



BC TREATY  
COMMISSION



ANNUAL REPORT 2018

NEGOTIATIONS › TREATIES › RECONCILIATION ›  
UN DECLARATION

BC TREATY  
COMMISSION



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# naʷ si:yém məsteyəx<sup>w</sup> | WELCOME

Celeste Haldane

**CHIEF COMMISSIONER**

**NEGOTIATIONS ARE LEADING THE WAY** in Indigenous rights recognition.

Complex issues are being debated regarding Indigenous rights and reconciliation in Canada today. As Chief Commissioner, I am proud to present our 2018 annual report that demonstrates how treaty negotiations are providing many of the answers to these important questions.

At this crucial time, several initiatives are underway by Canada, British Columbia, and First Nations. National and provincial engagements are exploring new ways to improve relationships with Indigenous Peoples. Indigenous rights recognition, nation-building, and implementing the fundamental rights of the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) are some of the goals of these policy initiatives. These are also the most challenging to achieve.

Treaty negotiations remain the best way to achieve fundamental reform leading to a new relationship with Indigenous Peoples.

While these policy initiatives will result in positive changes, treaty negotiations remain the best way to achieve fundamental reform leading to a new relationship with Indigenous Peoples. A constitutionally entrenched treaty, negotiated by the First Nation, for the First Nation, is the essence of self-determination.

This summer, the Northern Secwepem te Qelmucw (NStQ) Agreement in Principle was signed. Multi-community First Nations, such as NStQ and several others in advanced negotiations, are doing the work of nation-building through treaty negotiations. These are some of the best opportunities for Indigenous nation-building in the country.

Treaty negotiations are the best means to implement the UN Declaration, and in particular the right to free, prior and informed consent (FPIC). In this report, lawyers specializing in Indigenous and constitutional law have provided an independent legal opinion on how to operationalize FPIC. The opinion confirms that the BC treaty negotiations process facilitates voluntary, independent, and transparent nation-to-nation negotiations culminating in constitutionally-protected agreements for shared sovereignty and reconciliation. We can proudly say our process is a rights recognition process that is entirely consistent with FPIC.



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The success of the negotiations process is possible with the hard work of individuals such as Tom Happynook, who, after four years as the provincially appointed Commissioner, will retire from the Treaty Commission in 2019. Tom is the first Commissioner who is a citizen of a modern treaty First Nation. Huu-ay-aht First Nations exemplifies the benefits a treaty can bring to small, regional economies—a message he continually reinforces.

“The Huu-ay-aht treaty has woven us into the fabric of Canada. Being constitutionally self-governing

and shedding the shackles of the *Indian Act* makes it possible to flourish by investing in our own territory,” said Commissioner Tom Happynook. “The treaty is pulling us out of over 150 years of poverty.”

Commissioner Tanya Corbet brings her extensive experience as an Executive Councillor of Tsawwassen First Nation (TFN). Since 2009, TFN has been implementing a modern treaty, unlocking the economic potential of their lands and transforming the

Treaty negotiations continue to lead the way toward reconciliation. As First Nations, federal, and provincial governments continue to evolve policy, it is essential that this results in improvements to treaty negotiations and to all treaties.

surrounding region. TFN's government, capacity, and partnerships have attracted over \$1 billion of investments. Amazon's recent decision to open a major shipping facility on TFN lands exemplifies how modern treaties provide First Nations with significant opportunities for economic prosperity.

"As treaty negotiations continue to make progress, I can't help but reflect on my Nation's treaty—which has brought the region significant prosperity, transforming and rebuilding our Nation in a short time," said Commissioner Tanya Corbet. "Our treaty, the first one in the made-in-BC treaty process, has generated an economic return that will, if not already is, greater than the cost of the entire process to date. We should all be proud of this."

This past spring, Commissioner Jerry Lampert retired from the Treaty Commission after dedicating over ten years of valuable service to treaty negotiations. In May, we welcomed a new federal appointee, Mary-Ann Enevoldsen, the former Chief of Homalco First Nation.

