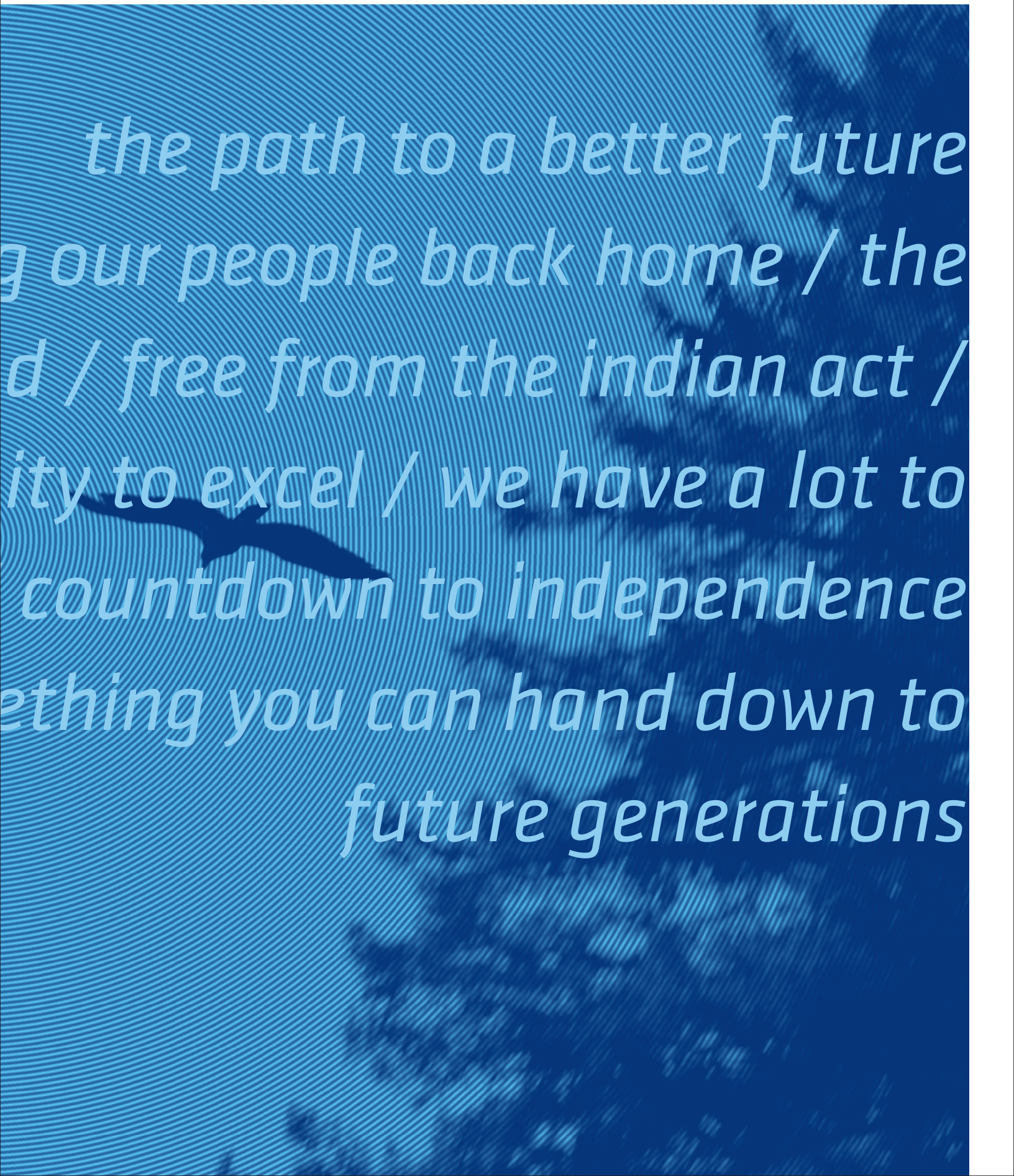


LEARNING FROM OUR SUCCESS /

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countdown to independence
ething you can hand down to
future generations*



The title of this Annual Report “Learning from our Success” was inspired by the words of the late Chief Joe Mathias:

“It has been said that one learns nothing from success, that one only learns from failure, that experience is a crude teacher. With the signing of the Treaty Commission Agreement today we now have the opportunity to turn that saying around, indeed we have the opportunity to turn history around. The process we have put into motion today affords us the chance to learn all about success for all peoples. Not only for the First Nations peoples but for the people of British Columbia and Canada.”

— T'ÉCHUXANM-T SIYÁM / LATE CHIEF JOE MATHIAS / SQUAMISH NATION
AT THE SIGNING OF THE BRITISH COLUMBIA TREATY COMMISSION AGREEMENT
SEPTEMBER 21, 1992

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LETTER FROM THE / *chief commissioner*

“A Commitment Worth Preserving...” is how the Standing Senate Committee on Aboriginal Peoples opens its June 2012 interim report on reviving the BC treaty negotiations process. In this, my last Annual Report as Chief Commissioner of the BC Treaty Commission, I cannot agree more strongly with this statement. The BC treaty process is indeed worth preserving. And honouring. For this reason, the Commissioners made a conscious decision to acknowledge and focus on those First Nations that have made the commitment to move forward and complete significant milestones in their negotiations, either completed Agreements in Principle, or Final Agreements, some fully ratified by their communities and some now being implemented.

The numbers show the BC treaty process can work: 13 First Nations have made the decision to move forward. We must acknowledge the commitment and courage of these First Nations and their achievements. To be sure, challenges remain, and many more First Nations are dissatisfied with their level of progress. However, it continues to be the goal and commitment of the Treaty Commission to work diligently to ensure another dozen and more First Nations will reach agreements expeditiously.

The 2011 annual report from the British Columbia Treaty Commission (BCTC) addressed the Principals' lack of urgency apparent in the BC treaty process and suggested that “direction is urgently required from the highest level... to shake the status quo.” To underscore this message we went on to state that if the three parties cannot harness the effort necessary to finalize treaties so that we can all realize a benefit from the investment made into the process, then perhaps it's time to consider shutting down the process. This certainly got the attention of the parties involved as well as a lot of British Columbians. Thankfully, it appears that our message has gotten through as we have seen more concentrated effort to move the negotiations along than we had seen in the past three years. Yes, there's still a long way to go but at least we seem to be heading in the right direction.

Challenges remain, never as clearly evident as the inability of the Principals to come together for a common recognition and acknowledgement of the 20th anniversary of the BC Treaty negotiation process on September 21, 2012.

In addition to the June 2012 report of the Standing Senate Committee on Aboriginal Peoples that made strong recommendations on improving the federal process in the negotiations, we also saw the public release of the Lornie Report, a special report for Minister Duncan to address the issue of accelerating the negotiations process from the federal perspective. These reports echoed what the BC Treaty Commission has been consistently recommending. The similarity of the message from these two separate reports was encouraging and the media release by the federal government that we saw on September 4, 2012 appears to be on the right track of addressing the need for “a faster process by focusing our energies and resources... look[ing] at ways to speed up its internal processes... and creating options to improve access to other tools outside the negotiations process that address Aboriginal rights...” The Treaty Commission expects that Canada will live up to its commitment to work with its partners, the First Nations Summit and the Provincial Government in improving the BC treaty negotiations process. The federal process needs to be fixed and Minister Duncan is providing the leadership necessary to accomplish that.

There continues to be effort and focus on improving the treaty process. The work of Treaty Revitalization continues. This work, and indeed the BC treaty negotiations process generally, must form part of the larger review being undertaken of the comprehensive claims process. The Made-in-BC treaty negotiations process cannot be subsumed or overtaken by this national review or the essence of our process will be lost. If anything, the comprehensive claims process and the rest of Canada can learn from us. The Made-in-BC treaty process is one of the most complex sets of negotiations ever undertaken in this country, with the largest concentration of unresolved land claims — and it can work. To paraphrase a recent discussion about the claims review process, it isn't a matter of the comprehensive claims process taking over the Made-in-BC treaty process, but the reverse — the comprehensive claims process should be “British Columbianized.”

The Standing Senate Committee on Aboriginal Peoples concluded in its June 2012 report that, “While progress has been made, the parties to the process have also faced and continue to face significant challenges in connection with the negotiation, ratification and implementation of treaties within the process. Focused attention and a renewal of efforts are required, at this stage, to address and overcome these challenges.” This will be required of all the parties. The British Columbia government will be entering an election phase, and effort will be required to maintain negotiations. This is always a challenge, but one for which we are sure the new Minister is prepared.

I have been very fortunate to be involved with the BC Treaty Commission for the past three and a half years. Reviewing the video footage of the signing ceremony 20 years ago was very moving and reminds me once again of why we are on this journey and why it is vital that we get it right!

