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Letter

From the Commissioners

There is no greater expression of reconciliation than a modern treaty, fairly negotiated and honourably implemented. The British Columbia Treaty Commission emphasizes this foundational concept in all facets of its work.

RECONCILIATION AND NEGOTIATIONS

This year was another milestone for the BC treaty negotiations process with the coming into effect of the Tla'amin treaty. The success of Tla'amin is a model of self-determination and reconciliation.

This year was also significant with the election of a new federal government which for the first time in Canada's history has made reconciliation a priority across the entire government.

In his recent mandate letters Prime Minister Trudeau states, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, Nation-to-Nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership." The British Columbia Treaty Commission [Treaty Commission or BCTC] looks forward to working with the federal government to implement this mandate through treaty negotiations.

Recently the dialogue around reconciliation has grown, which now includes the role of the *United Nations Declaration on the Rights of Indigenous Peoples* [UN Declaration or UNDRIP].

A strength of the *UN Declaration* is its potential to mobilize change when efforts towards reconciliation stall or stumble. In September, the Minister of Justice, Jody Wilson-Raybould stated in her address to BC First Nations Chiefs, "Our collective challenge now is to implement the UNDRIP and

to make those words our words — and to turn words into action — to translate them into practical benefits on the ground in communities."

The *UN Declaration* can also breathe life into negotiations by encouraging new approaches when needed. It reminds all the Parties — Canada, British Columbia, and First Nations — that these are negotiations of the highest importance to our country. Treaty negotiations are not a program. They are negotiations for constitutionally entrenched and protected reconciliation.

The principles of UNDRIP that structure our dialogue today are consistent with the 1991 *Report of the British Columbia Claims Task Force Report* [Task Force Report], the blueprint for the treaty negotiations process in BC, including the establishment of the Treaty Commission. The *Task Force Report* describes reconciliation as "the establishment of a new relationship based on mutual trust, respect, and understanding — through political negotiations."

While the *UN Declaration* constitutes the minimum standards "for the survival, dignity and well-being of the indigenous peoples of the world" [Article 43], the *Task Force Report* provides a solid framework to implement those standards through good faith negotiations.

Self-determination is a core principle of the *UN Declaration*, a core goal of treaty negotiations, and a founding principle of the BCTC.

Treaties take time, reconciliation takes time, and negotiations are not without challenges. The Tla'amin treaty demonstrates how true reconciliation can be achieved. There is no one pathway to achieve reconciliation, but the treaty negotiations process offers an established framework leading to the highest expression of reconciliation: constitutionally entrenched modern treaties with self-governance.

In May 2016, the Treaty Commission attended the Fifteenth Session of the UN Permanent Forum on Indigenous Issues [Permanent Forum or UNPFII] to highlight the potential that negotiations hold for the advancement of Indigenous rights and reconciliation in Canada. BCTC believes the connections between UNDRIP, the benefits of modern treaties, and the BC treaty negotiations process is vital to the dialogue on reconciliation in Canada. Recognizing and respecting the potential of the negotiations process will assist in focusing commitment and political will of all the Parties — Canada, British Columbia and First Nations — to make progress, achieve treaties, and create lasting reconciliation.

CLOSING THE GAP

Treaties must empower First Nations to prosper and benefit in their traditional territories. A study from Deloitte LLP, commissioned by BCTC and released concurrently with this report, confirms the significant economic benefit of treaties for First Nations, BC, and Canada — a range between \$1.2 billion to \$5.8 billion. Broader benefits from treaties will assist in closing the gaps between First Nations and non-First Nations communities.

As the Treaty Commission has often said, when a First Nation prospers, the entire region prospers.

THE FUTURE OF NEGOTIATIONS AND FACILITATION

On May 24 of this year, the Principals endorsed its report the *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia [Multilateral Engagement Report]*. In doing so, they confirmed their commitment to treaty negotiations and made a number

of proposals, including an increased role for the Treaty Commission. This includes an enhanced role in supporting Stage 5 final agreement tables to set time frames and tripartite multi-year strategies to achieve them. These strategies will be endorsed by the leadership of the First Nation and by federal and provincial ministers — an important expression of political will.

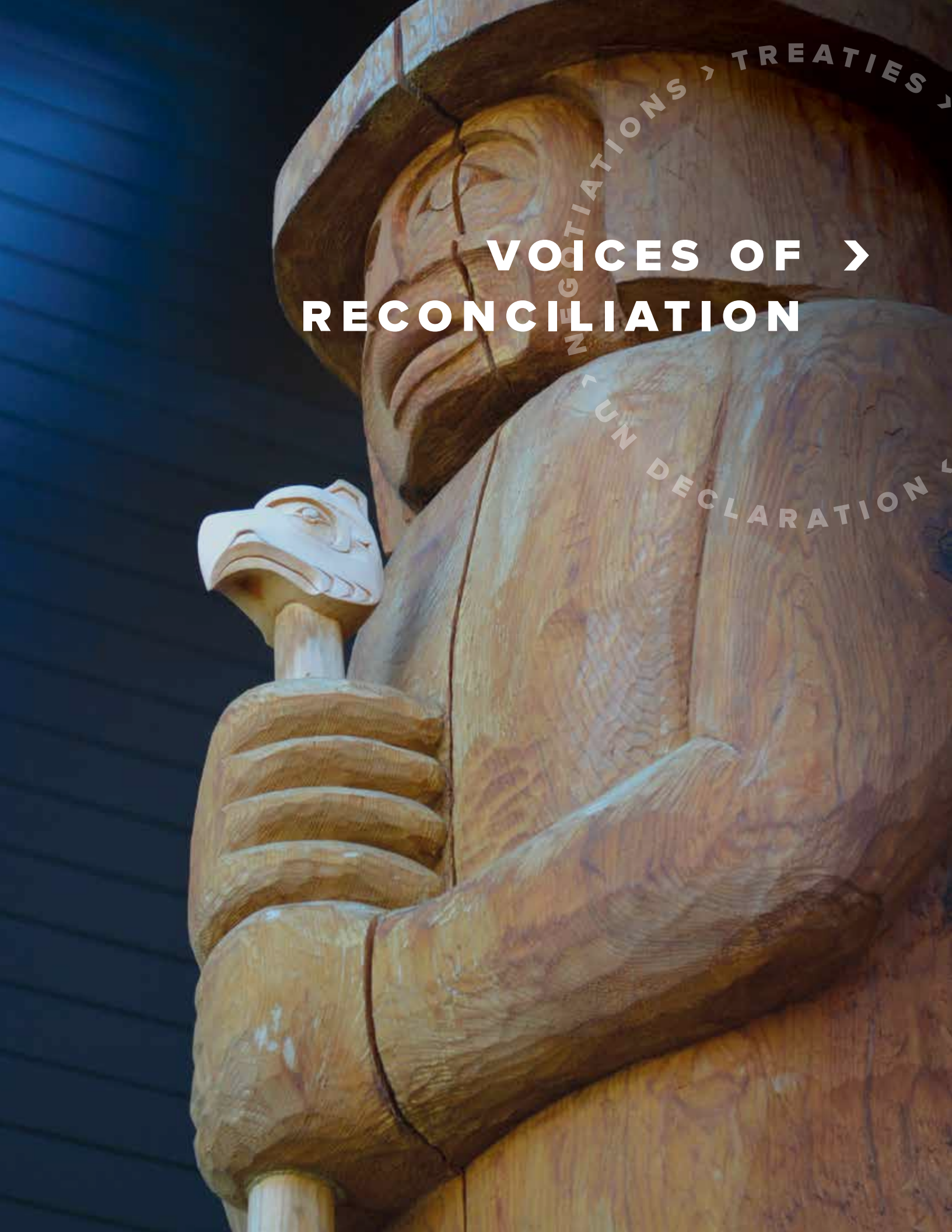
Some tables will explore new concepts, such as condensed agreements in principle, stepping stone approaches, incremental treaty agreements, sectoral agreements, and core treaties. The Treaty Commission may assist in the facilitation of these new developments. Many of these are consistent with Recommendation 16 of the *Task Force Report*, the use of interim measures to support the negotiations, and which is also consistent with Article 37 of the *UN Declaration*, emphasizing treaties, agreements and other constructive arrangements.

The Treaty Commission will continue to assist in the resolution of overlapping and shared territory issues by assessing not only the efforts of First Nations to address issues among themselves, but also Canada's and British Columbia's support of these efforts.

In carrying out its commitment to facilitate reconciliation through treaty negotiations, the BCTC will continue to look to its roots in the *Task Force Report* as it draws from the relevant articles and standards of the *UN Declaration* and gives them life as they are articulated in unique ways through negotiations.

COMMISSIONERS

Celeste Haldane, Jerry Lampert,
Tom Happynook, Francis Frank



**VOICES OF >
RECONCILIATION**

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Reconciliation

Today

Who better to speak to reconciliation than those living it today. The following pages are interviews with seven First Nation leaders, six from modern-day treaty First Nations. They talk about how treaty embodies their vision of self-determination and how treaties reflect the principles of the *UN Declaration*.

Hegus [Tla'amin word for leader] Clint Williams speaks about how the Tla'amin treaty empowers the Tla'amin people, protects their rights and traditional territory, creates a Nation-to-Nation relationship, and has made Tla'amin the largest fee simple land holder in the region. The Tla'amin treaty is the latest treaty to come into effect, demonstrating that reconciliation through negotiations is achievable with will and commitment from all three governments.

Grand Chief Edward John — the longest serving First Nations Summit Task Group member and an Expert Member of the Permanent Forum — shares his valuable knowledge and wisdom on reconciliation, negotiations, and the power of the *UN Declaration*. He describes Article 3 on self-determination as the “heart”, and Article 25 as its “spirit,” affirming the rights of Indigenous Peoples as something much deeper — they are responsibilities to future generations. This right to a deeper connection to traditional territory underlies the importance of self-government to Indigenous rights, and is the promise that constitutionally entrenched treaties have for reconciliation.

The *UN Declaration* offers a lens through which to reflect on the success of reconciliation for the First Nations interviewed. Self-determination and self-government, and the change that treaty has brought to First Nations, features prominently. Free, prior, and informed consent is reflected in the role the treaty has solidified for First Nations throughout their territories. Cultural repatriation has formed an important part of modern treaties,

focusing political will from governments to address this element of reconciliation.

Consent is also mirrored in strength. Tla'amin is now the largest landholder in its region. Toquaht owns and governs 42 km of waterfront lands, and has purchased a forest company with a forest licence that covers almost the whole of its territory. Nisga'a underscores that nothing happens in its territory without its consent. Tsawwassen is developing a billion-dollar retail and residential development, the Tsawwassen Mills and Tsawwassen Commons malls, the largest non-resource development on First Nations land in Canadian history.

The process of reaching a treaty means choices have to be made by all Parties to resolve outstanding issues. The discussion on “extinguishment” continues to feature prominently in negotiations. The *Task Force Report* established from the outset that extinguishment should not be part of reconciliation, and this position is reinforced in the *UN Declaration*. The Nisga'a state, “We have never extinguished our rights. We have perfected them and they are protected.” Tsawwassen view on-the-ground change as more significant than the model set out in its treaty, and is focusing on governance, economic development, and building a successful, sustainable community.

The Treaty Commission appreciates the time these First Nations leaders generously provided.

Tla'amin Treaty

Empowers Reconciliation

Moving away from the *Indian Act* is the biggest part of this process, to get away from the *Indian Act* shackles, and move forward and succeed as the Tla'amin Nation. — CLINT WILLIAMS

RECONCILIATION GIVEN EFFECT

On April 5, 2016 at 12:01 am, the Tla'amin Final Agreement came into effect, ushering in a new era of reconciliation for the governments of Canada and BC and for the Tla'amin people as a self-governing First Nation. With this achievement, Tla'amin will strengthen its culture and government, and create a more prosperous future for its families and the Powell River region.

Tla'amin Nation became the eighth First Nation to implement a constitutionally protected modern treaty in BC. The Tla'amin legislature passed over 50 laws beginning its vision of self-government. Tla'amin citizens and the Tla'amin Nation continue to exercise their inherent right of self-determination through the Tla'amin treaty.

Citizens and leaders gathered to celebrate this momentous milestone. Copies of the *Indian Act* were burned in the memorial fire pit in front of the Government House to acknowledge this historic change and the beginning of a new relationship.

KEY STATEMENTS FROM LEADERS

Hegus Clint Williams Tla'amin Nation

Our Nation has always been very progressive. It's not surprising that we have evolved past the point of the *Indian Act* to take our rightful place as a self-governing Nation. The *Indian Act* never defined us or made us Tla'amin people; if anything, it has held us back.

This is an incredible tribute to our ancestors, elders, and our entire community. I want to also acknowledge our youth because they were so passionate about wanting this change.

I also acknowledge the leadership shown by the City of Powell River and the Regional District for working together with us to improve our relationships over the years. These types of developments and accomplishments are still rare in BC, and across Canada, and we celebrate them today.

Carolyn Bennett Minister of Indigenous and Northern Affairs

Today is a historic day, a real testament to what can be achieved when we work together in the spirit of co-operation to resolve outstanding issues and reconcile with Indigenous people in Canada. The Tla'amin can now take control of their future and chart their own path to social and economic growth. This treaty benefits all Canadians and has set us on a path towards true reconciliation and

a renewed relationship with Tla'amin based on recognition of rights, respect, co-operation, and partnership.