"During my time as a leader for my First Nation, I worked directly with BCTC to resolve overlap issues with two neighbouring First Nations. I witnessed the value of BCTC support, and together we reached a mutual resolution," said Commissioner Mary-Ann Enevoldsen. "In my role as Commissioner, I look forward to bringing this experience to other tables to help overcome similar challenges."

The Treaty Commission continues to benefit from the experience and knowledge of Francis Frank, who has been a Commissioner since 2015 and brings expertise as a negotiator and leader of Tla-o-qui-aht First Nation.

"The treaty process is a tool for nation-building, capacity-building, and self-government," said Commissioner Francis Frank. "These are essential for good governance and strong First Nations, and I am honoured to continue to contribute to this meaningful work."

Treaty negotiations are leading the way to reconciliation. As First Nations, federal, and provincial governments work on new policies, it is essential these changes result in improvements to treaty negotiations and to all treaties.

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Celeste Haldane  
CHIEF COMMISSIONER



# POLICY CHANGES



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NEGOTIATION, TREATIES, RECONCILIATION, UN DECLARATION

## NEW APPROACHES TO RECONCILIATION AND RECOGNITION OF RIGHTS

### FIRST NATIONS HAVE BEEN CHAMPIONING

nation-to-nation recognition since Canada's inception. The governments of Canada and British Columbia are now promising fundamental changes to their relationship with Indigenous Peoples through initiatives that will result in improved legal and policy frameworks. This political alignment on Indigenous relations has seldom been seen since the launch of the BC treaty negotiations process in the early 1990s. Some of these initiatives will be covered in this annual report to highlight how new policy frameworks can impact treaty-making, and how negotiations are already leading some of these changes.

It remains to be seen to what extent these initiatives will advance government relationships with Indigenous Peoples. It is essential that the initiatives result in improvements to treaty

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negotiations, and not hinder them. As the Truth and Reconciliation Commission's (TRC) final report noted:

*It is important for all Canadians to understand that without Treaties, Canada would have no legitimacy as a nation. Treaties between indigenous nations and the Crown established the legal and constitutional foundation of this country. [...] Treaties are a model for how Canadians, as diverse peoples, can live respectfully and peacefully together on these lands we now share.*

Given the fundamental importance of treaties to our country, how the BC treaty negotiations process intersects with these initiatives will need to be clarified. As Indigenous Nations choose their best path forward, they will ask important questions such as, how do modern treaties compare to other reconciliation options? How do treaties advance rights recognition and the implementation of the *UN Declaration*? The Treaty Commission will be working together with the Principals to align policy changes with treaty mandates. This will be critical to the success of the negotiations process.

Prior to the announcement of these new initiatives, 2016's final report from the *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*





AMANDA LALIBERTE PHOTO

(Multilateral Engagement Report) was already creating important changes in the BC treaty negotiations process. Endorsed by the Principals, the Multilateral Engagement Report outlines specific proposals and action items to expedite negotiations. The proposals that have been implemented are already resulting in meaningful changes for treaty negotiations, as discussed later in this section.

The Treaty Commission will ensure modern treaties include the flexibility and innovation promised in the new policy changes. Equally important is that treaty negotiations remain the best path to the fullest expression of reconciliation. ■

## FEDERAL INITIATIVES

Canada's first significant statement on its new Indigenous relations mandate came in July 2017 with the release of the *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* (the federal Principles). Subsequently, in February 2018 a process of engagement with Indigenous Peoples was initiated to develop a Recognition and Implementation of Indigenous Rights Framework (the federal Framework). In support of this process, Canada released the *Engagement document: Working together to create the foundation for the Federal Recognition and*

*Implementation of the Inherent and Treaty Rights of Indigenous Peoples in Canada* (Rights Recognition Engagement Document) in September 2018.

The Rights Recognition Engagement Document includes a sentiment from Prime Minister Justin Trudeau, first stated during the announcement of the federal Framework: new policies will “replace policies like the *Comprehensive Land Claims Policy* (1986) and the *Inherent Right Policy* (1995) with new and better approaches that fully embrace and give life to section 35 of the *Constitution Act, 1982*.”