As always, I thank my colleagues, Commissioners Robert Phillips, Jerry Lampert, Dave Haggard and Celeste Haldane for their continued support. And to the staff of the BC Treaty Commission, my heartfelt thanks for your hard work and dedication. Collectively, you have made life as Chief Commissioner much easier than I ever expected. Thank you.

Sincerely,



SOPHIE PIERRE OBC
CHIEF COMMISSIONER

20 YEARS /

**FIRST NATIONS SHARE
STORIES ABOUT BENEFITS
OF MOVING FORWARD
WITH TREATY**

The BC Treaty Commission

travelled to 13 First Nation communities to conduct video interviews, and to candidly talk with the people who brought treaties home as well as those who are working earnestly towards that day. To view the video interviews selected to accompany this article, visit www.bctreaty.ca/files/twenty-year-anniversary-videos.php

THE PATH TO A BETTER FUTURE /

First Nations are striving to once again govern their own affairs and return to economic self-sufficiency in a way that reflects the unique cultures and traditions of their people. Today, many First Nations in British Columbia agree that the *Indian Act* does not work for them, and that treaty making is the best expression of true self-governance available to them.

Elders, leadership, youth and community members from across the province indicated that treaty making meant building a better future for their nation and for generations to come. Thirteen First Nations were interviewed for this article, but there are others striving to move forward to negotiate treaties and take control of their own destinies.

For six BC First Nations, their feet are now firmly on the path to a better future of self-sufficiency. Tsawwassen First Nation led the way by implementing the first treaty in April 2009. Next to implement treaties were the five Maa-nulth First Nations — Huu-ay-aht, Kyuquot/Checleset, Toquaht, Uchucklesaht and Ucluelet — in 2011.

Those leaders with treaties say their First Nations and their citizens did not get everything they wanted in a treaty. But they negotiated enough of what they needed to move forward — beyond the outdated *Indian Act*. This was referred to as essential to making significant economic and social progress as self-governing First Nations. The move from *Indian Act* band administration to self-government under a treaty is a game changer — it changes everything some said.

“Hishukish tsa’walk means everything is one,” said Huu-ay-aht Chief **Jeff Cook**. “That is one of our founding principles. You come to understand how everything is connected and that gives you a better understanding of your place in the environment.” The Huu-ay-aht people are welcoming visitors to their territory where they have lived for, according to science, 10,000 years. In Huu-ay-aht stories, it is from time immemorial and after more than 150 years of colonialism they are once again a self-governing nation taking care of their own affairs.

We are often reminded that many First Nations men and women have grown old at the negotiating table. Seeking a just land claim has not been limited to the 20 years of negotiations in the BC treaty process; this has been a lifelong journey for First Nations people in BC. In 2000, the Nisga’a people settled their land claim in northern British Columbia after a 113 year effort. Fittingly, Highway 113, now paved, winds its way from Terrace into the four Nisga’a villages. Twelve years later the treaty remains the right decision for the Nisga’a, according to their leaders.

Many leaders agree that succession planning is essential to preparing the youth of their nations to utilize the tools in the treaty, and make their own decisions about future opportunities and challenges.

To succeed, First Nations agree on the need to be self-governing and to have land, resources and capital on which to build economically and socially sustainable communities.

First Nations in many remote and semi-remote communities have had the land and the resources on which to support themselves. While remote, fish, wildlife, plants and clean water were in abundant supply throughout their territories.

Some say those First Nations people that have embraced change in a modern society have had an easier time. But those deeply attached to their subsistence cultures have maintained for their people the continuity of a traditional way of life. They have watched over the territory and welcomed their relatives home to participate in cultural and traditional practices.

For those with a foot in both worlds, the treaty is seen as an opportunity to renew or re-establish communities and, if necessary, provide new places where the people can gather for culture, language and tradition.



BRINGING OUR PEOPLE BACK HOME /

Toquaht and Uchucklesaht want to re-establish communities where only a few of their people now live.

The Toquaht First Nation village of Macoah is a relatively short drive from Ucluelet and is located along the 16 kilometers of oceanfront the First Nation now owns and controls under treaty. Envisioned are a cultural and administrative building, a residential subdivision and various tourist amenities including an expanded marina and campground, and new accommodation.

“The reason for choosing the land along the coast is so that we can bring our people back home to build up our culture and get back to the land base,” said Toquaht Hereditary Chief **Anne Mack**.

“Economically, [land] is the most viable and we need that to bring people home and to get employment for our citizens.”

For Uchucklesaht, the challenge to rebuild and repopulate the community of Kildonan (Hilthatis) is much greater. The community is accessible only by boat from Port Alberni and the potential for a road link is questionable, but not impossible. A new BC Hydro diesel generator will ensure there is reliable power; a site has been cleared so that someday the dream of a small administration and recreation building may be realized. A marina facility that Uchucklesaht is well positioned to provide is needed near the ocean end of the well travelled Alberni Canal. They currently operate a small marina and store, but have ambitious plans for a much bigger operation.



THE FUTURE IS LOOKING GOOD /

“I think the future is looking good for us,” said Uchucklesaht Chief Councillor **Charlie Cootes**.

“There are so many more opportunities than there were prior to treaty. I just want to use an example of gaining our rights one issue at a time. You can go the litigation route and try and get your rights recognized either in a piece of land, or resource like the fishery resource. Or try and gain more land. And it’s going to cost you up to \$28 million on an issue. Well, our nation spent about \$20 million in achieving our treaty, which is comprehensive, and has 26 chapters, which covers our fisheries, our governance, our lands and resources, and so many more things. We’ve got certainty in those areas, because they were negotiated and agreed to by three parties.”

“I think we have enough money in our fiscal financial agreement to operate a good government; to operate programs and services. And we get some one-time funding, and some ongoing funding. The one-time funding is money you invest and use the revenue

from the trust to provide those certain programs and services and the additional ones we need.”

Huu-ay-aht First Nations are already building for the future.

With their treaty in place as the foundation, Huu-ay-aht is laying down the building blocks for economic growth — creating jobs, more business, community development and infrastructure investment. A beautiful new \$5 million administration building at Anacla will one day be the main administrative centre for the Huu-ay-aht First Nations, which continue to conduct some business from offices in Port Alberni.

The road from Bamfield to Anacla was being paved this summer. Work has started on a sewer line and a 51-lot subdivision. Huu-ay-aht has taken possession of Bamfield east dock from Transport Canada and may purchase the Bamfield west dock. Tourism, fishing, aquaculture, gravel, forestry and power projects are the backbone of the business plan for the First Nation, initiatives all made possible by the treaty.

Huu-ay-aht Councillor **John Jack**, now in his early thirties, was a boy when treaty negotiations began. It is his generation that will be tasked with implementing treaties for the future of the community.

“We do our best to make the right decisions to allow our community’s standard of living to go up and the way we go about doing that is objectively better than how it was done before treaty,” said Jack.

“It is the people who live in the community, who are a part of the community, who are better suited to make those decisions and the BC treaty process has allowed for that to happen.”

In BC’s larger urban areas, the prime geographic locations once solely occupied by First Nations people, the economic potential is much greater for a First Nation like Tsawwassen.

Tsawwassen, with a treaty in place since 2009, will become a big player in the regional economy. Treaty Settlement Land valued at \$66.7 million when the treaty was signed has recently been assessed at \$340 million and could reach \$1.4 billion over the next eight years. Planned are 1,900 homes and 1.8 million square feet of retail space with 20 major retailers and 200 smaller stores in two shopping malls.



FREE FROM THE INDIAN ACT /

“Our treaty is the right fit for our nation,” said former Tsawwassen Chief **Kim Baird**. More land, cash and resources provide us the opportunity to create a healthy and viable community, free from the constraints of the *Indian Act*. We now have the tools to operate as a self-governing nation for the first time in 150 years.”

Baird says there are different models of reconciliation, a treaty being the full expression of it. In BC, treaty making is the only process that gives you full self-government.

“To me that was really the prize of the treaty. It’s what’s going to transform our community, there’s no doubt in my mind. It already is. So from that perspective, I’m a big proponent of treaty making. But I understand how hard it is to get to that point.”

Over the years, Baird has observed that not every First Nation is ready for that kind of commitment, or has done that work in their community to know that’s where they want to go. She worries that if First Nations

rely solely on impact benefit agreements and other things that they are incrementally settling their title without the benefits of self-government.

“Luckily we don’t have to worry about that anymore. We’re happy that those conversations, that soul searching we went through is behind us. For us there’s no looking back. It’s time to figure out how to use the tools to our advantage to build the community we want... It’s hard to understand that freedom until you’re experiencing it.”

The biggest demand for Tsawwassen right now is to support education and training for citizens. The challenge is getting Tsawwassen people to train for the opportunities that are coming. And with the economic development that is taking place, between commercial, residential, and industrial development, there are all kinds of opportunities.