John Rustad
**Minister of Aboriginal Relations
and Reconciliation**

I congratulate the Tla'amin people on this generational achievement. Through the Tla'amin treaty, we've reconciled our past and created a foundation for a brighter future. Certainty and opportunity afforded by the final agreement will support economic growth for Tla'amin Nation, and strengthen its culture and traditions.

Today, the hard work of self-governance begins, as do the enduring benefits of being a treaty First Nation in the Province of British Columbia.

**KEY STATEMENTS FROM TLA'AMIN
YOUTH: NEXT GENERATION OF LEADERS**

Drew Blaney
Tla'amin Nation Citizen

When the Statement of Intent for our treaty was put into place, back in December of 1993, I was 22 days old. Today, when our treaty is being implemented, I am 22 years old. It is a great achievement for our Nation, and over that time I have seen a lot of great effort from a lot of our leaders, and I've seen a lot of progress.

Ryan Pielle
Tla'amin Nation Citizen

Words can't express how I feel today. I am happy, excited, exhilarated. It's amazing. Especially knowing that my kids will not have to live a day under the *Indian Act*. That's a good feeling.

Tla'amin Nation

Clint Williams

On August 30, 2016, the Treaty Commission interviewed Hegus Clint Williams in Tla'amin's newly opened Government House, a proud feature of its new governing body.

Since then, the Tla'amin Nation had its first non-Indian Act election for their leadership and legislature. Clint Williams was the last Indian Act Chief Councillor, and is now the first elected Tla'amin Nation Hegus.

PATH TO SELF-GOVERNMENT

The road to self-government was a difficult road for us. There was miscommunication out there that our rights are totally removed. We were looking and weighing the options of self-government early in the process. We felt that it was important to establish that high level of protection within our traditional territory. Treaty empowers our people to protect our rights within our traditional territories.

We have a whole new set of tools, including fee simple lands, cash, and some economic development monies. So with this, we now are the largest fee simple land owner in the Powell River area.

We've always had our traditional territory to work with, but we've never had any of these resources available to us before self-government.

I think the symbolism of our new Government House shows what we can achieve as self-governing people heading into the future.

I don't want this to be the limit: I want this to be the minimum that our people look at as what we can achieve as a self-governing Nation. We've come from some pretty humble buildings down below, in our old band office.

EMBRACING THE UN DECLARATION

Canada acknowledging the *UN Declaration* is huge, and it complements our Constitution and our laws. Our community developed our own Constitution and that is what our laws are all created on.

One of the big things that we have in our final agreement is kind of an "us too" clause. If some new policy comes about and things are improved upon, then we are not excluded from any of these developments. This was all prior to the *UN Declaration* being acknowledged. It is very good that our final agreement with BC and Canada acknowledges this.

RECONCILIATION

This is not just our agreement; it is our agreement with BC and Canada. Their names are on it too. We entered self-government making a statement to our people that the sky is the limit and we can achieve a lot by working through this process and working collaboratively with our people for the benefit of our entire Nation.

The roundabout in front of the entrance to our Government House is a dedicated memorial to people that have passed on. We have a brick wall set up around there and a fire pit and we are trying to tie in the change that took place. That is where we burned the *Indian Act* to progress forward as a self-governing Nation.

REPATRIATION AND CULTURE

It's very exciting. The Royal BC Museum will return some artefacts here to our new Tla'amin Government House as part of our final agreement.

It is very powerful to see this new self-governing status acknowledged and to have the follow-through as promised in the final agreement. It is so powerful to see these returned home, and we look forward to more in the future.

Nisga'a Nation

Mitchell Stevens

Kevin McKay

Nisga'a President Mitchell Stevens and Executive Chairperson Kevin McKay were interviewed in Vancouver on Coast Salish territory on September 8, 2016.

SELF-DETERMINATION

Mitchell In order to know where you are going, you have to know where you have come from. In 1913 the Nisga'a Nation filed its petition to the Privy Council. It said, number one, they wanted to be out from the *Indian Act*. That is the most archaic piece of legislation this country has ever written. Number two, they wanted to be autonomous. They wanted to govern their own people as they have done for centuries. Number three, they wanted land with absolute control. Number four, they wanted to pay their own way; and number five, they wanted to provide for all Nisga'a citizens.

Now if that isn't a statement of the UN Declaration what is? The Nisga'a Final Agreement embodies all of those principles.

I will give you a good example. Vancouver wanted to protect its property from foreign investment. They couldn't do it. They had to get the provincial government to change the *Vancouver Charter* because the Vancouver City Council is under the auspices of the Minister of Municipal Affairs. That is a delegated authority. If the Nisga'a Nation wants to change its Constitution, it changes it. It does not have to ask BC's, nor Canada's, permission.

We have never lost our cultural capacity. We are a cultural people, and that is why the Nisga'a Final Agreement is so strong. When the Nisga'a people decided to negotiate, the Hereditary Chiefs of the day said we will surely get beaten if we go there

as individual families and houses. So they used a common bowl, "Sayt-K'il'im-Goot," it means we all eat out of the same bowl. All the Hereditary leaders took their landholdings and put them in a bowl. And they went there with one voice and whatever comes out of this it belongs to us, every Nisga'a person. Now that is culture at its utmost. That is why our treaty is so strong. It is based on our culture and values.

RECONCILIATION

Mitchell Treaty may not be for everybody. There are those who don't have treaty who have done very well because of geographic location. For most Aboriginal people who live in outlying and remote areas, they must have that autonomy to deal with the resources so that they can provide for their people the services that are required.

May 11, 2000 we got political independence. We are now left with the tools to bring our people forward. And through that document we will gain our financial independence. We respect the decision of all our neighbours. There will come a time when they have to make a decision for their people. We were very fortunate early on — in the birth of this country — that our hereditary leaders had the vision and the foresight to make that decision on our behalf.

Aboriginal people must walk through that door that the *Calder* case opened. They have to take that step. Then and only then can they get those rights constitutionally protected. As a Nisga'a person I am very pleased about the *UN Declaration*, but it is useless unless Aboriginal people step forward and walk through that door and start taking care of their own interests.

In their decision-making for one common bowl, our Hereditary Chiefs understood that they were part of the land, so they said, “We are not going to be separate from this country. **One heart, one path, one nation.**” It doesn’t say one Aboriginal Nation. It says one Nation, which means Canada, because we all share the same space. That is what non-Aboriginal people have to understand. It says: one heart, one path, one nation. We are going to remain one Nation.

Kevin We knew that we were going to have to give up something, we were going to have to compromise. We were not going to get 100%, but we had the peace of mind knowing that we accepted it on our own terms and conditions. People like to throw around the word sovereign. Well guess what? The Nisga’a Nation was every bit as sovereign as any other Aboriginal group in Canada. We exercised our sovereignty by entering into BC’s first modern treaty on our own terms and conditions.

The Nisga’a treaty is not a book of guarantees, rather the Nisga’a treaty is a book of opportunities. When you look at it that way it’s a more realistic way in which you maximize the provisions of the treaty.

PERFECTION OF RIGHTS

Mitchell We have not lost one speck of dirt and we will not ever lose any dirt to anyone. That, in itself, is what true self-government is about. It’s giving the people the choice, giving them the power.

Our treaty provides certainty. There is no question about the perfected, protected rights of the Nisga’a citizens. We have never extinguished our rights. We have perfected them and they are protected.

This is the closest thing you get to sovereignty. People talk about sovereignty. How much closer do you get to sovereignty than the Crown saying, “we are out of here.” We [Nisga’a Nation] occupy the tax base. Tell me, what government gives up tax?

The Supreme Court of Canada is reluctant to prescribe the rights of Aboriginal people. There is coming a time, and it’s going to be a very sad day, that the Supreme Court of Canada prescribes the rights of Aboriginal people in this country. It will be very prescriptive just like the *Indian Act*. Aboriginal people should be the decision-makers of their own rights.

Kevin It will not only be prescriptive, it will be the modern version of the *Indian Act*. So the people who are reluctant to negotiate treaties do so at their own risk.

NISGA’A CONSENT

Mitchell Nothing goes on within the 26,000 km² of our traditional territory without consulting us. If the Nisga’a Nation says “no” within that area, it means “N-O”, full stop.

Chapter 10 of the Nisga’a treaty, *Environmental Assessment and Protection*, is our free, prior, and informed consent. There is no economic chapter in the Nisga’a treaty. The rights and interest of the Nisga’a citizens are in Chapter 10, and they are perfected and constitutionally protected to provide certainty for all Parties. Through our treaty we will gain our financial independence.

For example, we had a disagreement with a mining company about their proposed tailings and management plan. They changed their engineering. It cost them one third of \$1 billion to do it, but they did it, and that was because of the requirements of Chapter 10.

Kevin I’ve heard the consultation provisions of the Nisga’a treaty described as the best in Canada. They go far beyond the assertive rights of consultation and accommodation. With respect to free, prior and informed consent, on 2,000 km² of Nisga’a land, we have exclusive jurisdiction, including sub-surface on the Nass wildlife area and the Nass area. All those three categories of land in the Nisga’a treaty comprise the 26,000 km² that were described by legal survey reference in the 1913 petition. This is really remarkable.

Tsawwassen First Nation

Bryce Williams

Tom McCarthy

The Treaty Commission sat down with Chief Bryce Williams [elected September 2012] and Tom McCarthy, Chief Administrative Officer of Tsawwassen First Nation [TFN] on September 19, 2016 in their administration building.

The Tsawwassen Final Agreement was implemented seven years ago, on April 3, 2009. Since that time, TFN has developed a billion-dollar retail and residential development, the Tsawwassen Mills and Tsawwassen Commons retail malls. It is the largest non-resource development on First Nations land in Canadian history.

OUR SELF-DETERMINATION AND SELF-GOVERNMENT

Bryce Our treaty reflects our self-determination and self-government. It's been a journey, and quite a learning curve getting set-up and getting it rolling. But it's really becoming a true, effective body and a true reflection of that self-governance we envisioned.

It's been great to be a part of, and good to see how it's really evolving and taking its rightful place within the governance system that is set up around BC and Canada. We are really happy to be able to have such a big say in the region. Now being a treaty First Nation we are part of the Metro Vancouver region, we have a spot on the Translink board and it's just been really great so far.

We have put more resources into our core programs, particularly our health and education programming have seen important investments and have delivered better services. We are also working on a number of important new priorities.

These include putting together a housing initiative with other partners, BC Housing and non-profit housing providers; a major review of our *Membership Act*; a facilities plan for the next stage of infrastructure — the renewal of all of our buildings; and working on the land tenure question for our community housing.

I think that our treaty has changed people. It seems to me more people want to be involved in governance, being able to have a say for the people. People have grown together in certain areas, and the community has grown together. It's really interesting to see how it has sparked involvement from some of the youth.

This would not have been possible without treaty. Both the practical elements — such as access to water from the region — as well as setting TFN on a new and different legal footing. Being in the room at the Metro Vancouver table has been an opportunity to voice concerns to a different regional audience — this has been a neat opportunity for reconciliation. We have been able to do more — way more — than under the *Indian Act*.

Tom The *Indian Act* is fundamentally contradictory to the *UN Declaration*.

The treaty doesn't really impact the kind of agreements you enter into with commercial partners, and you still have to negotiate. If you screw it up it is on you. The difference of course is that you don't have to go back to the Department [of Indigenous Affairs] for approvals. The advantage of having a strong set of laws and self-government legislation is that your process is well defined; it makes you a lot more attractive to talk to as a potential partner. Tsawwassen knew that on day

one it was going to get tons of pressure from the external development community to build right away, to buy land. So setting out those rules under Tsawwassen's jurisdiction was critical.

CULTURAL RESURGENCE

Bryce One of our main priorities is incorporating language and culture into modern life, and upholding the old values and traditions. For us, we have a lot of developments on the go: residential, commercial, and industrial. And involved in all of those is a lot of cultural elements. With the mall being developed, there has been so much opportunity for TFN artists. There's a Coast Salish section in the mall. It's really going to uplift: not only our community members, but also any Coast Salish person that walks in will be able to recognize the strong Coast Salish values.

We have paved the road to renewing language and culture. This has been a major achievement that I am very proud of. Our business partnerships have generated huge amounts of work for artists, carvers, and weavers alike. We also have had language classes since 2013 in an effort to keep the Hul'qumi'num language alive in the community.

ECONOMIC PROSPERITY

Bryce Since 2009, TFN has attracted over \$1 billion of private sector investment onto Tsawwassen lands. Approximately \$750 million in commercial development, over \$200 million in industrial development, and the remainder in residential investment. This will continue to grow over the next 10 years.

TFN has also invested over \$100 million into renewing its infrastructure. The INAC legacy left us with poor infrastructure, a small sewer treatment plant at capacity, one paved road, and poor housing. We have renewed most of our infrastructure: new water and sewer pipes, new roads, including a major road, Salish Sea Drive.

There are more job opportunities than our Nation can fill, with industrial, commercial, and residential developments. Through our development partnerships there's been member benefit opportunities, and employment opportunities.

The great success of the treaty is our ability to create strong partnerships not only with developers but with private sector investors. A lot of partners came in when they realized that we have other big partners involved with us. They see that we are serious.