Canada has indicated that the new policy could have five key objectives:

1. Provide for the implementation of Indigenous rights through negotiated agreements.
2. Achieve agreements that provide predictability and include an orderly process for evolving agreements over time.
3. Achieve flexible agreements that support nation rebuilding, self-determination, and the implementation of rights as an alternative to, or in advance of, a comprehensive agreement.
4. Accelerate the pace of negotiations.
5. Work towards equity in socio-economic outcomes and overall well-being between Indigenous Peoples and other Canadians.

The Treaty Commission will ensure modern treaties include the flexibility and innovation promised in the new policy changes.

The Rights Recognition Engagement Document states that in terms of negotiation policies, agreements, including treaties, “are meant to establish a pathway for the implementation of rights and relationships based on the recognition of rights, respect, co-operation and partnership,” and that:

- Inherent and treaty rights that are recognized and affirmed by Section 35 are recognized at the outset. Negotiations could focus on how these rights will be implemented.
- Certainty techniques that have resulted in the extinguishment of Indigenous rights would be off the table under the proposed policy approach.
- “Living agreements” could enable the continuation of rights within and outside of agreements, with periodic reviews to provide an orderly process for the evolution of agreements where needed and where desired by Indigenous groups.
- Practical approaches can be introduced to recognize and implement interests in and title to lands.
- The policy could operationalize governance-related aspects of the legislation.
- Bridging mechanisms could be included to support Indigenous groups in negotiations to transition to new policy approaches, if requested.
- Funding support for negotiations would continue to be provided via contribution funding and not loans.

Bridging mechanisms, which enable treaties to evolve as policies evolve, are essential and must be confirmed as these government initiatives are developed. These mechanisms will provide greater understanding and clarity for Indigenous Nations as they consider their pathways forward. ■

## TREATY TRANSFORMATION

The release of the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* in May 2018 demonstrates provincial support of the federal Principles, and adds positive momentum to the changes to governmental relationships with First Nations.

With the release of *BC's Proposed Approach to Treaty Transformation* paper in June 2018, British Columbia committed to strengthening the made-in-BC treaty negotiations process. The purpose of this treaty transformation process is to “facilitate discussion and engagement with First Nations [...] on actions British Columbia could take that would support recharging the modern treaty process in British Columbia,” and builds on efforts started in the *Multilateral Engagement Report*. New provincial policy initiatives created through the treaty transformation process must include bridging mechanisms similar to those proposed by the federal government. ■

## RIGHTS RECOGNITION IN TREATY NEGOTIATIONS

This year's annual report is issued at a time of political alignment between First Nations, Canada, and British Columbia. The Principals are fully committed to finding innovative approaches to advance long-term reconciliation and implement the UN Declaration and TRC's Calls to Action. In the context of this commitment to develop policy initiatives, the Principals recognize that the BC treaty negotiations process is a key mechanism to advancing reconciliation.

The Principals are fully committed to finding innovative approaches to advance long-term reconciliation and implement the UN Declaration and TRC's Calls to Action.

To build on the federal Framework and the provincial treaty transformation commitment, the Principals and BCTC are working on a number of proposals for consideration to transform the treaty negotiations process, including:

- Making recognition of Indigenous rights the foundation of treaty negotiations;
- Transforming the treaty relationship into a lasting government-to-government approach that is able to adapt to changing circumstances; and
- Supporting self-determination, nation-building, governance development, and capacity building.

First Nations are proposing innovative solutions directly into treaty negotiations to capture the new commitment to reconciliation. These include the previously mentioned bridging provisions to incorporate new policy approaches as they develop, and a shift to a “core treaty” concept which will deliver a simplified treaty document with operational provisions in ancillary arrangements. These proposals represent the flexibility and innovation necessary to continue advancing the long-term reconciliation in the treaty negotiations process. ■



## INNOVATIONS IN NEGOTIATIONS

Currently, three negotiations tables in advanced Stage 4 are developing innovative interim agreements. Negotiators at the Ktunaxa Kinbasket Treaty Council, Stó:lō Xwexwilmexw Treaty Association and Metlakatla (Tsimshian First Nations) treaty tables expect to sign Memoranda of Understanding (MOUs) this year to expedite the transition from Stage 4 to Stage 5.