There is also a need to train people so that they can take advantage of the blossoming self-government structure.



OPPORTUNITY TO EXCEL /

Northwest of the Village of Ucluelet at the site where several high-end, cedar tourist lodges are under construction, Ucluelet First Nation President **Chuck McCarthy** said, “We’ve been silent in the Village of Ucluelet. Everybody knows we’re there, but nobody ever sees a real presence from us. I think this year gives us the opportunity to show our presence and to keep going. It’s not just our people that benefit. We draw people in here that go into Ucluelet, and spend their money there, too. We’ve been quite complacent over the years, but I think this gives us the opportunity to excel.”

McCarthy says the treaty is not the answer to everything, but at least the First Nation is in charge of its own destiny.

Yale First Nation Chief **Robert Hope** says, “It’s really going to mean a lot to our people to be on our own and self-sufficient as well; provide for ourselves, and use our resources, our land, our water, to make a living. That’s always been on our mind for a long, long time. Now we’re so close to being there, so it’s great.

“People have been misled as to who owns this territory. The rightful owners are the people of the First Nations. It’s good to get it settled; settled through a real good, honest negotiation with Canada and British Columbia. It was like a marathon, but we finally got it done. And it feels good to finally have agreed upon what is ours.

“We have some resourceful young people coming up that show signs of leadership, and want to work. The treaty is for the young people, so hopefully they’ll take it and run with it.”

Megan Hope, who will graduate in 2013, is excited about the Yale treaty. “This treaty means I will have greater opportunities to succeed in life and make my family proud.”

Megan’s great-grandfather Lawrence Hope once said, “We think that we have accepted you as people. You have taken up the land and use it for your own good. It’s fine. Now give us a chance to use some of that land for our own good. And improve our economy, and dignity. And not only my dignity, but your dignity also.”



WE HAVE A LOT TO CONTRIBUTE /

A declaration made in May, 1911 has guided the In-SHUCK-ch Nation for 101 years to make a treaty with the governments of Canada and British Columbia. Again in the 1980s the people gathered in their traditional territory around campfires to renew the commitment of their ancestors, and they were first in line to submit a statement of intent when the Treaty Commission opened its doors in December 1993.

Chief Negotiator **Gerard Peters**, whose grandfather signed the 1911 declaration, said, "In our case, we felt that virtually all of our social and other ills were traceable back to the fact that Canada dispossessed us of our sovereignty, took away our jurisdiction, and were aided and abetted by British Columbia, of course. In 1871, when BC joined Canada in confederation, there was an assumption that without asking us, our lands belonged to BC. And of course we had virtually no control over our lives because the assumption was that Canada was responsible for Indians."

Community Relations Officer and member **Vern Shanoss** says the In-SHUCK-ch people are "like the standing fir trees that we see around us. We're here, we always have been. We had never wanted for anything, and we're here. We want to go back to that. We want to go back to the notion that this land, which has always provided for us, will continue to do so for future generations."

Shanoss added, "I feel that our contribution to this country called Canada will be more enhanced... because we have a lot to give, and so far we have been contained under this legislation [Indian Act] and when that legislation has been thrown out the window by us, and when we sign on that means we can in fact contribute the wisdom of our elders, the knowledge that has always been there."

Today, the people of Samahquam and Skatin hold fast to the treaty commitment while N'quat'qua in 1999 and Douglas First Nation in January 2010 withdrew from In-SHUCK-ch Nation.

The communities of Samahquam and Skatin are built on the banks of the Lillooet River and their reach extends into Lillooet Lake and Harrison Lake. Hydro electricity came to the communities last year, which is making a huge difference, and change is afoot throughout the territory.

The long gravel road into the communities is greatly improved with investment from private power companies and the forest ministry and because the First Nation has taken over maintenance. Power projects, forestry, fishing, and tourism offer new opportunities for a self-governing First Nation. Under-developed hot springs and camping sites are already popular in summer.



COUNTDOWN TO INDEPENDENCE /

Judy Gerow, elected chief of the Kitselas, agreed to an interview during their community's first career fair held in the village of Gitaus.

Kitselas has created a thriving new community at Gitaus, a historic village site at a confluence of the Skeena River, where the Kitselas were once toll keepers. Travellers heading upstream through Kitselas territory were required to pay a toll.

For the Kitselas people, the campaign to ratify their agreement in principle (AiP) has been called the 'countdown to independence.'

"The opportunity is independence; that's the big thing, being self-governed," said Chief Gerow. "At first, I was skeptical and I was thinking, 'why do we need the treaty?' when we're already entering into some economic agreements, or partnership agreements with companies, or the City of Terrace, or whoever. I think that was just the start. I think the treaty will just enhance that more. It will give us more of an equal playing field than we are on now."

Kitselas youth **Cyril (CJ) Bennett**, who this year graduated from Caledonia Secondary School in Terrace, has spent a great deal of time learning about the history, culture and language of his people.

The longhouses down in the canyon are special to Bennett and the Kitselas people. He has worked at the historic canyon site in the summer and gets paid for what he loves to do — talk about his people, their history, land and culture.

"I look at our land package because that's everything to our people. In a way, we're reclaiming what was rightfully ours. And to our people this is everything. Because this is where we live, this is where we hunt, and this is where we fish."

Gerald Wesley is the chief negotiator for the Tsimshian First Nations which include the Kitsumkalum and Kitselas Nations. He is a Kalum member of the Raven clan and has negotiated on behalf of his First Nation and the other Tsimshian tribes since 1994 when their treaty negotiations began.

Wesley says no government is going to look after the Tsimshian tribes in the long run.

"We're going to have different authorities in place, authorities that we establish. So I say that to anybody that says we need government to look after us, 'well, we'll still have resources from government for healthcare and education.' Services that are normally going to be provided to any Indian people across Canada will be available to us. The excitement is we're going to be able to compliment it with our own services."

Wesley says the people have an understanding of what the *Indian Act* does — it provides Indian people with very small portions of the land. It doesn't allow First Nations to take advantage of areas outside of existing reserves. The *Indian Act* restricts First Nations from doing everything that is necessary to have good, strong, prosperous and thriving communities, says Wesley.

Kitsumkalum negotiator **Alex Bolton** said, "We've always told our people that we have land, we have our resources, but we don't really have it. We need to own it. We need enough land and resources and authority to be self-sufficient, self-reliant, and self-

governing in the future. That's what we see coming out of this treaty making process; that's what we strive for. Right now, we feel that we're almost there. We've had the land offer from the provincial government and federal government. It would be sufficient land."

On September 10, 2012, Kitselas and Kitsumkalum took a positive step towards their agreements in principle by signing a negotiator's Letter of Understanding (LOU). Chiefs and negotiators for both the Kitselas and Kitsumkalum First Nations signed the document in a ceremony witnessed by guests, the Treaty Commission and members of both nations. As a next step, negotiators are now recommending the AiP package to their respective parties as both Kitselas and Kalum AiPs will go to a community vote next spring.

"We want to look after our own affairs, we want to provide for ourselves and our people the way we once did — earning our living, getting our own foods, building our own houses — things that make us feel good about life," Wesley said following the LOU signing.



LAND IS SOMETHING YOU CAN HAND DOWN TO FUTURE GENERATIONS /

Members of the K'ómoks First Nation recently voted in favour of an agreement in principle.

Melissa Quocksister (nee Hardy), granddaughter to K'ómoks Chief Ernie Hardy, said, "We do need a treaty because what is happening here today doesn't work for me and it's not going to work for my children and it's not going to work for my grandchildren. To me it's self-government and land. Cash comes and goes. It will slip right through your fingers like the sand we are standing on.

Land is forever and land is sustainable. Land is something you can hand down to future generations."

Stewart Hardy, who has served as a K'ómoks councillor for several terms over the past 50 years has seen a lot of development take place in their territory without any consultation or involvement of his First Nation.

The Town of Comox and K'ómoks recently announced a partnership to jointly secure Crown land from the provincial government for development and protection.

"I've seen big changes," said Hardy. "Now they have to come to K'ómoks to consult with us before they develop anything in our territory. That is a big change. After treaty we will be a government. We will be able to move a lot faster than anybody else around us.

And whatever K'ómoks does after treaty is not only going to benefit us, but will benefit everybody in the Comox Valley."

Tla-o-qui-aht First Nations concluded negotiations on an agreement in principle and is preparing for a vote by its members. Once part of the Nuuchahnulth treaty table, the First Nation opted to move forward on its own.

Francis Frank, Tla-o-qui-aht treaty negotiator, said the First Nation saw an opportunity in 2008 with British Columbia's approach to incremental treaty agreements providing earlier benefits.