We are here to stay. We are here to develop. We are here to self-govern and be successful in this modern day and age. So it's really cool just to see everything roll together and it is really great to see how progressive we are and how successful we are along the way.

Tom I think what we would say is that the debate about extinguishment or modification or assertion is behind us — Tsawwassen is moving forward down the path to build this successful, sustainable community. The on-the-ground change is a lot more relevant than the model that's set out in the document.

Toquaht Nation

Anne Mack

Chief Anne Mack was interviewed in her home in the traditional Toquaht village of Macoah on September 1, 2016.

Toquaht Nation determined its own destiny and achieved self-government when the Maa-nulth treaty came into effect on April 1, 2011. During our interview, in the background, a new wastewater system was being built to accompany a new water treatment facility. These major infrastructure upgrades support the Toquaht vision of bringing citizens home to a thriving community.

TOQUAHT GOVERNANCE

My traditional name is Wii-tsuts-koom. My father traditionally seated me in 2009. The new Toquaht governance system keeps our traditional system intact: two traditional chiefs, the “Tyee,” head chief, and “Chaa-maa-taa,” the second chief. To be democratic we vote in three councillors to work with us. We determined this; it is in our Constitution.

The [UN Declaration] article about self-governance is really important for First Nations to be able to take on their own responsibility, whether it be economics, social development, land, ownership over their land and how they want to manage it, is all something that is attainable through the treaty.

Since governing under treaty, we have a different relationship with Canada. There is more open communication with different agencies. We are regarded differently — I can feel that respect of us being a government, and we are treated as such. It is a good feeling.

What I say to new treaty Nations: it's very liberating, not instantly, but you do feel that you are in control. You have the ability to plan for the future with your citizens as you please, without having to get agreement from anyone else.

SELF-DETERMINATION

Land was one of the most difficult issues at the negotiation table. To see my father sit down and choose something that he knew was already ours was a little bit difficult. We got 42 km of waterfront which is very valuable, but there is a difference in value of the land in the minds of First Nations people. It is not just valuable because it is waterfront lands. Through our culture, we know our territories. My father and his father before him have told us exactly where our boundaries are, and that never changes regardless of if we only have a portion of it back. Our whole traditional territory will always be acknowledged within our people's minds as Toquaht territory.

In this day and age, in order to be a part of the economy, you have to plan on what is going to sustain your people. These 42 km are some of the best waterfront lands in the world and will do just that.

CONSENT OVER OUR TERRITORY

We have fee simple land and control over economic development. We purchased a forest license which covers just about the entire Toquaht traditional territory, which means that we manage what happens to that forest, and our next generation will have a forest that they can manage themselves.

Everyone is ruled by the economy, but now we have the ability to work more within our territory, with the resources and how we would like to achieve that. We have a campsite with 66 sites just down the road which is fairly new. It is just now, like I said, that things seem to be moving, and it's a really good feeling after all the work and time we put in to see things visually. It is a great thing to see.

BUILDING OUR NATION VISION

In year five now, we have electricity, clean water, a water treatment system, and today we are almost completing our wastewater system for the community. The community is now able to expand, whereas in the previous *Indian Act* government system, we were on a wait list. You know how that is across Canada — it's not working for a lot of communities. With all this infrastructure that we put into place, we now have the ability to expand and develop our own housing for members to come home. That is our vision. Our biggest vision is to bring people home.

My father had the intuition that, in order for his people ever to be able to come home, he

would have to develop the economy and work at building our own base. We are going through that process now, because of our treaty, with all of the infrastructure we are putting into place and having our two top leaders as traditional leaders working together to incorporate traditions into our government.

It is not an easy task, but, wherever we can, our tradition comes before our laws, and we learn how to incorporate them into the laws. That all comes through cultural revival, getting back to your land. That is how I see our vision: to bring people home and live again as once we had.

Huu-ay-aht First Nations

John Jack

John Jack was interviewed in Vancouver on Coast Salish territory on September 20, 2016.

Huu-ay-aht First Nations became self-governing on April 1, 2011, when the Maa-nulth Final Agreement came into effect. John Jack has worked for his Nation for many years, and is now serving his second term as an elected councillor.

SELF-DETERMINATION

First Nations want a degree of self-determination, rule of their lands and access to the wealth that is generated from living on the land. For Huu-ay-aht, it started with the generation immediately before my own, seeing all of the wealth that was generated on the land and how none of it was being shared with us. We saw that it was only by accessing the wealth generated on our lands, we would be able to dig ourselves out of the underdevelopment created by colonization.

Treaty provides tools to go in almost any direction. You can achieve the things you hope to set up to do and treaty should be neutral on the successes.

I think treaty allows leaders to actually lead their people in a direction that they see as an improvement over what came before and what is now.

Our failures are our own, but our successes are our own, and those successes allow us surplus energy, willingness, goodwill, and resources to be a part of BC, and part of Canada, in a way that may not be expected.

It turns out the solution isn't a one-time thing, but rather a system of systems that will allow us to make better decisions and improve over time. I think that is what First Nations have been asking for and wanting to pursue over generations: not

necessarily having everything now in some grand set of reparations, but rather the power to make their own decisions and let their chips fall where they may.

Treaty allows First Nations to pursue what they believe should have been if they were included in Canada from the get-go, if the fathers of Confederation were so enlightened to allow for that to happen, then maybe this is what we might have been.

UN DECLARATION

There are certain things that need to be established in order for First Nations to effectively and actually have those principles that are aspired to in the *UN Declaration*. These cannot be given. They are created for oneself, if you have the tools to create them. The treaty does that. Our treaty does that.

There will be better ways to put treaties together and negotiate them, but until such time, we have the best tool available to us to attempt to achieve the principles of the *UN Declaration*.

There are calls to action for BC, Canada, local governments, courts — but what are the calls to actions for First Nations? I think the idea behind the *UN Declaration* and treaty is that First Nations choose what those calls to action will be.

Some may focus inward, others may focus outward, and still others may try to find a different path. But in order to even get to that point, they have to have the ability to make those decisions, and the resources to get them there. The treaty sets the framework for that to happen.

RECONCILIATION THROUGH NEGOTIATIONS

The negotiation process was tough. The ratification process was harrowing and exciting, and overall I knew that I was completely, as an individual, committed to the good of my Nation and what the treaty could represent. Not only was the

treaty good for Huu-ay-aht, but also it was good for British Columbia and Canada in terms of the process by which the Crown was able to reconcile.

For reconciliation, you need a degree of willingness, seeded with the understanding that forgiveness is possible. There needs to be a point in which communities won't hold past transgressions over one or another. An age-old grudge can't be held onto if you truly want to reconcile.

If you have a lot of historical baggage that prevents those relationships from being productive, then you are inherently blocked from the network of opportunities that could be around you: ecologically, economically, socially, politically, legally, and spiritually. Treaty allows for those relationships to exist with the new impetus for interaction because of the legal certainty, political stability, and economic possibility.

We are just now understanding what it means to exist as a community in the modern political economy and what tools we need in order to exist somewhat like how we wanted to exist before. Treaty is the number one step in allowing for us to do that, free of the baggage of what's come before, or at least giving us the opportunity to put that baggage down at some point and move on and see what happens.

Treaty establishes a degree of certainty not just for the Crown. As long as the legal and political groundwork can be laid, that legal certainty can be created, effective self-governance can be achieved, and economic sustainability can be attempted.

First Nations in treaty have the best chances amongst all First Nations to achieve what they aspire to as a people.

UNPFII Expert Member

Edward John

Grand Chief Edward John was interviewed in Vancouver on Musqueam territory on September 9, 2016.

THE UN DECLARATION

The reason I got involved with the UN was because of what was going on locally. I saw the limitations in Canada and wanted to help create international standards and then have those standards work their way back domestically. So it took us a long time, a very circuitous route.

That's why the *UN Declaration* is so important. There is now a set of standards that can help shape Section 35 of the *Constitution*. Article 43 of the *Declaration* states they are the minimum standards for the rights of Indigenous Peoples' survival, dignity, and well-being. What is the relationship between Section 35 and the *Declaration*? Well, Section 35 are just a few words, right? Are you going to litigate everything to the Supreme Court of Canada to find resolution? What you ought to do is take this human rights standard in the *Declaration*, and use that to help shape Section 35, not the other way around.

The most important of the articles in the *Declaration*, in my opinion, is Article 25. This is really the spirit of the *Declaration*. This is where the word responsibility comes in. In all of our teachings, the teachings that we have don't talk about rights. They talk about responsibilities first and foremost. The teachings we as Indigenous Peoples always learn is about responsibilities to our lands, to everything around that.

These agreements should do that. They should be premised on these principles. We want our responsibility to our territories reflected in our agreements. The government wants to view this as a real estate transaction. We have really completely different visions of what these agreements are.

A really big part of the strategy [to advance Indigenous rights] has been around redress. There's a number of articles in the *Declaration*, from 25 onwards, that deal with issues relating to redress. Article 28 talks about how Indigenous people have the right to redress by a means that can include restitution, or, where it's not possible, just, fair, equitable compensation.

INDEPENDENT BODY

There's a couple of places where it's mentioned in the *Declaration* about mechanisms for fair, independent bodies. And in a way we're ahead of the game in BC, and in a way not, because of limitations on the Treaty Commission. There's only one mandate in there that's really clear. It's about facilitating negotiations. It doesn't say chair meetings, it says to facilitate negotiations. It's broader than how that power has been exercised over the years, and I've encouraged the Treaty Commission to be more pro-active in this regards.

We saw early on, in all the negotiations that were taking place in Canada, there was a very tight control over the process of negotiations by Canada in all aspects: funding, agenda, outcomes. Pretty much predetermined outcomes that were not the earmarks of good-faith negotiations between equals, or between Parties that had a legitimate legal interest. It's really the whole assimilation strategy deeply embedded in laws, in policies and practices of Canada.

I think that articles in the *Declaration* like this about independent processes are matters that need to be reviewed, including the mandate of the Treaty Commission. There should be an impartial adjudication body as well. If negotiations are not working in BC, then there should be an impartial process for adjudicating.

NEGOTIATIONS FOR TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS

Ultimately it's about three parties sitting down at a table to negotiate resolution, and that there's a commission in place to help facilitate that, and that the product of that could be many different things, including, interim agreements, and ultimately a treaty. Article 37 talks about treaties, agreements, and other constructive arrangements. That's the new standard now. Even though the highest of those standards might be treaties, there's still a whole lot of multilateral or even bilateral agreements that can be entered into between Indigenous Peoples and the state.

Read recommendation 16 [of the *Task Force Report*]. It's there, and it's one that's not been properly used. Canada has its treaty related measures, and BC has its program. But they unilaterally developed these, instead of sitting down and working out an interim measures agreement with the First Nations. And they want to limit the scope.

RECONCILIATION

Every peoples globally have the right to self-determination. We've articulated that in articles 3 and 4 of the *UN Declaration*, the right to self-determination, the right to self-government. Then you read that with article 46 [the territorial integrity or political unit of states, and human rights and fundamental freedoms, are to be respected], and that creates a sense of balance.

Within the traditional territories of ancient tribal governments and entities that have been here for thousands of years, you have new states, like Canada, that is 150 years old, and the colonial exercise of their own powers. The court cases are clear: Indigenous laws were not extinguished, and continue. The problem is the political will to find resolution for co-existing governments.

We do have co-existing governments. It's called federalism in this country. In the Nisga'a case involving Gordon Campbell, BC and Canada

argued that Section 91 and 92 exhaustively shared power between the two governments, therefore there was no room for First Nations governments. The Court completely rejected that, and said there is an independent source of power and authority in First Nations. They still exist.

So what is the intention of these treaties? To find coexisting legal relationship structures. In the *Haida* decision, the Supreme Court of Canada says that treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty. That's the essence of co-existence — and then it's written into agreements.

The intention should always be to see these treaties as part of the constitutional framework of Canada. Elevate these agreements, not as final full and final settlement agreements. Not minor agreements, not contracts, but part of the constitutional framework of this country on a Nation-to-Nation basis, as Prime Minister Trudeau says. It's coexistence at the very highest level.

In *Delgamuukw*, the Supreme Court of Canada states that we are all here to stay. I think those words are a good framework: that we're all here to stay in this multi-cultural framework within a federal state. And the federal state has been slow to recognize that place of sovereignty of Indigenous Peoples as part of the coexistence framework.

FREE PRIOR AND INFORMED CONSENT

Does free, prior and informed consent [Article 19] mean a veto? I am going to say "it means veto," if necessary. But it's not that. Veto assumes that you're in an inferior position. Free, prior and informed consent, the way I see it is that you're on an equal position with governments.

Free, prior and informed consent is about decision-making. The right to make decisions. You exercise that authority in many ways, but it's a decision making right. The ability to make decisions really underscores free, prior and informed consent.

BCTC Submission

United Nations

TREATY NEGOTIATIONS AN OPPORTUNITY TO LEAD RECONCILIATION

At the opening ceremony of the Fifteenth Session of the United Nations Permanent Forum on Indigenous Issues [UNPFII], the Minister of Justice and Attorney General of Canada stated, “We must complete the unfinished business of Confederation. Rebuilding the Nation-to-Nation relationship and achieving reconciliation lies at the heart of a strong Canada.” Rebuilding the Nation-to-Nation relationship also lies at the heart of the BC treaty negotiations process and mirrors the goals of the *UN Declaration*. When fully embraced and supported, treaties will achieve Canada’s goal of rebuilding a Nation-to-Nation relationship.