"We jumped at that opportunity and filed our own statement of intent [to negotiate a treaty]," said Frank. "We have negotiated valuable district lots in Tofino and we've used those lots as assets to acquire loans for one of the run of river projects, which is generating millions right now. We are benefitting now rather than waiting until we have a final agreement."

In April 2012, Tla-o-qui-aht concluded agreement-in-principle negotiations. "We are now involved in the community consultation process which we anticipate will take a minimum of eight months before we bring it to a referendum," said Frank.

"Our members will have the final say on whether or not the agreement in principle is sufficient enough to move on to the next stage of negotiations."



MOVING FORWARD WITH MOMENTUM /

On July 10, 2012, the Tla'amin (Sliammon) people successfully ratified a final treaty agreement. Their Final Agreement includes provisions for self-governance, oceanfront land near Powell River, capital, resource management and revenue sharing.

They will utilize their treaty as the vehicle to achieve self-governance — and in their view — a brighter future of self-sufficiency for their people.

"Sliammon has made a difficult and courageous decision to move out from under the *Indian Act*. The move away from dependency and expectation, to a world where we embrace responsibility for our own future is monumental," shared Roy Francis, chief negotiator for Tla'amin. "We have outgrown the *Indian Act*, and the misery that it has brought to us, and we look forward to building a future on terms that we establish for ourselves, he added.

Following his re-election on September 15, 2012, Sliammon Chief **Clint Williams** encouraged First Nations to learn from each other's successes and struggles throughout the treaty process. "There are some great nations that we can borrow ideas from and there are some ideas we have as Sliammon... As First Nations all across BC and Canada, we need to stick together and lean on some of those neighbouring nations that have some successes in treaty, and listen to them because it is good to learn from peoples' rights and wrongs."

Williams concluded by reflecting on the importance of healing. He said the treaty vote was very challenging for the Sliammon people and it is important that the healing process isn't overlooked and forgotten. He believes that building a longhouse for the community to come together will help the community to move forward in a positive way. "We want to move forward as a whole community and the development of a longhouse right in the community will help that."



ABOUT THE INTERVIEWS

Of the more than 30 people of all ages who were interviewed by the Treaty Commission, most were confident that life under a treaty would be demonstrably better than life under the *Indian Act*. Freedom and independence were constant refrains. Most agreed a self-governing First Nation has more economic opportunity when decisions can be made quickly and locally. Programs and services can be better targeted to meet the needs of the communities as identified by the people who live there. Respect from other governments is earned, but comes more quickly as a First Nation gets closer to a treaty. During treaty negotiations, the First Nation has some added leverage to secure immediate benefits from governments and business deals that provide equity as well as jobs.

Treaty making focuses people on their needs and priorities now and in the future. Planning is no longer limited to the two to four-year cycles under *Indian Act* band governance.

Self-government, together with sufficient land, resources and capital, have the potential to improve the lives of First Nations people in their communities.

However, many leaders offered a word of caution that change will not happen overnight and a treaty is only as good as the people who successfully take advantage of the opportunities it presents.

The late Nisga'a leader Nelson Leeson reminded us that, "The implementation stage is when the spotlights go up and the eyes of the world are upon you. Fair or not — as far as the rest of society is concerned all the roadblocks to success have been removed."

FIRST NATIONS VISITED TO PREPARE THIS ARTICLE

Tsawwassen First Nation

Implemented treaty in 2009

Huu-ay-aht First Nations

Implemented treaty in 2011

Kyuquot / Checlesheht First Nations (Ka:'yu:'k'th' / Che:k'tles7et'h')

Implemented treaty in 2011

Toquaht Nation

Implemented treaty in 2011

Ucluelet (Yuutu?it?ath) First Nation

Implemented treaty in 2011

Uchucklesaht Tribe

Implemented treaty in 2011

Yale First Nation

Awaiting ratification by Parliament

In-SHUCK-ch Nation

In advanced final agreement negotiations

K'ómoks First Nation

Completed agreement in principle and in final agreement negotiations

Tla-o-qui-aht First Nations

Preparing for vote on agreement in principle

Kitselas First Nation

Preparing for vote on agreement in principle

Kitsumkalum First Nation

Preparing for vote on agreement in principle

Tla'amin Nation

Treaty ratified by First Nation

STATUS REPORT /

There are 60 First Nations, which include 104 Indian Act bands, in the BC treaty process.

FIRST NATIONS WITH IMPLEMENTED TREATY AGREEMENTS

Tsawwassen First Nation
Maa-nulth First Nations

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS (3)

Lheidli T'enneh First Nation
(second vote being considered)
Tla'amin Nation
(ratified by First Nation)
Yale First Nation
(ratified by First Nation
and BC government)

FIRST NATIONS IN ADVANCED FINAL AGREEMENT NEGOTIATIONS (2)

In-SHUCK-ch Nation
Yekooche Nation

FIRST NATIONS WITH COMPLETED AGREEMENTS IN PRINCIPLE (1)

K'ómoks First Nation

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS (9)

Homalco Indian Band
Ktunaxa / Kinbasket Treaty Council
'N̓amgis Nation
Nazko First Nation
Northern Shuswap Tribal Council (NStQ)
Te'Mexw Treaty Association
Tla-o-qui-aht First Nations
Tsimshian First Nations
Wuikinuxv Nation

FIRST NATIONS IN ACTIVE TREATY NEGOTIATIONS (23)

Council of the Haida Nation
Da'naxda'xw Awaetlatla Nation
Ditidaht First Nation
Esk'etemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nations
Haisla Nation
Hul'qumi'num Treaty Group
Kaska Dena Council
Katzie Indian Band
Klahoose First Nation
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Pacheedaht Band
Snuneymuxw First Nation
Stó:lō Xwexwilmexw Treaty Association
Taku River Tlingit First Nation
Tlatlasikwala Nation
Tlowitsis First Nation
Tsay Keh Dene Band
Tsleil-Waututh Nation
Wet'suwet'en Hereditary Chiefs

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (20)

Acho Dene Koe First Nation
Allied Tribes of Lax Kw'alaams
Carcross / Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Cheslatta Carrier Nation
Heiltsuk Nation
Hupacasath First Nation
Hwilitsum First Nation
Kwakiutl Nation
Liard First Nation
McLeod Lake Indian Band
Musqueam Nation
Nuu-chah-nulth Tribal Council
Quatsino First Nation
Ross River Dena Council
Sechelt Indian Band
Squamish Nation
Teslin Tlingit Council
Westbank First Nation

IMPLEMENTED TREATIES

FIRST NATIONS WITH IMPLEMENTED TREATY AGREEMENTS (2)

Tsawwassen First Nation

The Tsawwassen First Nation Final Agreement was implemented on April 2, 2009.

Maa-nulth First Nations

The Maa-nulth First Nations Final Agreement was implemented on April 1, 2011

COMPLETED TREATIES

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS (3)

Lheidli T'enneh First Nation

Lheidli T'enneh has a completed final agreement that was rejected by community members in 2007. The tripartite table met last year and agreed that community consultation was required to determine if a second vote should take place.

The Lheidli T'enneh traditionally occupied the land and water around Prince George, including the Nechako and Fraser River area to the Alberta border. They have 355 members.

Tla'amin Nation

Sliammon has ratified its final agreement. BC will now proceed with its ratification process through the Legislature, followed by Canada through Parliament. Work will begin on the implementation process.

Sliammon First Nation has a population of approximately 1,000 and traditionally occupied and used the lands and waters in the vicinity of Powell River and Powell Lake and parts of the Gulf Islands, the Courtenay area and Desolation Sound.

Yale First Nation

Yale has a final agreement that has been ratified by their community and the BC Legislature. The next step is ratification by the federal parliament and then implementation of the agreement.

Yale has a population of more than 155 members and traditionally used and occupied the land around Yale and in the Fraser Canyon, north of Hope.

ADVANCED FINAL

FIRST NATIONS IN ADVANCED FINAL AGREEMENT NEGOTIATIONS (2)

In-SHUCK-ch Nation

In-SHUCK-ch negotiations have been on hold since Douglas Nation left the treaty negotiations and Canada had to pursue a revised mandate to negotiate with Skatin and Samahquam. In August 2012, Canada received this mandate and negotiations are expected to move forward.

The BC Treaty Commission is working with In-SHUCK-ch and their neighbours to help resolve their overlap issues.

In-SHUCK-ch traditionally occupied and used the land generally located between middle point of Harrison Lake, northward to the middle point of Lillooet Lake and represents approximately 760 members.

Yekooche Nation

Yekooche Final Agreement negotiations have been on hold since Canada deferred the remaining fisheries negotiations, in 2009 until after the Cohen Commission inquiry is concluded.

Yekooche First Nation has a population of approximately 220 people and traditionally occupied and used lands and waters near Stuart Lake, Cunningham Lake and the southern portion of Lake Babine.

COMPLETED

FIRST NATIONS WITH COMPLETED AGREEMENTS IN PRINCIPLE (1)

K'ómoks First Nation

K'ómoks, Canada and BC held an agreement in principle (AiP) signing ceremony in March 2012 and entered Stage 5 of the BC treaty process. K'ómoks also signed a Shared Area Protocol with the Homalco First Nation in March 2012, and continues to carry out critical strategic planning work to prepare for self-governance under treaty.

K'ómoks First Nation has 313 members. Their traditional territory spans the central eastern part of Vancouver Island, extending into Johnstone Strait.

ADVANCED

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS (9)

Homalco First Nation

Homalco's dual focus this year has been on resolving the remaining outstanding issues in agreement-in-principle negotiations, and on negotiating an Incremental Treaty Agreement (ITA) with BC. Homalco and K'ómoks First Nations signed a shared territory protocol agreement in March this year, and Homalco continues to work collaboratively with its neighbouring nations for similar agreements.

Homalco has a population of approximately 470 people. The lands and waters traditionally occupied and used by the Homalco people extend from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River, and to Stuart Island and Bute Inlet and its watershed.

Ktunaxa Kinbasket Treaty Council (KKTC)

KKTC received a land and cash offer in October 2010 and accepted that land and cash offer as the basis for continued negotiations in February 2012. This acceptance included conditions that need to be resolved in order to fully accept the offer as part of the overall treaty package. KKTC is consulting on the agreement in principle with their communities and the parties are meeting regularly to move through the remaining outstanding issues.

The Ktunaxa Kinbasket Treaty Council includes four bands: ʔakisqnuq (Columbia Lake), ʔaqam (St. Mary's Indian Band), ʔakinkumʔasnuqʔit (Tobacco Plains Band), and Yaqan nuʔkiy (Lower Kootenay Band), comprising approximately 1050 members. Their traditional territory in British Columbia extends between the Rocky Mountain Trench and the Upper Arrow Lakes, including adjacent watersheds.

'Nəmgis Nation

Negotiations at 'Nəmgis have progressed steadily this year.

In August, the negotiators for 'Nəmgis, Canada and BC have signed a Letter of Understanding on completion of agreement-in-principle negotiations. Each of the parties will review and confirm agreement with the proposed AiP prior to a formal signing. Any of the parties can bring issues back to the table if required. Completion of an AiP will lead to Stage 5 negotiations of a final treaty.

The 'Nəmgis' traditional territory is at the north end of Vancouver Island and extends from the Nimpkish watershed to the east and west. The main community is in Alert Bay, on Cormorant Island, where more than half of their 1,745 members reside.

Nazko First Nation

Nazko's focus this year has been on closing an Incremental Treaty Agreement (ITA) with the provincial government and negotiating with industry representatives to partner for economic opportunities on the lands they receive under the ITA. Nazko has done substantial internal work with their community, and have identified key land interests for BC and Canada to review in preparation for an agreement-in-principle land and cash offer targeted for this fall. Nazko continues to seek resolution to their shared territory issues with their neighbours.

Nazko has a population of approximately 360 members and its traditional territory extends from southwest of Quesnel to Prince George in the north.

Northern Shuswap Tribal Council (NStQ)

The parties have been meeting regularly for NStQ negotiations this year. The focus of this table has been on the development of a revised land and cash offer.

NStQ member communities and their Secwepemc neighbours have entered into a protocol agreement for their shared territory.

NStQ represents more than 2,416 people of Northern Secwepemc te Qelmeucw ancestry from four member communities: T'exelc (Williams Lake/Sugar Cane), Xat'sull (Soda Creek), Stswecem'c/Xgat'tem (Canoe & Dog Creek) and Tsq'escen' (Canim Lake Band).

Te'Mexw Treaty Association

The Te'Mexw table is in active treaty negotiations and is aiming to complete an agreement in principle in 2013. The table has seen two Crown offers and two Te'Mexw counterproposals, but agreement has not yet been achieved and outstanding issues remain. A major obstacle is the lack of available Crown lands in the highly populated southern Vancouver Island area, particularly federally-owned lands near Royal Roads University where the Songhees and Beecher Bay First Nations have significant, long-standing Aboriginal Rights and Title interests.

The Te'Mexw Treaty Association represents five First Nations: Malahat, Scia'new (Beecher Bay), T'sou-ke (Sooke), Snaw-naw-as (Nanoose) and Songhees. Their common bond is that they are signatories to the Douglas Treaties, and their combined population is 1,568.

Tla-o-qui-aht First Nations

The Tla-o-qui-aht treaty table pursued an aggressive meeting schedule over the past year and made extensive progress on their agreement in principle (AiP). In April 2012, the parties signed a letter of understanding to conclude Stage 4 negotiations, and Tla-o-qui-aht is now anticipating a community vote on the AiP in November 2012. Discussions are also ongoing to resolve the shared territory dispute between Tla-o-qui-aht and the Ahousaht First Nation.

The *hahoulthee* (traditional territory) of the Tla-o-qui-aht First Nations extends from the Tofino area west into the sea, down to Kennedy Lake in the south, Adder Mountain in the east and the area around Rhine Peak in the north. Tla-o-qui-aht has 1,019 members.

Tsimshian First Nations

Two of the First Nations, Kitselas and Kitsumkalum, have signed a Letter of Understanding with Canada and British Columbia that indicated the AiP negotiations are finished. The AiP will be presented to the communities for approval, likely in February 2013, and a decision on whether or not to proceed to Final Agreement negotiations will be made.

The other Tsimshian Nations are at varying degrees of engagement in their treaty negotiations.

The traditional territory of the Tsimshian First Nations spans the northwest coast, including Prince Rupert and Terrace and comprises of five communities: Gitga'at, Kitasoo/XaiXais, Kitselas, Kitsumkalum, and Metlakatla First Nations, with a combined population of approximately 3,380.

Wuikinuxv Nation

Wuikinuxv is in advanced negotiations of an agreement in principle. Wuikinuxv provided a response to the government's initial land and cash offer in 2009, and are expecting another offer. While there are outstanding issues, the parties are committed to resolving them in closing negotiations. Wuikinuxv has been meeting with neighbouring nations to put together a protocol agreement on shared territory, with facilitation assistance provided by BCTC.

Wuikinuxv's main community is on their reserve in Rivers Inlet, where approximately 60 out of their 281 members reside.

ACTIVE

FIRST NATIONS IN ACTIVE TREATY NEGOTIATIONS (23)

Council of the Haida Nation (CHN)

CHN and the governments of BC and Canada have completed several reconciliation agreements over the past five years. More recently, the parties have been discussing the potential of an "umbrella agreement" that would comprise all existing agreements and streamline existing processes.

The parties have taken a break from negotiations, at Canada's request, to find the best and most appropriate process to move forward.

The Haida people continue to occupy the lands and waters of Haida Gwaii. The Council of the Haida Nation represents 4,422 members.

Da'naxda'xw Awaetlala Nation

The Da'naxda'xw Awaetlala treaty table met regularly over the past year. They made progress on numerous chapters of an agreement in principle, and the table continues to meet.

The Da'naxda'xw Awaetlala, numbering about 200 members, traditionally occupied the lands and waters on the mainland across from northern Vancouver Island.

Ditidaht / Pacheedaht First Nations

The Ditidaht and Pacheedaht are negotiating together. The tripartite table has held regular meetings over the past year and have made progress on their agreement in principle. The two First Nations have both finished negotiating Incremental Treaty Agreements with the provincial government and expect them to move forward very soon.

Ditidaht has 749 members, many of whom live on the Ditidaht reserve near Nitinaht Lake. Pacheedaht has

272 members with offices located in Port Renfrew. Their combined territories span the southwest corner of Vancouver Island.

Esk'etemc First Nation

The Esk'etemc treaty table continues to make progress on land, resource and governance chapters. Of note this past year is Esk'etemc's Natural Resource Inventory and Assessment TRM, which provides a comprehensive overview of the ecology and topography of Esk'etemc's traditional territory. The study will be important in developing the land package. Negotiators presented their final report and results to the community in March 2012.

Esk'etemc's goals for this year include further community consultation and the development of a constitutional framework for consideration by community members. Esk'etemc and their neighbouring Secwepemc neighbours have entered into a protocol agreement for their shared territory.

The population of Esk'etemc is approximately 851 members and its traditional territory is centered on the community of Alkali Lake, 50 kilometres southwest of Williams Lake.

Gitanyow Hereditary Chiefs

Although tripartite discussions have resumed, there has been minimal progress at the Gitanyow tripartite treaty table. BC requested to concentrate their negotiation time on the bilateral Reconciliation Agreement that was completed and signed on March 27, 2012. Gitanyow has been undertaking internal research on interests in lands and resources in Wilp Territories and is preparing for continued treaty negotiations.