In May this year, the Treaty Commission attended the UNPFII to highlight negotiations as an established mechanism to advance Indigenous rights and reconciliation in Canada. In turn, endorsement of the principles and articles in the *UN Declaration* provides an opportunity to reinvigorate treaty negotiations in British Columbia and to build on this foundation.

While the *Task Force Report* provides a solid framework for reconciliation, and there are success stories being lived through modern treaties, misinformation and misunderstandings have become widespread. This misinformation can lead to the erosion of support for treaty negotiations within First Nations, the federal and provincial governments, and the general public. This situation does not advance reconciliation.

Negotiations, including self-governance, facilitated by an independent body and leading to constitutionally entrenched treaties, make the BC negotiations process one of the most unique and promising in the world. As with any complex

multi-party negotiation, there are challenges. However, recognizing the potential and promise of negotiations will assist in focusing commitment and political will of all the Parties — Canada, British Columbia and First Nations — to make progress in achieving treaties and lasting reconciliation.

The Treaty Commission emphasized the shared goals of the treaty negotiations process and the *UN Declaration* at the UNPFII, and submitted recommendations that were accepted into the Fifteenth Session UNPFII final report.

NATION-TO-NATION

Reconciliation is today — and has always been — the fundamental goal of the BC treaty negotiations process. The 1991 *Report of the British Columbia Claims Task Force*, which stands as the foundation of the BCTC and the blueprint for the negotiations process, describes reconciliation as “the establishment of a new relationship based on mutual trust, respect and understanding — through political negotiations” [*Task Force Report Recommendation 1*]. It further states that “recognition and respect for First Nations as self-determining and distinct nations with their own spiritual values, histories, languages, territories, political institutions and ways of life must be the hallmark of this new relationship” [*Task Force Report, pages 7-8*].

Self-determination is at the heart of the BC negotiations process and is one of the primary principles of the *UN Declaration*. It leads to the recognition of Nation-to-Nation relationships, a recognition that shapes the negotiations and leads to constitutionally entrenched treaties.

Although self-determination is a foundational principle, it is challenging for Indigenous Peoples to enact as they work through the process of Nation building. Forcing amalgamation of Nations

into collective approaches to negotiations is contrary to self-determination and is bound to fail [*Task Force Report*, page 19].

The Treaty Commission's submission to the Permanent Forum emphasized that lasting Nation-to-Nation relationships through treaty negotiations require recognition — not extinguishment of Indigenous rights. The concept of extinguishment was rejected by the architects of the treaty negotiations process who recognized that First Nations should not be required to abandon fundamental constitutional rights simply to achieve certainty [*Task Force Report*, page 11].

OVERLAPPING AND SHARED TERRITORIAL CLAIMS

Overlapping and shared territory issues are best resolved by First Nations [*Task Force Report*, Recommendation 8]. These issues — and their unique solutions — have long been part of traditional Indigenous governance, are essential to Nationhood, and are foundational to self-determination and self-governance.

Overlap disputes between Indigenous Nations interfere with reconciliation. These issues are more complex because of the fracturing of Indigenous Peoples and by the creation of colonial and neo-colonial Indigenous entities.

Governments have an important role in supporting First Nations — not imposing solutions — in their efforts to resolve overlapping and shared territory disputes. This important support was recognized by the Permanent Forum in endorsing the Treaty Commission's recommendation, and it was also accepted into the *Multilateral Engagement Report* of the Principals in May of this year.

NEW ERA OF RECONCILIATION

The Treaty Commission's submission contained recommendations, that were endorsed by the Permanent Forum in its final report, urging states to engage in “good-faith negotiations of treaties, agreements and other constructive agreements,” based on “the unequivocal recognition of indigenous peoples' rights;” to “fully reject the extinguishment of indigenous rights;” and to “address the call for full and effective redress for the loss of lands, territories and resources and State breaches of treaties, agreements and other constructive arrangements.” The recommendation reiterates the need for “high-level oversight bodies to guide and oversee the conduct of negotiations and implementation of treaties, agreements and other constructive arrangements in the light of ongoing negotiation and implementation issues.”

Flexibility is an essential part of negotiation [*Task Force Report*, Recommendation 2] and efforts to develop new mechanisms and approaches, such as those proposed in the recent *Multilateral Engagement Report*, are promising. These approaches are consistent with the *UN Declaration*, informed by the World Outcome Document¹ and influenced by past recommendations of the Permanent Forum related to treaties.²

Rebuilding the Nation-to-Nation relationship lies at the heart of treaty negotiations in Canada, and mirrors the goals of the *UN Declaration*. The BC treaty negotiations process is well established to lead the country in reconciliation and embrace the opportunities the *UN Declaration* offers.

1 Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, Adopted by the GA on September 22, 2014

2 See recommendation 36, Report of the 14th session of the Permanent Forum on Indigenous Issues, 20 April – 1 May, 2015, E/2015/43-E/C.19/2015/10



**MEASURING >
RECONCILIATION**

TREATIES > UNDECLARATION
RECONCILIATION

Closing The Gaps

One of the goals of treaties is the reconciliation of Aboriginal title, including its inescapable economic component. For treaties to achieve reconciliation, they must enable First Nations to prosper and benefit in their traditional territories.

FINANCIAL BENEFIT TO FIRST NATIONS AND BRITISH COLUMBIA

Closing the social gaps between Indigenous and non-Indigenous people is a key goal of reconciliation. A new study from Deloitte commissioned by BCTC, *Socio-Economic Benefits of Modern Treaties, 2016* [Deloitte Report], validates the findings of previous studies that there are significant future economic benefits from treaties to First Nations, ranging between \$1.2 and \$5.8 billion total dollars. The *Deloitte Report* also begins to examine the broader socio-economic benefits that come from self-determination and self-government.

The *Deloitte Report* quantifies the benefits of treaties to all British Columbians. Negotiations result in a considerable infusion of federal capital into BC's regions where First Nations are implementing a modern treaty.

As the Treaty Commission has often said, when a First Nation prospers, the entire region prospers.

INVESTMENT IN THE LOCAL ECONOMY

The majority of benefits assumed in the *Deloitte Report* are generated from direct cash settlements and resource revenue sharing paid to First Nations as part of the settlement, resulting in positive financial growth to the surrounding local economies.

These financial benefits are used by treaty First Nations in a variety of ways to grow First Nation businesses, invest in financial securities for long term wealth creation and income, develop community projects and infrastructure, and for direct consumption on goods and services.

The broader “multiplier” effect of this investment is determined by the actual allocation of capital transfers and resource revenue sharing determined by each treaty Nation.

The billion-dollar retail and residential development, the Tsawwassen Mills and Tsawwassen Commons malls, which resulted in the largest non-resource development on First Nations land in Canadian history, exemplifies this.

CLOSING THE GAPS

Deloitte explored the socio-economic benefits of treaty using the Community Wellbeing Index. In reviewing this data for a First Nation with a modern treaty, it appears that there are benefits during the treaty negotiations period through to the implementation period. Further work is needed to better quantify the benefits of treaties on community well-being.

Through interviews with leaders from treaty First Nations, the *Deloitte Report* provides insight to a broader range of benefits resulting from treaties and negotiations. These include addressing historical damage related to the *Indian Act* by providing a framework for reconciliation consistent with Articles 3 and 4 of the *UN Declaration* and Section 35 of the *Constitution Act, 1982*. Other benefits include decision-making and implementation of systems of government grounded in First Nations values.



TREATIES > RECONCILIATION
RECONCILIATION >
UPDATE
NEGOTIATIONS <

Negotiations Overview

65 First Nations, representing over half of all *Indian Act* Bands in BC, are participating in, or have completed treaties through, the treaty negotiations process.

FIRST NATIONS IMPLEMENTING TREATIES [7]

Maa-nulth First Nations [Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Toquaht, Uchucklesaht and Yuułu?if?ath]
Tla'amin Nation
Tsawwassen First Nation

FIRST NATIONS IN FINAL AGREEMENT NEGOTIATIONS [8]

In-SHUCK-ch Nation
K'ómoks First Nation
Lheidli T'enneh First Nation
[second ratification vote]
Te'mexw Treaty Association
Tsimshian First Nations* [Kitselas and Kitsumkalum]
Wuikinuxv Nation
Yale First Nation [ratified final agreement; effective date postponed]
Yekooche First Nation

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS [9]

Ditidaht and Pacheedaht First Nations
Gwa'Sala-'Nakwaxda'xw Nation [land and cash offer]
Katzie First Nation [second AIP vote]
Ktunaxa Kinbasket Treaty Council
[land and cash offer]
'Námjgs Nation [initialled AIP; membership voted not to accept]
Northern Shuswap Tribal Council [AIP approved by NStQ; Canada and BC approvals pending]
Stó:lō Xwexwilmexw Treaty Association
Tla-o-qui-aht First Nations [initialled AIP; membership voted not to accept]
Tsimshian First Nations* [Metlakatla]

FIRST NATIONS IN ACTIVE NEGOTIATIONS [16]

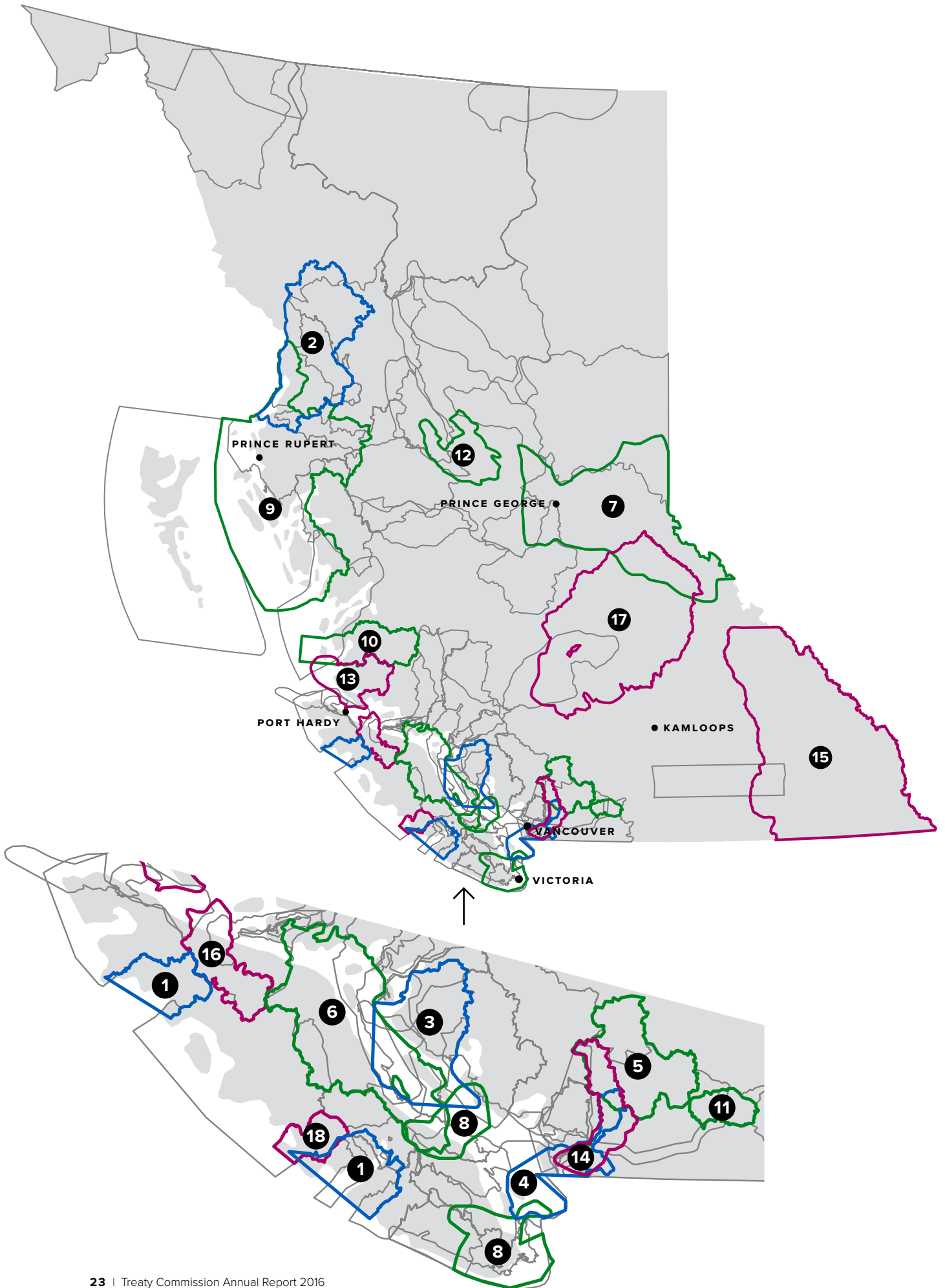
Da'naxda'xw/Awaetlala Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs

Homalco Indian Band
Hul'qumi'num Treaty Group
Kaska Dena Council
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Nazko First Nation
Taku River Tlingit First Nation
Tlatlasikwala Nation
Tlowitsis First Nation
Tsay Keh Dene Band
Tsimshian First Nation* [Gitga'at]
Tsleil-Waututh Nation
Wei Wai Kum/Kwiakah First Nations
Wet'suwet'en Hereditary Chiefs

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY [25]

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
Council of the Haida Nation
Esk'etemc First Nation
Haisla Nation
Heiltsuk Nation
Hupacasath First Nation
Hwilitsum First Nation
Klahoose 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
Snuneymuxw First Nation
Squamish Nation
Teslin Tlingit Council
Tsimshian First Nation* [Kitasoo/XaiXais]
Westbank First Nation

**Tsimshian is counted as one First Nation, but has communities in various stages*



Implemented Treaties*

- 1 Maa-nulth First Nations
- 2 Nisga'a Nation
- 3 Tla'amin Nation
- 4 Tsawwassen First Nation

*Representing 11 former *Indian Act* Bands

Final Agreement Negotiations*

- 5 In-SHUCK-ch Nation
- 6 K'ómoks First Nation
- 7 Lheidli T'enneh First Nation [second ratification vote]
- 8 Te'mexw Treaty Association
- 9 Tsimshian First Nations [Kitselas and Kitsumkalum]
- 10 Wuikinuxv Nation
- 11 Yale First Nation [effective date postponed]
- 12 Yekooche First Nation

*Representing 14 *Indian Act* Bands

Initialled AIPs / Land and Cash Offers*

- 13 Gwa'Sala-'Nakwaxda'xw Nation [land and cash offer]
- 14 Katzie First Nation [second AIP vote]
- 15 Ktunaxa Kinbasket Treaty Council [land and cash offer]
- 16 'Namgis Nation [initialled AIP; membership voted not to accept]
- 17 Northern Shuswap Tribal Council [AIP approved by NSTQ; Canada and BC approvals pending]
- 18 Tla-o-qui-aht First Nations [initialled AIP; membership voted not to accept]

*Representing 12 *Indian Act* Bands

Other First Nations in Treaty Negotiations*

*Representing 72 *Indian Act* Bands

A VIEW OF PROGRESS

The First Nations highlighted in the map represent 37 *Indian Act* Bands, or 18.5% of all *Indian Act* Bands in BC. The territories represented in the Statements of Intent of these First Nations cover approximately a third of BC.

Table

Negotiations Report

AIP: Agreement in Principle

ITA: Incremental Treaty Agreement

TRM: Treaty Related Measure

The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

65 First Nations, representing over half of all *Indian Act* Bands in BC, are participating in, or have completed treaties through, the treaty negotiations process.

Active or completed negotiations involve 40 First Nations, representing 76 *Indian Act* Bands, totalling 38% of all *Indian Act* Bands in BC.

A “First Nation” in the BC treaty negotiations process is a self-defined governing body, established and mandated by its people within its traditional territory in BC to enter into treaty negotiations with Canada and British Columbia. The *BCTC Agreement* and legislation set out this principle of self-definition.

For statistical purposes the Treaty Commission continues to refer to “*Indian Act* Bands” to provide a common reference point.

› COMPLETED TREATIES

First Nations Implementing Treaties [7]

MAA-NULTH FIRST NATIONS

The Maa-nulth First Nations Final Agreement effective date was April 1, 2011. These five former *Indian Act* Bands implemented the Maa-nulth treaty as five independent governments. Huu-ay-aht, Ka:’yu:’k’t’h’/Chek’tles7et’h’, Toquaht, Uchucklesaht, and YuułuꞀiꞀꞀath [Ucluelet] First Nations, and Canada and British Columbia are five years into the implementation of the new relationship.

The treaty provides the First Nations with 24,550 hectares of treaty settlement land and a one-time capital transfer payment of \$73.1 million over ten years. In addition, it provides \$1.2 million annually in resource royalty payments for 25 years, and \$9.5 million annually for program funding.

Huu-ay-aht has approximately 720 citizens; Ka:’yu:’k’t’h’/Chek’tles7et’h’ has approximately 570 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 225 citizens; and Ucluelet has approximately 670 citizens. The traditional territory is located on the west coast of Vancouver Island surrounding Barkley and Kyuquot Sounds. Maa-nulth has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasath, Tla-o-qui-aht and Tseshaht.

HUU-AY-AHT FIRST NATIONS

Since treaty implementation, Huu-ay-aht First Nations has enacted approximately 21 acts and 30 regulations. The HFN Development LP pursues economic development opportunities for the First Nation. These ventures include forestry, fisheries, gravel, a campground, a market, and a gas station. Huu-ay-aht joined the Alberni-Clayoquot Regional District Board in 2012.

KA:’YU:’K’T’H’/CHEK’TLES7ET’H’ FIRST NATIONS

Since treaty implementation, Ka:’yu:’k’t’h’/Chek’tles7et’h’ First Nations has enacted approximately 37 acts and 13 regulations.

AIP: Agreement in Principle
ITA: Incremental Treaty Agreement
TRM: Treaty Related Measure

The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

TOQUAHT FIRST NATION

Since treaty implementation, Toquaht First Nation has enacted approximately 39 laws and 20 regulations. The First Nation has built a water treatment plant after being on boil water restrictions for 20 years, and it added 68 hectares of treaty settlement lands. The construction of a waste water system has recently broken ground, with a scheduled completion of December 2016. These infrastructure upgrades will allow new homes to be built, enable tourism ventures, and bring citizens home. Toquaht also entered into the Barkley Sound Community Forest partnership with the District of Ucluelet, purchased an area-based forest licence, and created two corporations to carry out operations associated with the forest licence.

UCHUCKLESAHT FIRST NATION

Since treaty implementation, Uchucklesaht First Nation has enacted 47 acts and 26 regulations. This fall the First Nation will open a new administration and cultural building in Port Alberni, with residential tenancies above. The First Nation has also upgraded its water system and built new roads. Uchucklesaht joined the Alberni-Clayoquot Regional District Board in 2014.

YUULU?IŁ?ATH [UCLUELET] FIRST NATION

Since treaty implementation, Ucluelet First Nation has enacted approximately 33 laws and 30 regulations. This summer the First Nation completed a water treatment pumping system, and in 2015 opened its new Government House. Yuulu?ił?ath. added treaty settlement lands when it purchased a significant economic development property at the highway juncture between Ucluelet and Tofino. The First Nation currently operates Wya Point Resort, Wya Welcome Centre, and the Thornton Motel. Ucluelet joined the Alberni-Clayoquot Regional District Board in 2012.

TLA'AMIN NATION

The Tla'amin Final Agreement effective date was April 5, 2016. Tla'amin Nation, Canada, and British Columbia have begun implementing the new relationship. The treaty provides the First Nation with 8,323 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$31.1 million over ten years. In addition, it provides economic development funding of approximately \$7.3 million and a fishing vessel fund of \$0.3 million. The Tla'amin Nation will also receive \$0.7 million annually in resource revenue sharing payments for 50 years. All dollar amounts are in 2012 dollars and were adjusted for inflation.

Since treaty implementation, Tla'amin Nation has enacted approximately 50 laws and opened its Government House. In March 2016, Tla'amin purchased and began operating the historic Lund Hotel, which is now situated on treaty settlement land.

There are approximately 1,085 Tla'amin citizens, with traditional territory around the Powell River area, including Lasqueti and Texada Islands, and down through Cortes Island and the Comox Valley. Tla'amin has overlapping and/or shared territory with its First Nation neighbours: K'ómoks, Klahoose, Homalco, Sechelt, and Qualicum.

TSAWWASSEN FIRST NATION

The Tsawwassen First Nation Final Agreement effective date was April 3, 2009. Tsawwassen First Nation, Canada, and British Columbia are seven years into the implementation of the new relationship. The treaty provides the First Nation with 724 hectares of treaty settlement land and a one-time capital transfer payment of \$13.9 million over ten years. In addition, it provides \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for start-up and transition costs, \$7.3 million for a number of funds for the purposes of resource management and economic development, and \$2.6 million annually for ongoing programs and services.

AIP: Agreement in Principle
ITA: Incremental Treaty Agreement
TRM: Treaty Related Measure

The overlap and/or shared territory information comes from each First Nation's Statement of Intent and Readiness documents. Approximate population numbers are from the First Nations Community Profiles: www.aandc-aadnc.gc.ca.

Since treaty implementation, Tsawwassen First Nation has enacted approximately 23 acts and 82 regulations. This year Tsawwassen held its third election as a self-governing First Nation. Tsawwassen First Nation signed the biggest real estate, non-resource development agreement in BC of 2014. The Tsawwassen Mills and Tsawwassen Commons malls will open this fall and are creating thousands of jobs. Tsawwassen did not sell its treaty settlement land for this development, and leased 108 acres for ninety-nine years. Tsawwassen joined the Board of Metro Vancouver in 2009.

There are approximately 365 Tsawwassen citizens, with traditional territory in the Lower Mainland, from the watersheds that feed into Pitt Lake to Burns Bog to the Salish Sea, including Saltspring, Pender, and Saturna Islands. Tsawwassen has overlapping and/or shared territory with its First Nation neighbours: Cowichan Tribe, Hwlitsum, Musqueam, Tsleil-Waututh, and Semiahmoo.

› FINAL AGREEMENT

First Nations in Final Agreement Negotiations [8]

IN-SHUCK-CH NATION

The In-SHUCK-ch treaty table is in Stage 5 negotiations. The Parties have substantially completed negotiations, and In-SHUCK-ch is engaging community and addressing internal governance matters before moving forward with a final agreement ratification vote.

The AIP was signed on August 25, 2007 and sets out the land and cash basis for final treaty negotiations. In-SHUCK-ch will receive approximately 14,518 hectares of treaty settlement land, including former reserves, and a capital transfer of approximately \$21 million. The final agreement will establish how the First Nation's laws interact with federal and provincial laws,

recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

There are approximately 780 In-SHUCK-ch members from the two communities of Skatin and Samahquam. In-SHUCK-ch traditional territory is located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. In-SHUCK-ch Nation has overlapping and/or shared territory with its First Nation neighbours: Chehalis, Douglas, Katzie, Lil'wat, Squamish, Stó:lō, and Tsleil-Waututh.

K'ÓMOKS FIRST NATION

The K'ómoks treaty table is in Stage 5 negotiations. The Parties have been working on final agreement outstanding items, and the land and cash package. K'ómoks continues to engage its membership on the treaty as negotiations advance. TRM funding supported transition activities related to fisheries and governance, engagement with local governments on an official community plan for the area, economic development research, land and resource planning, and water and sewer issues.

The AIP was signed on March 24, 2012 and sets out the land and cash basis for final treaty negotiations. K'ómoks will receive approximately 2,043 hectares of land, including former reserves, and a capital transfer of approximately \$17.5 million. The final agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

There are approximately 330 K'ómoks members, with traditional territory spanning the central eastern part of Vancouver Island, extending into Johnstone Strait. K'ómoks has overlapping and/or shared territory with its First Nations neighbours: Homalco, Hul'qumi'num Treaty Group, Snaw-naw-AS, Nuu-chah-nulth Tribal Council, Sechelt, Snuneymuxw,

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Tla'amin, T'emexw Treaty Association, Laich-Kwil-Tach Council of Chiefs, and Wei Wai Kum/Kwiakah.

LHEIDLI T'ENNEH FIRST NATION

The Lheidli T'enneh treaty table is in Stage 5 negotiations. Lheidli T'enneh is moving forward with a second final agreement vote. In 2007, the membership voted not to accept the agreement. The Parties have been completing ratification preparations and Lheidli T'enneh has undertaken extensive community engagement. TRM funding supported Lheidli T'enneh governance transition activities, a traditional use study, and further work to update its Constitution.

The Lheidli T'enneh treaty will provide the First Nation with 4,330 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$16 million over 10 years. In addition, the First Nation will receive \$493,000 annually in resource revenue sharing payments for 50 years, and a combination of \$16.4 million in one-time funding and \$2.3 million in annual funding to support programs and implementation of the treaty. All dollar amounts are in 2016 dollars.

There are approximately 420 Lheidli T'enneh members, with traditional territory around Prince George, including the Nechako and Fraser River basins to the Alberta border. Lheidli T'enneh has overlapping and/or shared territory with its First Nation neighbours: McLeod Lake, Lhtako Dene, Nak'azdli, Sai-Kuz, and Simpcw.

TE'MEXW TREATY ASSOCIATION

The Te'mexw treaty table is in Stage 5 negotiations. The five Te'mexw First Nations are developing constitutions and addressing the transition of land-holdings. ITAs with British Columbia have resulted in the transfer of lands for all five communities. The Te'mexw First Nations are also Douglas treaty beneficiaries and are negotiating an approach on fisheries that will reflect their Douglas treaty rights. Te'mexw is in discussion with the Department of National Defence [DND] for lands held by DND. These discussions are important given the scarcity of available lands in the area. TRM funding supported transition activities, including research on fisheries and land interests, and constitution development.