The traditional territory of the Gitanyow spans the middle reaches of the Nass River, and the Nation's population is approximately 799 members.

Gitxsan Hereditary Chiefs

Gitxsan tripartite negotiations have been on hold since the fall 2011 as the nation sorts through internal community and governance issues.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass rivers. The First Nation includes all or part of the populations of Gitanmaax Band, Gitsegukla Band, Kispiox Band, Gitwangak Band and Glen Vowell Indian Band and comprises approximately 6,426 members.

Gwa'sala-'Nakwaxda'xw Nations

The Gwa'sala-'Nakwaxda'xw Nations have refocused treaty efforts within their community after the dissolution of the Winalagalis Treaty Group in 2010. The tripartite table continues to meet regularly, and the chapters in their agreement in principle are substantially complete. In addition, Gwa'sala-'Nakwaxda'xw has carried out extensive community consultation and communications work, and has drafted a constitution.

The Gwa'sala-'Nakwaxda'xw Nations have 907 members. The two Nations traditionally occupied the land and waters on the mainland across from northern Vancouver Island. Many members currently occupy the Tsulquate reserve near Port Hardy.

Haisla Nation

Last year the parties revitalized the treaty table and have held regular tripartite meetings since then. The table has had much discussion about treaty chapters, economic development opportunities and the possibility of an Incremental Treaty Agreement.

The Haisla Nation's traditional territory is on the west coast of BC near Kitimat. They have a population of 1,716.

Hul'qumi'num Treaty Group (HTG)

Tripartite activity at the Hul'qumi'num Treaty Group table has resumed. An active working group has been examining a range of issues, including looking in more detail at what interests HTG has in private land.

The HTG represents six communities including Cowichan Tribes, Halalt First Nation, Lake Cowichan, Lyackson, Penelakut Tribe and Stz'uminus First Nation (Chemainus) with a combined population of approximately 7120 people. They traditionally used and occupied lands and waters encompassing part of southern Vancouver Island, the waters of the Strait of Juan de Fuca and the Strait of Georgia, and on the mainland along a narrow corridor extending from the coast to Yale in the east.

Kaska Dena Council

After some uncertainty and delays last year due to cross-border issues, in September 2011 the communities of the Kaska Nation signed the Kaska Collaboration Agreement (KCA). The KCA will help facilitate the negotiation and implementation of agreements that affect Kaska traditional territory.

The Kaska Dena Council, Canada and BC continue to meet regularly and negotiate chapters of their agreement in principle. Kaska and the provincial government completed their Strategic Engagement Agreement negotiations, and a signing ceremony was held in May 2012.

One of Kaska's communities, Kwadacha, has been working steadily over the past year to implement BCTC's Human Resource Capacity Tool and prepare for self-governance under treaty. The Lower Post community is now interested in doing the same over the coming year.

The Kaska Dena Council represents the communities of Fort Ware, Kwadacha and Lower Post and is closely linked with the other Kaska Nations, the Liard First Nation and the Ross River Dena Council. The traditional territory of the Kaska peoples spans from north central BC into the Yukon and Northwest Territories.

Katzie Indian Band

The Katzie First Nation and the governments of BC and Canada are in line for an upcoming offer as they work towards an agreement in principle. Last year, Katzie took over operation of a recreational site within the Pitt Addington Wildlife Management Area, but continue to seek ownership of this parcel of land under an Incremental Treaty Agreement.

The Katzie First Nation traditionally used and occupied lands and waters around Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley and New Westminster. They have 508 members.

Klahoose First Nation

Klahoose negotiations were put on hold in late 2011 as a new Chief and Council team transitioned into leadership. The parties have resumed negotiations and committed to meet regularly.

Klahoose First Nation has approximately 330 members with its main community on Cortez Island, opposite Campbell River.

Laich-Kwil-Tach Council of Chiefs

Through the Laich-Kwil-Tach Treaty Society, the nation has been meeting regularly with federal and provincial negotiators to work through chapter language. The table is discussing some of the larger unresolved issues, such as recognition language, that have historically slowed the progress of negotiations.

The Council of Chiefs comprises Kwiakah, Wei Wai Kai, and Wei Wai Kum. Traditionally these First Nations occupied and used the land and water around Campbell River, Courtenay, and Comox, including parts of Knight, Call, Loughborough, Bear and Toba inlets. Today their collective population is approximately 1,810 members.

Lake Babine Nation (LBN)

Lake Babine took a break from negotiations in the fall of 2011/winter 2012 to seek community direction on negotiating in the treaty process. They've since resumed tripartite negotiations, and LBN has continued to seek direction from their communities on treaty matters. LBN is striving to reach an AiP so their communities may evaluate the land, cash, and other deliverables that may be achieved through the treaty process.

ITA negotiations between BC and Lake Babine have been stalled due to a few remaining issues that require resolution, but BC and LBN are committed to finding a solution.

Lake Babine represents Woyenne, Old Fort, Tache, Donald's Landing, and Fort Babine. The combined population is approximately 2,366 members and their traditional territory spans the area from Burns Lake in the south to the Babine and Nilkitaw rivers to the north, including most of Lake Babine.

Snuneymuxw First Nation

In May 2012, Snuneymuxw and Vancouver Island University co-hosted a conference titled "The Pre-Confederation Treaties of Vancouver Island — Fulfilling Treaty Promises and Living in Treaty Relationships" that hundreds attended.

The Snuneymuxw First Nation has a particular interest in reconciling their Douglas Treaty rights of 1854 with the modern treaty process in an innovative way. The tripartite treaty table has had exploratory discussions to this effect and continues to meet.

Snuneymuxw and BC are currently negotiating an Incremental Treaty Agreement, with support and some participation from Canada.

The Snuneymuxw First Nation's traditional territory spans eastern Vancouver Island, including Nanaimo, Gabriola Island, Mudge Island, and other islands in the vicinity of the Nanaimo watershed. They have 1,660 members.

Stó:lō Xwexwilmexw Treaty Association (SXTA)

The parties to the Stó:lō Xwexwilmexw Treaty Association treaty negotiations have made significant progress this year, and are rapidly approaching completion of an agreement in principle. With funding from an economic-development TRM and a lands-governance TRM, the parties are identifying potential land parcels for inclusion in a land cash offer assessing economic opportunities that will help support self-government. SXTA is committed to community consultation and the resolution of shared territory issues with neighbouring First Nations. SXTA continues to seek resolution with Canada, BC and Yale First Nation to resolve issues about shared territory in the Fraser Canyon.

The seven Stó:lō communities currently in treaty negotiations are: Aitchelitz, Leq'a:mel, Popkum, Skawahlook, Skowkale, Tzeachten, and Yakweak-wioose with approximately 1,297 members. The SXTA Statement of Intent includes the lower mainland of south western BC with a core interest area within the central and upper Fraser Valley, Chilliwack River Valley, lower Harrison Lake, and lower Fraser Canyon.

Taku River Tlingit First Nation (TRTFN)

TRTFN has been meeting with the governments to gain understanding of the general federal and provincial mandates for treaty, and have since begun negotiations on a regular basis. There are substantive differences in expectations regarding, for example, land settlement and governance, that may impede progress at this table. TRTFN recently tabled principles that are critical to successful negotiations, and reinforced to the governments that the TRTFN Constitution, the Atlin Taku Land Use Plan, and the Declaration on the Rights of Indigenous Peoples will inform the perspective that TRTFN brings to the negotiation.

TRTFN has a population of approximately 390 people and its traditional territory is situated in northwest British Columbia and southwest Yukon.

Tlatlasikwala Nation

The tripartite table has held regular meetings over the past year and continue to negotiate treaty chapters. The Tlatlasikwala First Nation is working on a Treaty-Related Measure focused on governance, with completion expected for January 2013.

Tlatlasikwala has about 70 members, and traditionally occupied the area in the northern tip of Vancouver Island.

Tlowitsis First Nation

The table has made substantial chapter progress as the parties work towards an agreement in principle. The parties' chief negotiators met in the summer of 2012 to identify outstanding issues and discuss a common path forward.

Tlowitsis has a population of 390. Its traditional territory spans part of northeastern Vancouver Island and an area on the mainland just northwest of Sayward.

Tsay Keh Dene Band (TKD)

Tsay Keh Dene has been meeting regularly and negotiations of an agreement in principle are moving forward. While progress is being made, there are significant outstanding issues, such as shared decision making and resource revenue sharing, which are critical for TKD. Tsay Keh Dene has made a strong effort to engage with its citizens, and continually receives community input into negotiations.

TKD has a population of approximately 437 people and its traditional territory encompasses an area bounded by Mount Trace in the north, by South Pass Peak in the west, by the Nation River in the south and by Mount Laurier in the east.

Tsleil-Waututh Nation

The Tsleil-Waututh table has made progress on numerous chapters of an agreement in principle and continue to meet regularly.

The Tsleil-Waututh Nation has 519 members who traditionally lived on the land and waters around North Vancouver and the Lower Mainland. Many members continue to live on their reserve in North Vancouver.

Wet'suwet'en Hereditary Chiefs

In 2011 the Wet'suwet'en treaty table re-engaged in negotiations after a hiatus during which the Wet'suwet'en focused on internal governance work. The tripartite table continues to meet, with a special focus on exploratory discussions related to governance options under treaty.

The Wet'suwet'en traditionally occupied and used the Bulkely River drainage area in northwest BC. The Nation includes members of Hagwilget village and Moricetown and has a population of about 2,700.

NOT NEGOTIATING

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (20)

Acho Dene Koe First Nation (ADK)

Acho Dene Koe's traditional territory spans three jurisdictions: BC, Yukon and NWT. Since ADK entered the process in 2000, BC has not come to the negotiations table and continues to assess its internal mandate on trans-boundary claims. Canada has indicated they will be prepared to engage with ADK in the BC region soon, as the NWT negotiations have reached an important point. ADK has requested that the Treaty Commission assist them in their shared territory discussions with Fort Nelson Band.

The First Nation has approximately 668 members and its traditional territory spans an area within BC, the Yukon, and NWT. The main, modern-day settlement is Fort Liard, a village 25 kilometres north of the BC/Northwest Territories border. ADK maintains a small settlement at the historic community of Francois in northern BC.

Allied Tribes of Lax Kw'alaams

There has been no tripartite activity at this table since mid-2005 when the Treaty Commission accepted the Statement of Intent of the Allied Tribes of Lax Kw'alaams. The parties recently met to explore the possibility of re-engagement.

The Allied Tribes of Lax Kw'alaams were formally part of the Tsimshian Tribal Council and separated in the spring of 2004. Located northwest of Prince Rupert, the Allied Tribes have a population of approximately 3,540.

Carcross / Tagish First Nation

Carcross Tagish's rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. There have been no tripartite treaty negotiations in BC in more than a decade.

Carcross Tagish is one of three Yukon First Nations with interests in BC since 2000.

Carrier Sekani Tribal Council

There has been no tripartite activity for several years. The Tribal Council comprises eight First Nations, including Burns Lake Indian Band (Ts'il Kaz Koh First Nation), Nadleh Whut'en Band, Nak'azdli Band, Saik'uz First Nation, Stellat'en First Nation, Takla Lake First Nation, Tl'azten Nation, and Wet'suwet'en First Nation.

The combined population of the First Nation is approximately 7,300 with traditional territory in excess of 90,000 square kilometres in north central BC.

Champagne and Aishihik First Nations

Champagne and Aishihik's rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. There have been no tripartite treaty negotiations in BC since 2000.

Champagne and Aishihik are one of several Yukon First Nations with interests in BC.

Cheslatta Carrier Nation

The Cheslatta Carrier treaty table remains inactive. There have been no tripartite treaty negotiations since 1997.

Cheslatta traditional territory encompasses the area around Ootsa and Eutsuk lakes in central BC.

Heiltsuk Nation

The Heiltsuk table remains inactive. There have been no treaty negotiations since 2001.

The Treaty Commission is working with Heiltsuk and Wuikinuxv on shared territory issues.

Heiltsuk is based on Campbell Island, with traditional territory extending across the central coast, and has approximately 2,235 members.

Hupacasath First Nation

There have been no tripartite treaty negotiations in the last three years.

Hupacasath has approximately 280 members and is located in the Port Alberni area of Vancouver Island.

Hwlitsum First Nation

The Statement of Intent to negotiate a treaty submitted by Hwlitsum First Nation was accepted by the Treaty Commission in May 2008. The governments of Canada and BC have yet to make a commitment to negotiate with Hwlitsum.

Comprising more than 300 members, the traditional territory of the Hwlitsum First Nation encompasses a large portion of the Lower Mainland, Gulf Islands and a portion of Vancouver Island.

Kwakiutl Nation

The Kwakiutl Band has stepped away from the BC treaty process so that it can pursue claims under their Douglas Treaty.

The Kwakiutl Band has more than 740 members with approximately 300 members living in their community of Fort Rupert within their traditional territory on the northeastern shores of Vancouver Island.

Liard First Nation

Liard is a Yukon First Nation that has not completed a final agreement in the Yukon. There have been no tripartite treaty negotiations in BC. The First Nation has interests in BC and is affiliated with the Kaska Nation which includes the Kaska Dena Council and Ross River Dena Council.

The traditional territory of the Kaska people ranges from north central BC to the Yukon and Northwest Territories.

McLeod Lake Indian Band

There have been no treaty negotiations since 2005. The First Nation entered the BC treaty process in 2004 with a view to building self-government on the McLeod Lake Treaty 8 Adhesion Agreement concluded in 2000.

The McLeod Lake Indian Band has approximately 482 members and its main community lies 150 km north of Prince George.

Musqueam Nation

There have been no treaty negotiations during the past four years.

The First Nation has approximately 1,220 members with a traditional territory spanning the Greater Vancouver area.

Nuu-chah-nulth Tribal Council

The Nuu-chah-nulth treaty table is not in active negotiations.

For treaty purposes, the Nuu-chah-nulth Tribal Council comprises the Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht and Tseshaht First Nations. Their combined population is 2,935 members, and their traditional territories span much of the west coast of Vancouver Island.

Quatsino First Nation

In the fall of 2011 the Quatsino First Nation decided to step aside from treaty negotiations for the time being. The tripartite table is not currently meeting.

Quatsino has approximately 500 members and traditionally occupied the lands and waters around the north end of Vancouver Island.

Ross River Dena Council

Ross River is a Yukon First Nation that has not completed a final agreement in the Yukon. There have been no tripartite treaty negotiations in BC. The First Nation has interests in BC and is affiliated with the Kaska Nation which includes the Kaska Dena Council and Liard First Nation.

The traditional territory of the Kaska people ranges from north central BC to the Yukon and Northwest Territories.

Sechelt Indian Band

The last meeting between the parties was held in April 2007.

Sechelt has been self-governing since 1986 when it signed the first self-government agreement in Canada, the Sechelt Indian Band Self-Government Agreement.

Sechelt, a First Nation with approximately 1,300 members, traditionally occupied and used the land and water around the Sechelt Peninsula.

Squamish Nation

There have been no treaty negotiations for several years.

The traditional territory of the Squamish ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed. The First Nation has approximately 3,675 members

Teslin Tlingit Council

Teslin Tlingit's rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. There have been no tripartite treaty negotiations in BC since 2000.

Teslin Tlingit are one of several Yukon First Nations with interests in BC.

Westbank First Nation

Westbank has withdrawn from negotiations, but remains in the treaty process.

Located in the Kelowna area, Westbank has approximately 755 members.

ABOUT US /

For 20 years, the BC Treaty

Commission has been the independent commission responsible for facilitating treaty negotiations among the governments of Canada and British Columbia and First Nations in BC. As keeper of the process, the Treaty Commission does not negotiate treaties — that is done by the three parties at each negotiation table.

/ keeper of the process

the three roles

On September 21, 1992, the Treaty Commission and the treaty process were established by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the Made-in-BC treaty process. The Treaty Commission was mandated to facilitate negotiations towards fair and durable treaties under the six-stage treaty process. The process is voluntary and open to all First Nations in BC.

As keeper of the process, the Treaty Commission has three roles: facilitation, funding, and public information and education.

Funding from the federal and provincial governments for the operating costs of the Treaty Commission for the 2011–2012 fiscal year was \$2.55 million. Total funding for operations from 1993 to March 31, 2012 is approximately \$40.55 million. The government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC government contributes 40 per cent.

The Treaty Commission comprises a chief commissioner, four commissioners and 10 staff.

REPORT ON FACILITATION

The Treaty Commission's primary role is to oversee the negotiations process and to make sure the parties are being effective and making progress in the negotiations.

In carrying out this role, the Treaty Commission:

- Accepts First Nations into the treaty process and assesses when the parties are ready to start negotiations;
- Monitors and reports on the progress of negotiations and encourages timely negotiations;
- Chairs key meetings at tables and offers advice to the parties, where requested;
- Assists the parties in developing solutions and in resolving disputes;

- Identifies, engages with the Principals on, and reports publicly on opportunities and key overarching obstacles to progress (for example, on mandates, resources, capacity);
- Supports pilot projects with the potential to promote progress in negotiations; and
- Develops and applies policies and procedures for the six-stage treaty process.

The Treaty Commission devotes much of its time and resources to facilitation. Commissioners and staff are involved in a variety of facilitation initiatives, often on a sustained basis.