The AIP was signed on April 10, 2015, and sets out the land and cash basis for final treaty negotiations. The five First Nations will receive approximately 1,565 hectares of land, including former reserves, and a capital transfer of approximately \$142 million, including a land fund. The final agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

There are approximately 1,675 Te'mexw members, with traditional territory located in two main areas: on southern Vancouver Island in the Greater Victoria area and on the east coast of Vancouver Island around Nanoose Bay. Te'mexw Treaty Association represents five First Nations: Scia'new [Beecher Bay], Malahat, Snaw-naw-AS [Nanoose], Songhees, and T'Sou-ke [Sooke]. Te'mexw has overlapping and/or shared territory with its First Nation neighbours: Esquimalt, Saanich, Sechelt, Qualicum, Snuneymuxw, Pacheedaht, and some of the Nuu-chah-nulth and Hul'qumi'num First Nations.

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TSIMSHIAN FIRST NATIONS [KITSELAS AND KITSUMKALUM]

The Tsimshian First Nations are in varying stages of treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations; Metlakatla is in advanced Stage 4 negotiations [see page 34]; Gitga'at is in Stage 4 negotiations [see page 38], and Kitasoo/XaiXais remains inactive.

The Kitselas and Kitsumkalum treaty table made significant progress in final agreement negotiations. The Parties focused on fisheries, forestry, and lands technical work for a land and cash offer in the near future. Both Kitselas and Kitsumkalum continue to engage their respective communities on treaty and on the development of their constitutions. TRM funding supported governance transition activities, environmental assessment work, shared land use planning, and a multi-year fisheries study.

The AIPs were signed on August 4, 2015 in two separate community celebrations. Each agreement sets out the land and cash basis for final treaty negotiations. Kitselas will receive over 36,158 hectares of land, including former reserves, and a capital transfer of \$34.7 million. Kitsumkalum will receive over 45,406 hectares of land, including former reserves, and a capital transfer of \$44.2 million. The final agreements will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

The five Tsimshian First Nations total approximately 3,580 members. Kitselas has approximately 655 members, and Kitsumkalum has approximately 745. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with its First Nation

neighbours: Gitksan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en Hereditary Chiefs.

WUIKINUXV NATION

The Wuikinuxv treaty table is in Stage 5 negotiations. The Parties have been working on a number of final agreement negotiation items, including fisheries, roads, and governance. TRM funding supported cultural artefact identification, as well as the second phases of multi-year land and resource planning and management initiatives.

The AIP was signed on July 23, 2015, and sets out the land and cash basis for final treaty negotiations. Wuikinuxv will receive over 14,646 hectares of land, including former reserves, and a capital transfer of \$7.3 million. The final agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

There are approximately 290 Wuikinuxv members, with traditional territory located around its main community on the north side of Wannock River, between Owikeno Lake and the head of Rivers Inlet on BC's mid-coast. Wuikinuxv has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-'Nakwaxda'xw and Heiltsuk.

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YALE FIRST NATION

The Yale First Nation treaty table has concluded Stage 5 negotiations. On June 19, 2013 the Yale First Nation Final Agreement received Royal Assent. The effective date has been postponed from the original date of April 2016.

The Yale treaty will provide the First Nation with 1,966 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$10.7 million. In addition, it will provide approximately \$2.2 million in economic development funding, \$0.7 million annually in program funding, and a combination of \$1.4 million in one-time funding and \$0.6 million in annual funding to support implementation.

There are approximately 170 Yale members, with traditional territory located around Yale and in the Fraser Canyon, north of Hope. Yale has overlapping and/or shared territory with its First Nation neighbours: Stó:lō communities from Stó:lō [SXTA], Stó:lō Nation, and Stó:lō Tribal Council.

YEKOOCHE FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. In 2015 the Parties re-engaged in final agreement negotiations after being stalled for multiple years due to Canada's suspension of fish and to governance challenges within the First Nation. Since then the treaty table has been working to finalize the treaty. TRM funding supported two economic development feasibility studies and constitution development.

The AIP was signed on August 22, 2005 and sets out the land and cash basis for final treaty negotiations. Yekooche will receive approximately 6,400 hectares of land, including former reserves, and a capital transfer of \$6.5 million. The final agreement will establish how the First Nation's laws interact with federal and provincial laws, recognize harvesting and resource rights throughout its territory, and establish the complete land, cash, and governance provisions of the treaty.

There are approximately 235 Yekooche members, with traditional territory near Stuart Lake, Cunningham Lake, and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, McLeod Lake, Nadleh Whut'en, Nak'azdli, Saik'uz, Stelat'en, Takla, Tl'azt'en, Ts'il Kaz Koh, and Treaty 8.

> ADVANCED

First Nations in Advanced Agreement in Principle Negotiations [9]

DITIDAHT AND PACHEEDAHT FIRST NATIONS

Ditidaht and Pacheedaht are separate First Nations negotiating together and the treaty table is in Stage 4 negotiations. The Parties are working to complete AIP negotiations in 2017 and are committed to intensified negotiations to complete the AIP as well as to substantially complete some final agreement chapters. Federal parks continue to be discussed between Pacheedaht, Ditidaht, and Canada. TRM funding supported governance capacity development, economic development research, land and resource planning and management, community engagement, an aquaculture feasibility study, phase three of a comprehensive community plan, and a communications strategy.

There are approximately 770 Ditidaht members and approximately 280 Pacheedaht members. Ditidaht and Pacheedaht traditional territory spans the southwestern corner of Vancouver Island. Ditidaht and Pacheedaht share a boundary. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: Huu-ay-aht and Lake Cowichan. Pacheedaht has overlapping and/or shared territory with its First Nation neighbours: T'Sou-ke and Lake Cowichan.

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GWA'SALA-'NAKWAXDA'XW NATION

The Gwa'Sala-'Nakwaxda'xw [GNN] treaty table is in Stage 4 negotiations. Gwa'Sala-'Nakwaxda'xw completed extensive community engagement, and the Parties are approaching a significant milestone of a land and cash offer to bring to the GNN membership. The Parties continue to negotiate to complete the AIP. TRM funding supported phase two of the First Nation's heritage study, as well as governance research and development.

There are approximately 990 Gwa'Sala-'Nakwaxda'xw members. Many reside at the Tsulquate reserve where the community was relocated half a century ago. Gwa'Sala-'Nakwaxda'xw traditional territory is located on the BC mainland across from the northern tip of Vancouver Island. Gwa'Sala-'Nakwaxda'xw has overlapping and/or shared territory with its First Nation neighbours: Kwicksutaineuk, Kwa-wa-aineuk, Kwakiutl, 'N̄am̄gis, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.

KATZIE FIRST NATION

The Katzie treaty table is in Stage 4 negotiations. The Parties substantively completed AIP negotiations and signed a negotiators' letter of understanding, which acknowledged that outstanding substantial issues will be addressed in final agreement negotiations. In April, Katzie held its community AIP vote and the membership voted not to accept the AIP. Katzie is engaging its membership and will have a second vote in the future. TRM funding supported community engagement.

There are approximately 575 Katzie members, with traditional territory around Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley and New Westminster. Katzie has overlapping and/or shared territory with its First Nation neighbours: In-SHUCK-ch, Kwikwetlem, Kwantlen, Musqueam, Stó:lō, Tsawwassen, and Tsleil-Waututh.

KTUNAXA KINBASKET TREATY COUNCIL

The Ktunaxa treaty table is in Stage 4 negotiations. Ktunaxa Kinbasket Treaty Council [KKTC] has undertaken extensive community engagement on the AIP negotiations to date, including the potential land and cash components of the treaty.

There are approximately 1,100 Ktunaxa members, with traditional territory including the Kootenay, Flathead, and Columbia River watersheds within the area that extends from the Arrow and Kinbasket Lakes east to the Alberta border. KKTC represents ?akisq' nuk [Columbia Lake], ?aqam [St. Mary's Indian Band], ?akinkumtasnuqti?it [Tobacco Plains Band] and Yaqan nu?kiy [Lower Kootenay Band]. Ktunaxa has overlapping and/or shared territory with its First Nation neighbours: Osoyoos, Okanagan, Penticton, Shuswap Nation Tribal Council, Spallumcheen, Upper and Lower Similkameen, Upper Nicola, and Westbank.

'N̄AM̄GIS NATION

The 'N̄am̄gis treaty table is in Stage 4 negotiations. The Parties completed an AIP that sets out the land and cash basis for final treaty negotiations. In March 2013 the 'N̄am̄gis membership voted not to accept the AIP. In 2016, after a period of hiatus, the Parties began to meet again. There has been active community engagement, including consideration of next steps. TRM funding supported a fisheries study to address a gap in negotiations related to rights and title.

There are approximately 1,855 'N̄am̄gis members, with traditional territory at the north end of Vancouver Island, extending from the Nimpkish watershed to the east and west. 'N̄am̄gis Nation has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, Tlowitsis, Tlatlasikwala, Mamalilikulla-Qwe'Qwa'Sot'Em, Kwikwasut'inuxw Haxwa'mis, Da'naxda'xw/Awaetlala, Mowachaht/Muchalaht, Gwawaenuk, Gwa'sala-'Nakwaxda'xw, and Dzawada'enuxw.

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NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council [NStQ] treaty table is in Stage 4 transitioning into Stage 5 negotiations. The Parties have concluded AIP negotiations, and the four NStQ communities are focusing on community engagement. AIP votes were held in February and April. All votes resulted in community support to move forward into final agreement negotiations. All three Parties must sign the AIP. On February 5, 2016 the Government of British Columbia and NStQ signed an ITA agreement which provides for the transfer of up to 3,760 hectares to the four communities in advance of treaty implementation. TRM funding supported community engagement activities and governance-related work for post-treaty programs and services.

There are approximately 2,600 NStQ members, with traditional territory in the central Cariboo from Valemont and McBride in the northeast, to the Fraser River in the west. NStQ represents four communities: Tsq'escen' [Canim Lake], Stswecem'c/Xgat'tem [Canoe Creek/Dog Creek], Xats'ull/Cmetem' [Soda Creek], and T'exelc [Williams Lake]. NStQ has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Lhtako Dene Nation, Esk'etemc, the Secwepemc Nations, and the Tsilhqot'in National Government.

STÓ:LŌ XWEXWILMEXW TREATY ASSOCIATION

The Stó:lō [SXTA] treaty table is in Stage 4 negotiations. The Parties are nearing completion of a land and cash package and expect to finalize it by end year. SXTA continues to engage its membership on treaty and strengthen its intergovernmental relations. TRM funding supported community engagement through the development of outreach tools, and governance community planning.

There are approximately 1,410 Stó:lō members, with traditional territory in the Lower Mainland of

south-western BC, centralized around the upper Fraser and Chilliwack River Valleys, lower Harrison Lake and the lower Fraser Canyon. SXTA represents seven communities: Aitchelitz, Leq'á:mel, Popkum, Skowkale, Skawahlook, Tzeachten and Yakweakwioose. SXTA has overlapping and/or shared territory with its First Nation neighbours: Chawathil, Cheam, Peters, Chehalis, Katzie, Kwantlen, Kwawkwawapilt, Kwikwetlem, In-SHUCK-ch, Matsqui, Musqueam, New Westminster, Nl'akapamux, Semiahmoo, Scowlitz, Seabird, Shxw'owhámél, Soowahlie, Sumas, Skwah, Skway, Squamish, Squiala, Tsawwassen, Tsleil-Waututh, Union Bar, and Yale.

TLA-O-QUI-AHT FIRST NATIONS

The Tla-o-qui-aht treaty table is in Stage 4 negotiations. The Parties completed an AIP that sets out the land and cash basis for final treaty negotiations, and in November 2012 the Tla-o-qui-aht membership voted not to accept the AIP. Tla-o-qui-aht continues to engage internally to determine if a second AIP vote should take place.

There are approximately 1,120 Tla-o-qui-aht members, with traditional territory extending from Tofino, including the ocean, to Kennedy Lake in the south, Adder Mountain in the east, and Rhine Peak to the north. Tla-o-qui-aht has overlapping and/or shared territory with its First Nation neighbours: Ahousaht, Ucluelet, Hupacasath, and Toquaht.

TSIMSHIAN FIRST NATIONS [METLAKATLA]

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations [see page 31]; Metlakatla is in advanced Stage 4 negotiations; Gitga'at is in Stage 4 negotiations [see page 38], and Kitasoo/XaiXais remains inactive.

The Metlakatla treaty table continues to work on a land package and address outstanding

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AIP issues. Metlakatla is approaching treaty negotiations in conjunction with key resource and economic developments in its territory, including LNG interests. The Nation completed foreshore and marine resource planning, and continues to engage its neighbours on potential collaborative initiatives. TRM funding supported a multi-year land and resource management study.

The five Tsimshian First Nations total approximately 3,580 members. Metlakatla has approximately 905 members. Its traditional territory spans the northwest coast, including Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with their First Nation neighbours: Gitksan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en Hereditary Chiefs.

› ACTIVE

First Nations in Active Negotiations [16]

DA'NAXDA'XW/AWAETLALA NATION

The Da'naxda'xw/Awaetlala treaty table is in Stage 4 negotiations. Da'naxda'xw/Awaetlala is finalizing a multi-year governance TRM. Canada and Da'naxda'xw/Awaetlala had discussions on a potential bilateral federal ITA.

There are approximately 225 Da'naxda'xw/Awaetlala members, with traditional territory on the BC mainland across from northern Vancouver Island. Da'naxda'xw/Awaetlala has overlapping and/or shared territory with its First Nation neighbours: Mamalilikulla-Qwe'Qwa'Sot'Em and Mumtagila.

GITANYOW HEREDITARY CHIEFS

The Gitanyow treaty table is in Stage 4 negotiations. Tripartite meetings resumed in 2014, and Gitanyow and British Columbia continue to implement a reconciliation agreement. The First

Nation is exploring governance initiatives with both Canada and BC, as the Parties continue to engage on lands, resources, and governance. In April 2016, Gitanyow recommenced a legal action from 2003 for title to its traditional territory.

There are approximately 855 Gitanyow members, with traditional territory in areas of the Kitwanga and Nass watersheds, and the upper Kispiox River in the Swan Lakes area. Gitanyow has overlapping and/or shared territory with its First Nation neighbours: Gitksan Hereditary Chiefs and Nisga'a.

GITKSAN HEREDITARY CHIEFS

The Gitksan treaty table is in Stage 4 negotiations. This year the tripartite table focused primarily on fisheries and governance. Gitksan has also been working with neighbouring First Nations to explore possible collaborative initiatives in the area.

There are approximately 6,805 Gitksan members. In treaty negotiations, the Gitksan Hereditary Chiefs represent the majority of the house groups and membership. Gitksan traditional territory is located in the Hazelton area and watersheds of the upper Skeena and Nass rivers. Gitksan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Gitanyow Hereditary Chiefs, Nisga'a, Tahltan, Tsimshian First Nations, and Wet'suwet'en Hereditary Chiefs.

HOMALCO INDIAN BAND

The Homalco treaty table is in Stage 4 negotiations. This year the First Nation focused on overlap and shared territory disputes that exist with three of its First Nations neighbours. Resolving these overlaps will assist in moving forward with an updated provincial ITA. On September 16, 2016, Homalco hosted the Tsilhqot'in Nation as an initial step in renewing traditional trading relations between the nations. Homalco has already implemented a community engagement plan and a reconciliation agreement with British Columbia.

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There are approximately 475 Homalco members, with traditional territory extending 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. Homalco has overlapping and/or shared territory with its First Nation neighbours: K'ómoks, Klahoose, Qualicum, Wei Wai Kum/Kwiakah, Tla'amin, and Laich-Kwil-Tach Council of Chiefs.

HUL'QUMI'NUM TREATY GROUP

The Hul'qumi'num [HTG] treaty table is in Stage 4 negotiations. The Parties are negotiating outstanding chapters, and are continuing to address the critical issue of available private lands for treaty settlement. The tripartite table is on target to complete AIP chapter work in 2017.

There are approximately 7,570 HTG members, with traditional territory encompassing part of southern Vancouver Island, a narrow corridor on the mainland to Yale in the east, and sections of the Salish Sea. HTG represents six communities: Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, and Penelakut. HTG has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Katzie, Musqueam, Snuneymuxw, Te'mexw Treaty Association, Tsawwassen, and Yale.

KASKA DENA COUNCIL

The Kaska Dena treaty table is in Stage 4 negotiations. The Parties are nearing completion on outstanding chapters and are working towards a land and cash offer. The First Nation completed its draft Constitution, and British Columbia and Kaska are implementing a Strategic Engagement Agreement and an ITA. TRM funding supported land and resource planning and economic development research.

There are approximately 740 Kaska Dena members, with traditional territory stretching from north-central BC into Yukon and the Northwest Territories. The Kaska Dena Council represents

three communities: Kwadacha, Daylu Dena Council, and Dease River First Nations. Kaska Dena Council has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Liard, Ross River Dena, and Tahltan.

LAICH-KWIL-TACH COUNCIL OF CHIEFS

The Laich-Kwil-Tach Council of Chiefs [LCC] treaty table is in Stage 4 negotiations. The tripartite table continues to negotiate AIP chapters. The Communications Protocol signed by We Wai Kai, Wei Wai Kum, and Kwaikah in 2014 is being implemented. TRM funding supported community planning, land and resource planning, and a governance capacity assessment.

There are approximately 1,130 LCC members. LCC is now comprised solely of We Wai Kai, with traditional territory around Campbell River, Quadra Island, and surrounding inlets. LCC has overlapping and/or shared territory with its First Nation neighbours: D'anateuk, Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'Nāmgis, Snaw-naw-AS, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum/Kwiakah.

LAKE BABINE NATION

The Lake Babine [LBN] treaty table is in Stage 4 negotiations. The Parties continue to negotiate and address outstanding AIP issues. LBN continues to engage its membership on areas of interests for a future land package. In March 2014, British Columbia and LBN signed an ITA that will transfer four land parcels for economic opportunities and provide funding to support capacity development. TRM funding supported governance capacity building, and land and resource planning.

There are approximately 2,490 LBN members representing the communities of Woyenne, Old Fort, Tache, Donald's Landing, and Fort Babine. LBN traditional territory spans the area from Burns Lake in the south to the Babine and Nilkitaw

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rivers to the north, including most of Lake Babine. LBN has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Wet'suwet'en Hereditary Chiefs and Yekooche.

NAZKO FIRST NATION

The Nazko treaty table is in Stage 4 negotiations. The First Nation took time out from negotiations to work on community engagement. Since then, Canada and Nazko resumed negotiations, and are beginning to explore the potential of a bilateral federal ITA.

There are approximately 385 Nazko members, with traditional territory extending from Quesnel to Prince George. Nazko has overlapping and/or shared territory with its First Nation neighbours: Lhtako Dene, Lhoozk'us Dene, and Alexandria.

TAKU RIVER TLINGIT FIRST NATION

The Taku River Tlingit treaty table is in Stage 4 negotiations. The Parties completed some AIP chapter work and addressed some outstanding issues. Taku River Tlingit are also focusing on community engagement.

There are approximately 410 Taku River members, with traditional territory in northwest BC and southwest Yukon. Taku has overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish and Teslin Tlingit Council.

TLATLASIKWALA NATION

The Tlatlasikwala treaty table is in Stage 4 negotiations. Canada and Tlatlasikwala negotiated an incremental treaty agreement in principle, and are now working on the Framework Agreement. TRM funding is supporting a multi-year fisheries study and lands strategic planning.

There are approximately 65 Tlatlasikwala members, with traditional territory located on the northern tip of Vancouver Island. Tlatlasikwala Nation has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl and Quatsino.

TLOWITSIS FIRST NATION

The Tlowitsis treaty table is in Stage 4 negotiations. In 2014, the table re-engaged in tripartite negotiations. The Parties continue to explore land options — Tlowitsis' reserves are isolated and without housing and infrastructure. TRM funding supported fisheries and marine knowledge development to inform fisheries negotiations.

There are approximately 420 Tlowitsis members, with traditional territory spanning part of northeastern Vancouver Island and an area on the mainland just northwest of Sayward. Tlowitsis has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/Awaetlala, Tnak-teuk, 'Nangjis, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, and Laich-Kwil-Tach Council of Chiefs.

TSAY KEH DENE BAND

The Tsay Keh Dene treaty table is in Stage 4 negotiations. The tripartite table continues to meet and engage on the treaty settlement lands, land quantum, shared decision-making, and resource revenue sharing. TRM funding supported land and resource planning and management related to fisheries.

There are approximately 485 Tsay Keh Dene members, with traditional territory from Mount Trace in the north, South Pass Peak in the west, Nation River in the south and Mount Laurier in the east. Tsay Keh Dene has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council Nations, Kaska Dena Council, Gitxsan Hereditary Chiefs, Wet'suwet'en Hereditary Chiefs, Tahltan, and Treaty 8 Tribal Council.

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TSIMSHIAN FIRST NATIONS [GITGA'AT]

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations [see page 31]; Metlakatla is in advanced Stage 4 negotiations [see page 34]; Gitga'at is in Stage 4 negotiations, and Kitasoo/XaiXais remains inactive.

The Gitga'at treaty table has been making substantial AIP progress. TRM funding is supporting a multi-year land and marine resource planning to identify areas of interests for economic, cultural, and community development and protection.

The five Tsimshian First Nations total approximately 3,580 members. Gitga'at has approximately 755 members. Its traditional territory spans the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations territories have overlapping and/or shared territories with its First Nation neighbours: Gitxsan Hereditary Chiefs, Haida, Heiltsuk, Allied Tribes of Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en Hereditary Chiefs.

TSLEIL-WAUTUTH NATION

The Tseil-Waututh treaty table is in Stage 4 negotiations. The tripartite table has completed most of its chapter work, but the lack of available urban land remains a challenge in reaching agreement on a land package. Tseil-Waututh continues to engage its community as well as local government.

There are approximately 580 Tseil-Waututh members, with traditional territory around North Vancouver and the Lower Mainland. Tseil-Waututh has overlapping and/or shared territory with its First Nation neighbours: Katzie, Kwikwetlem, Musqueam, Squamish, and Stó:lō.

WEI WAI KUM/KWIAKAH FIRST NATIONS

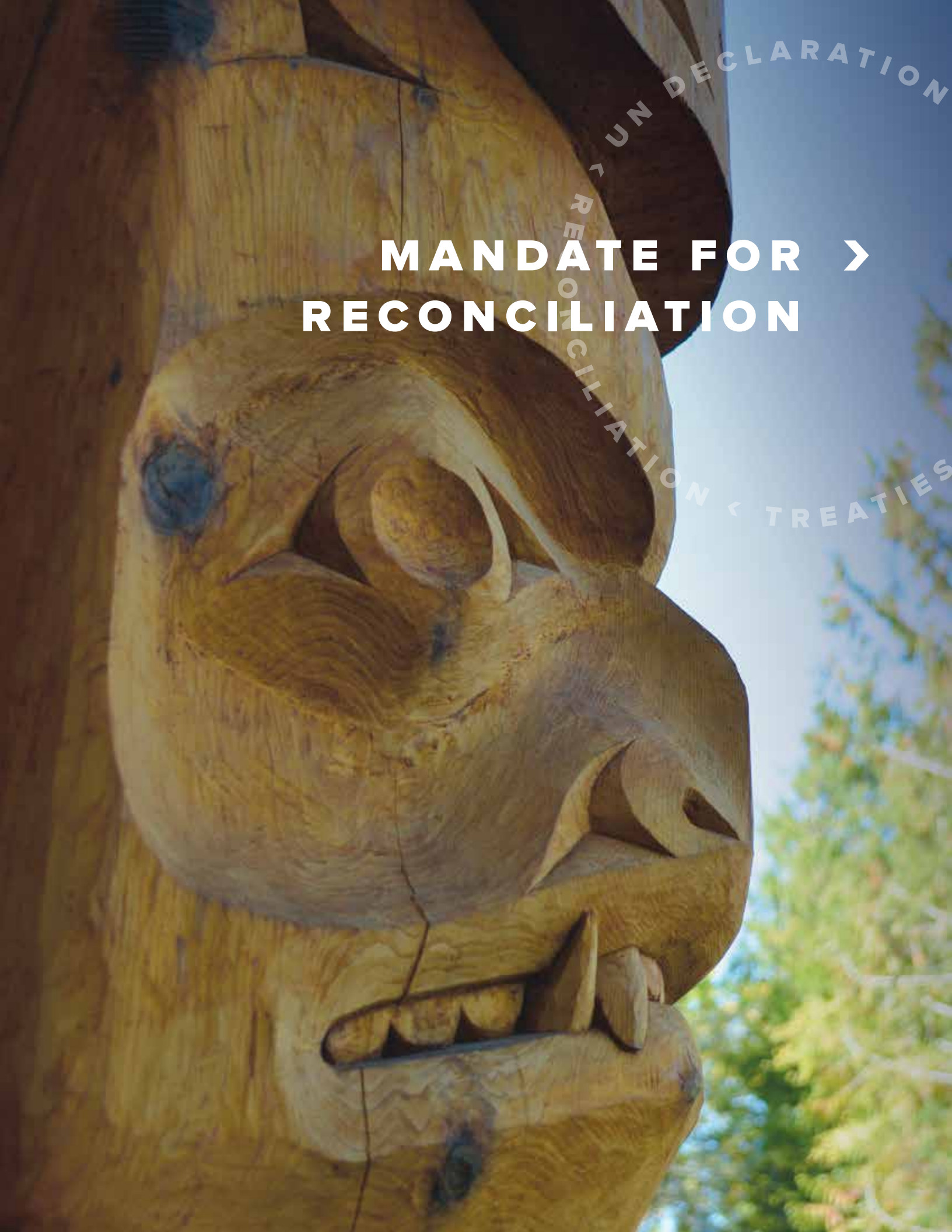
Wei Wai Kum/Kwiahah First Nations [WKTS] treaty table is in Stage 4 negotiations. In 2014 WKTS formed its own treaty negotiations table when it separated from Laich-Kwil-Tach Council of Chiefs [LCC]. A Communications Protocol between WKTS and LLC is being implemented. The Parties have been negotiating AIP chapters. TRM funding supported constitution development, a water reserve availability study, and a fish resource planning study.

There are approximately 835 Wei Wai Kum/Kwiahah members. WKTS traditional territory is located around the east-central area of Vancouver Island and mainland coastal watersheds. WKTS has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht, Muchalaht, 'N̓am̓gis, Snaw-naw-AS, Qualicum, Snuneymuxw, Tanakteuk, Tla'amgis, and Laich-Kwil-Tach.