This demand has arisen from a number of circumstances:

- Intensified treaty negotiations at Stage 5 and some Stage 4 tables;
- Completion of final agreement negotiations and the ratification requirements for First Nations;
- Stalled treaty negotiations;
- Intensified inter-First Nation dialogue on overlapping and shared territories, particularly where treaty negotiations are approaching final agreement;
- Intensified internal First Nations dialogue, especially in multi-community First Nations on issues of shared territory, governance and capacity;
- Consultations between the Crown and First Nations affected by overlaps; and
- Principal-level and Senior Official level discussions on common issues through processes such as the Treaty Negotiation Process Revitalization Table.

The Treaty Commission is also applying its knowledge and experience from facilitation to special initiatives that will benefit the treaty process and the parties to the negotiations with broader tools, such as:

- The Human Resource Capacity Tool, to assist First Nations in preparing for self-government;
- Resources and support to address shared territory issues and to promote early resolution of these issues.

We anticipate the Treaty Commission's attention and energies will continue to be focused on:

- Shared territory issues;
- Assisting First Nations that are completing final agreements with their ratification efforts;
- Principal-level discussions through the Treaty Negotiations Process Revitalization Table; and
- Continuing to offer the Human Resource Capacity Tool.

REPORT ON FUNDING

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out treaty negotiations on a more even footing with the governments of Canada and BC. In general, for every \$100 of negotiation support funding allocated, \$80 is a loan from Canada, \$12 is a contribution from Canada and \$8 is a contribution from BC.

Since April 2004, First Nations have been able to accept just the non-repayable contribution or take any portion of their loan allocation. In every year since this change, several First Nations have chosen to accept fewer loan dollars than would have been required previously.

Contribution funding continues to be available to a First Nation until the effective date of a treaty. However, loan advances must stop at least thirty days prior to all three parties signing the final agreement.

Since opening its doors in May 1993, the Treaty Commission has allocated approximately \$565 million in negotiation support funding to more than 50 First Nations — approximately \$447 million in loans and \$118 million in non-repayable contributions.

The Tsawwassen and Maa-nulth First Nations have begun to repay their negotiation loans, under the terms of their final agreements.

REPORT ON PUBLIC INFORMATION AND EDUCATION

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to provide public information. The governments of Canada and BC also share responsibility for public information. Additionally, the three parties in each set of negotiations — Canada, BC and First Nations — provide specific information on their treaty negotiations.

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997. To reach audiences throughout BC, the Treaty Commission provides a variety of communications tools, including a website, annual report, online newsletters, special publications, DVDs and teaching materials for elementary and secondary schools.

To mark the 20th anniversary of the BC Treaty Process, the Commission created an interactive timeline for the website on 20 years of treaty making.

The chief commissioner, commissioners and treaty advisors regularly deliver presentations at special events and community forums and to business organizations, schools and post-secondary institutions. In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting publication information efforts by individual treaty tables. To assist with these regular efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

/ challenges

The British Columbia Treaty Commission applauds those First Nations that made the decision to move forward, but also recognizes that many challenges still exist for other First Nations. The Treaty Commission's challenge is to work with these tables so they too can move forward.

As keeper of the process, the Treaty Commission must do everything it can to overcome outstanding issues that are holding back the conclusion of many agreements, such as the ongoing lack of a fish mandate; the implications of a new federal approach on fiscal harmonization; own source revenue; its broader results-based approach to negotiations; and overlapping and shared territory disputes.

A critical element of any treaty is the provision for shared decision making throughout First Nation territories. The Treaty Commission will continue to press British Columbia for creative mandates in this area. As BC enters into election mode, progress in ongoing treaty negotiations must not be disrupted. Delays from BC, combined with the new federal review of Canada's participation in the process, could harm negotiations at a time when many First Nations are on the verge of significant progress. There has already been some indication of loss of momentum in BC's system and treaty negotiations must continue in earnest throughout the provincial election process.

The Treaty Commission is encouraged the federal government is focusing its resources and looking at ways to speed up its internal processes to conclude more agreements. However, we caution Canada to

live up to its commitment to work with its partners on its new "results-based" approach and not make unilateral decisions about disengagement, or impose a "take-it or leave-it" approach to the negotiations in contravention of the spirit and intent of the Made-in-BC treaty process.

Most importantly the exit strategy for First Nations that choose to disengage from treaty negotiations cannot be silent on the issue of loan forgiveness. Life must go on for those First Nations who entered into this process with the goal of achieving self-government and self-reliance, but who found that it did not serve their purposes. These nations who incurred loans to find that it did not serve their needs require a strategy to ensure that they can choose a different path to self-governance without being dragged down by loans.

If the federal government truly wants to move negotiating tables forward to make the process quicker and more effective, then it must address the whole question of their mandates; not just how existing mandates are achieved and moved through their system, but also a willingness to look at changing those mandates to overcome key challenges to reaching more agreements.

There remains the challenge of overlapping and shared territory disputes and the consequent need for resources available to First Nations in resolving these issues. The recent Lornie Report and the June 2012 report of the Standing Senate Committee on Aboriginal Peoples, and the 2006 *Report of the Auditor General of BC on Treaty Negotiations in British Columbia*, all recommended an enhanced role for the Treaty Commission to assist First Nations to resolve their overlapping and shared territory issues. The Treaty Commission has the will and experience to provide this assistance and will encourage the Principals to provide its support to the Commission through the work of the Treaty Revitalization process.

COMMISSIONERS /

/ treaty commissioners



SOPHIE PIERRE

was appointed chief commissioner to a three-year term in April 2009 by agreement of the governments of Canada and British Columbia and the First Nations Summit and then had her term extended

for one additional year to March 31st, 2013. Pierre led the St. Mary's Indian Band for 30 years as elected chief and was the administrator of the Ktunaxa/Kinbasket Tribal Council for 25 years. She also served as the tribal chair of the Ktunaxa Nation Council, chairperson of the First Nations Finance Authority, president of St. Eugene Mission Holdings Ltd. and co-chair of the International Advisory Committee to the Indigenous Nations Institute for Leadership, Management, and Policy for the University of Arizona. Pierre was involved in the work of the British Columbia Claims Task Force and served as a co-chair of the First Nations Summit. She has also served on several boards and committees, including the Environmental and Aboriginal Relations Committee of the BC Hydro & Power Authority and the First Nations Congress.

Pierre was recognized with the Order of British Columbia in 2002 and the National Aboriginal Achievement Award in the business category in 2003. During her tenure as chief commissioner, Sophie Pierre was awarded two honorary Doctorates of Law — in 2010 from the University of Canada West and in 2012 from the University of British Columbia.



ROBERT PHILLIPS

is serving his third term as commissioner following his re-election at the First Nations Summit in March 2011. He is a member of the Northern Secwepemc te Qelmukw (Shuswap) of the Canim Lake First Nation.

Phillips holds a Bachelor of Arts degree from the University College of the Fraser Valley. He served as chief negotiator and, prior to that, as self-government director at the Northern Shuswap Tribal Council since 1998. Phillips has a background in aboriginal justice, facilitation and economic development.



JERRY LAMPERT

was re-appointed in December 2011 to a third two-year term by the Government of Canada. Prior to this appointment, Lampert served for 15 years as president and chief executive officer of the Business Council of British Columbia where he

was a vocal advocate for developing better business relationships with First Nations. Lampert served as chief of staff to two BC premiers and managed two successful provincial election campaigns in BC. He currently sits on the Board of Directors of the United Way of the Lower Mainland.



DAVE HAGGARD

was re-appointed to a third two-year term in February 2012 by the Government of British Columbia. A long-time labour leader and forestry advocate, Haggard has extensive experience facilitating negotiations with

industry, labour, and governments including First Nation governments. Haggard has worked with a number of First Nations, including the Maa-nulth First Nations. He was first elected in 1996 as national president of the Industrial, Wood and Allied Workers of Canada and has served as vice-president of the Canadian Labour Congress and the BC Federation of Labour. Born in Kamloops and raised in Barriere, Haggard's grandmother was a member of the Simpcw First Nation located by the North Thompson River. He is married to Eileen, a member of the Tseshah First Nation and has two children, Ted and Linsey.



CELESTE HALDANE

was elected by the First Nation Summit delegates in March 2011 to serve a two-year term. Haldane, is a member of the Sparrow family from the Musqueam Indian Band. She also has Tsimshian roots in Metlakatla.

She previously served as the treaty manager for the Nuuchahnulth Tribal Council. Haldane, has a Bachelor of Arts majoring in Anthropology (2000) and a Bachelor of Laws (2004), both degrees from the University of British Columbia. She is a practising lawyer and was called to the BC Bar in 2005. She is currently completing a Masters in Constitutional Law from Osgoode Hall Law School (LL.M.). She is married to a very supportive husband and they are raising three children together.

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