WET'SUWET'EN HEREDITARY CHIEFS

The Wet'suwet'en treaty table is in Stage 4 negotiations. The First Nation is conducting extensive community engagement on governance while working to finalize its constitution, including discussions for integrating the Wet'suwet'en hereditary system.

There are approximately 3,160 Wet'suwet'en members, with traditional territory in the Bulkley River drainage area in northwest BC. Wet'suwet'en represents four communities: Hagwilget, Moricetown, Skin Tyee, and Nee Tahi Buhn. Wet'suwet'en Hereditary Chiefs have overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani Tribal Council, Gitxsan, and Lake Babine.



**MANDATE FOR
RECONCILIATION**

UN DECLARATION

RECONCILIATION

TREATIES

The BC Treaty Negotiations Process

An independent commission is central to the BC treaty negotiations process. Independence is at the heart of facilitation, and the mandate and work of the Treaty Commission. The right to fair, independent, impartial, and transparent mechanisms to assist with the recognition of Indigenous rights is also enunciated in the *UN Declaration* [Article 27].

THE TREATY COMMISSION'S WORK — in today's era of reconciliation — encompasses three main roles across a broad range of activities: facilitating negotiations including assisting the Parties in finding solutions and resolving disputes, allocating negotiation support funding to enable First Nation participation in the negotiations, and educating the public about treaty negotiations by engaging the public about the constitutional imperative of treaty making.

The **Principals** to the BC treaty negotiations process are the Government of Canada, represented by the Minister of Indigenous and Northern Affairs Canada, the Government of British Columbia, represented by the Minister of Aboriginal Relations and Reconciliation, and the First Nations Summit, represented by the three-member Task Group.

In 1991, the three Principals set out their responsibilities with the acceptance of the 19 recommendations of the *Task Force Report*. The recommendations called for the creation of the Treaty Commission and the six-stage made-in-BC treaty negotiations process, which were both officially established in 1992 when the Principals signed the *BC Treaty Commission Agreement*.

The Treaty Commission does not negotiate treaties and is not a party to the negotiations. The **Parties** to negotiations are the governments of Canada, British Columbia, and individual or collective First Nations. The First Nations Summit is not a Party to treaty negotiations. Instead it acts as a forum for First Nations in the BC treaty negotiations process.

The operating costs of the Treaty Commission are funded by the federal and provincial governments. In the 2015-16 fiscal year, operating funding was \$2.55 million. The Government of Canada contributes 60% of the Treaty Commission's budget, and the Government of British Columbia contributes 40%.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and ten staff members. Currently there is a vacancy in the Chief Commissioner position, and one of the Commissioners is Acting Chief Commissioner.

INDEPENDENT FACILITATOR

The Treaty Commission is the only tripartite statutory body in the country whose mandate is to support reconciliation. The *BCTC Agreement* and associated legislation states that the primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of the negotiations.

The BCTC assists in advancing reconciliation through the made-in-BC treaty negotiations process by ensuring the work of the Parties is effective and is making progress.

To do this, the Treaty Commission:

- assists the Parties in developing solutions and in resolving disputes
- observes and reports on negotiations progress and encourages timely negotiations
- chairs key meetings at negotiating tables
- reports publicly on key opportunities and obstacles
- works with the Principals on improving the treaty negotiations process
- monitors and reports on progress and encourages timely negotiations

Commissioners and staff are involved in an increasing variety of facilitation initiatives. This increased demand has arisen from a number of circumstances, including: intensified treaty negotiations at Stage 5 and 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 and complex consultations between the Crown and First Nations affected by overlaps, as well as intensified internal First Nations dialogue, especially in multi-community First Nations with respect to issues of shared territory, governance, and capacity.

In recent years, the Treaty Commission has begun to take on special initiatives to support treaty negotiations and provide First Nations with more tools. These have included:

- hosting forums that create a venue for sharing knowledge, experiences, and best practices, especially between First Nations currently negotiating and First Nations that are implementing modern treaties
- publishing resources, such as the *Ratification Guide*, created to assist First Nations with community approval and ratification votes, and the *Human Resource Capacity Tool Kit*, to support First Nations in preparing for self-government
- providing assistance to address overlaps and shared territory disputes so First Nations can resolve these issues earlier in negotiations

MULTILATERAL ENGAGEMENT PROCESS

Treaty negotiations in British Columbia have been complex, lengthy, and challenging for all Parties. Between June 2015 and May 2016 the Principals took part in a Multilateral Engagement Process exploring ways to improve and expedite treaty negotiations in BC. The Treaty Commission participated in this process in an advisory capacity. The Multilateral Engagement Process resulted in affirmation by all the Principals of their commitment to treaty negotiations, and adoption of proposals to expedite and improve negotiations.

Two committees were established: A Senior Officials Group monitored progress and provided direction, and a Technical Working Group developed action items for the Senior Officials

and Principals to consider. The committees were tasked with developing proposals in five key areas:

- Process efficiencies
- Negotiation support funding
- Shared territory and overlap issues
- Certainty
- Role of the Treaty Commission

On May 24, 2016, the Principals endorsed the 24 proposals and action items in the *Multilateral Engagement Report*. It can be read online on the websites of both Indigenous and Northern Affairs Canada [INAC] and the Ministry of Aboriginal Relations and Reconciliation [MARR].

The *Multilateral Engagement Report* recognizes the role of the Treaty Commission in supporting negotiating tables as they advance to final agreement negotiations, and proposed that the Treaty Commission “request, at agreement in principle signing, a Stage 5, multi-year, tripartite strategy to conclude final agreement within a specified time frame, endorsed by the leadership of the First Nation and federal and provincial ministers” [p. 13].

Overlaps and shared territory disputes have become increasingly challenging. In recent years, the BCTC has increased its facilitation role in overlap and shared territory discussions both directly and indirectly, and has been able to provide contribution-only allocations to First Nations for overlap work when surplus funds are identified. The Treaty Commission welcomes the

recommendation of the *Multilateral Engagement Report* that the BCTC play a larger and more direct role in evaluating shared territory work. This increased role includes working with Canada and BC, as well as individual First Nations, in finding constructive solutions and accessing efforts.

FUNDING

The Treaty Commission is the independent funding authority for treaty negotiations in BC, as recommended in the *Task Force Report* and set out in the *BCTC Agreement* and associated legislation.

The role of the BCTC is to “ensure that the process is fair and impartial, that all parties have sufficient resources to do the job, and that the parties work effectively to reach agreements” [*Task Force Report*, p. 35]. The allocation of negotiation support funding to First Nations assists with this principle. First Nations have the choice of accepting contribution funding or taking any portion of the loans allocated.

Allocations are made up of a maximum of 80% loans advanced by Canada, and a minimum of 20% non-repayable contribution funding. Typically 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.

Loan advances to a First Nation must end at least 30 days prior to the three Parties signing the final agreement. However, contribution funding is available until the effective date of a treaty.

Since negotiations began in May 1993, the Treaty Commission has allocated approximately \$682 million in negotiation support funding to 60 First

Nations. Approximately \$534 million of that funding is loans and \$148 million is contributions.

At March 31, 2016, outstanding negotiation loans totaled approximately \$523 million [excluding accrued interest]. The Tsawwassen First Nation, the five Maa-nulth First Nations, and Tla'amin Nation have begun to repay their negotiation loans [as Nisga'a did] under the terms of their final agreements.

A key funding action item in the *Multilateral Engagement Report* instructs the Senior Officials to work with the Treaty Commission to “link funding decisions more closely to activities in a tripartite work plan” [p. 14]. This is already underway, and the Treaty Commission will be more involved in assisting the Parties to produce tripartite work plans.

Two other action items are also proceeding: Senior Officials now may request that BCTC provide “a brief explanatory note to funding agreements setting out a summary of internal First Nation activities” taken into account when allocating funding [p. 15]; and loan due dates for First Nations are in the process of being extended for another five years.

Lastly, a Technical Working Group is currently developing a discussion paper that will explore new funding models to support the participation of First Nations in treaty negotiations.

PUBLIC EDUCATION AND INFORMATION

The Treaty Commission's third role is to provide the public with information on treaty negotiations in BC, and to educate the public on its role in supporting and understanding treaty making.

The governments of Canada and BC also share the responsibility of providing public information on negotiations, and the three Parties to each set of negotiations are required to provide specific information on the progress of their treaty tables.

To fulfill this mandate, the Treaty Commission:

- reports on the status of treaty negotiations throughout the year in its newsletter, *Update*, and consolidates this information in its annual report
- organizes Forums bringing First Nations together to learn from each another
- writes publications to share best practices with First Nations and the public, such as the *Ratification Guide* and the *Human Resources Capacity Tool Kit*
- communicates with the public on treaty negotiations at conferences, tradeshow, special events, community forums, meetings, and schools
- meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling Canada and BC's constitutional obligations
- maintains a website with current and historical information on treaty negotiations and all publications, including annual reports, news releases, newsletters, forum materials, videos, and teaching materials
- engages with the public using social media channels such as Facebook, Instagram, YouTube, and most recently Twitter

BCTC

Commissioners

The Chief Commissioner is appointed by agreement of the three Principals. One Commissioner is appointed by Canada and one is appointed by British Columbia. The First Nations Summit elects two Commissioners. Commissioners do not represent the Principals who appoint them, but act independently.



CELESTE HALDANE
ACTING CHIEF
COMMISSIONER

Celeste Haldane was elected Commissioner for a third two-year term by the First Nations Summit in February 2015. She is currently the Acting Chief Commissioner.

Celeste is a practising lawyer and holds an LL.M. in Constitutional Law from Osgoode Hall Law School [York University], and an LL.B. and B.A. both from the University of British Columbia. In 2015 she began her Doctorate at UBC in Anthropology & Law.

The Provincial Government appointed her to serve on the UBC Board of Governors and the Legal Services Society. Celeste is an active member of the Canadian Bar Association and the Indigenous Bar Association. She is a 2015 alumni of the Governor General's Canadian Leadership Conference.

Celeste is a member of the Sparrow family from Musqueam and is Tsimshian through Metlakatla. She previously served as the Chair of the Musqueam Land Code Committee, a member of the Intergovernmental Affairs Committee, the Housing & Capital Committee, and the Matrimonial Real Property Committee. Celeste is the proud mother of three and grandmother of two.



JERRY LAMPERT
COMMISSIONER

Jerry Lampert was first appointed in December 2007 by the Government of Canada. His current term runs to February 2017, marking more than nine years as a Commissioner.

Jerry 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 in British Columbia.

Prior to joining the Business Council, Jerry was a principal in a government relations/public affairs consulting firm offering strategic and tactical advice to private sector corporations in their dealings with governments. He has held many key political organization and advisory positions, including serving as Chief of Staff to two Premiers of British Columbia and managing two successful provincial election campaigns in British Columbia.



**TOM HAPPYNOOK
COMMISSIONER**

Tom Happynook was appointed in February 2015 by the Province of British Columbia to serve a two-year term. He is from Huu-ay-aht First Nations and is the Head Hereditary Whaling Chief.

Huu-ay-aht is one of the five communities that make up the Maa-nulth First Nations, which has been implementing their modern-day comprehensive treaty since April 1, 2011. Tom played a large role in the negotiations and implementation of Huu-ay-aht's treaty. He was elevated to Chief Treaty Negotiator with the mandate to bring the Huu-ay-aht treaty to conclusion in July 2007. He then took on the role of Treaty Implementation Team Leader from June 2009 to March 2011 to ensure the Nation had a smooth transition to self-governance.

Tom was a firefighter for sixteen years, retiring in 1998 as a Deputy Platoon Chief [Captain]. He is married to Kathy Happynook, and together they have three children and four grandchildren.



**FRANCIS FRANK
COMMISSIONER**

Francis Frank was elected as Commissioner by the First Nations Summit for a two-year term beginning in March 2015. He is from Tla-o-qui-aht First Nations on the west coast of Vancouver

Island and is a trained social worker with a BSW from the University of Victoria.

Prior to joining the Treaty Commission, Francis served his Nation in a variety of roles, including as Chief Councillor for fourteen years, negotiator for ten years, and band manager for six years. He has extensive experience in negotiations, and was directly involved in the negotiation of the first interim measures agreement, as well as the first incremental treaty agreement in British Columbia, successfully securing land and finances for his First Nation.

UN Declaration

Key Articles

The *UN Declaration* in its entirety constitutes “the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” Some articles hold more prominence for treaty negotiations, but all apply in advancing reconciliation. These have been described in the interviews as the *heart*, *spirit*, *purpose*, and *processes* of the *UN Declaration*.

These articles and others will continue to inform the negotiations and the progress of reconciliation in Canada. For full text please refer to the [United Nations Declaration on the Rights of Indigenous People](#).

HEART

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

SPIRIT

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

PURPOSE

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

PROCESSES

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 37

Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

The following articles also relate to treaty negotiations.

- Article 19* [Free, prior and informed consent]
- Article 26* [Right to/recognition of traditional lands]
- Article 28* [Redress, restitution and compensation]
- Article 29* [Right to protection of the environment]
- Article 34* [Right to institutional structures]
- Article 45* [No extinguishment]
- Article 46* [Political unity]



BC TREATY
COMMISSION
INDEPENDENT
FACILITATOR FOR
TREATY NEGOTIATIONS



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