These MOUs clearly establish a process for the Parties to seek mandates to include important new elements in a completed treaty. These elements may include the recognition and implementation of rights, the implementation of the UN Declaration, processes for the evolution of rights, and jurisdictions and intergovernmental relationships. ■

## STAGE 5 MULTI-YEAR STRATEGIES

Several proposals and action items in the *Multilateral Engagement Report* directly impact BCTC, especially in the areas of negotiations support funding, overlaps and shared territory, and Stage 5 negotiations.

In response to the Stage 5 and shared territory recommendations, the Treaty Commission has developed a multi-year strategy for Stage 5 tables that is comprised of three components:

- Negotiations work plan;
- Strategies for governance transition; and
- Overlap/shared territory engagement.

In particular, the Treaty Commission has long recognized the importance of addressing overlapping and shared territory disputes, and is taking an active and more robust role in facilitating the resolution of these issues.

The Treaty Commission suggests that these Stage 5 Strategies capture important rights recognition mandate commitments and the implementation of the UN Declaration. BCTC is in discussions with Stage 5 tables to develop and implement these strategies. ■

## FUNDING CHANGES

In the 2018 budget, the federal government announced that going forward it would replace loan advances with non-repayable contribution funding for First Nations participating in treaty negotiations. This change to 100% contribution funding commenced in April 2018, and was the result of several years of discussions amongst the Principals and the Treaty Commission, especially within the federal government. Through this transition, Canada has maintained its commitment to the Report of the BC Claims Task Force that an independent body oversee First Nations negotiations funding. The Treaty Commission retains oversight responsibility for making funding allocations to First Nation.

Canada also indicated in the 2018 budget that addressing existing negotiations loans will also be explored, including loan forgiveness. The Treaty Commission recently made a submission to the federal government to move forward with loan forgiveness, which is a critical step for rights recognition and reconciliation. ■

## 2018 IN REVIEW



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NEGOTIATIONS > TREATIES > RECONCILIATION > UN DECLARATION

## RECONCILIATION ON THE GROUND

**THE ROAD TO RECONCILIATION** can take different forms. Federal and provincial commitments to implement the UN Declaration, bridging provisions enabling adaptable treaties, and adopting a rights recognition lens to treaty negotiations are this year's examples of positive steps toward reconciliation.

### NORTHERN SECWEPEM TE QELMUCW SIGNING: STRENGTHENING NATION REBUILDING

On July 22, 2018, the Northern Secwepem te Qelmucw (NStQ) and the governments of Canada and BC reached a significant milestone by signing an agreement in principle (AIP), advancing the table from Stage 4 to Stage 5 of the BC treaty negotiations process.

This signing confirms all Parties are dedicated to a new relationship for the whole region. The final stage of the NStQ negotiations will be informed by new commitments to reconciliation by both the federal and provincial governments.

Supporting Indigenous Nation rebuilding has become a priority as governments align on the direction of reconciliation. Modern treaties have already proven to support nation rebuilding throughout BC. Self-determination is at the heart of nation rebuilding and is foundational to the BC treaty negotiations process. It is set-out in recommendation seven of the Report of

the BC Claims Task Force Report (1991), which established the BC Treaty Commission:

*The organization of First Nations for the negotiations is a decision to be made by each First Nation.*

This recommendation enables multiple *Indian Act* bands to jointly negotiate and implement treaties as one First Nation.

NStQ is an example of a multi-community First Nation comprised of four *Indian Act* bands: Stswecem'c/Xgat'tem (Canoe Creek/Dog Creek), T'exelc (Williams Lake), Tsq'escen' (Canim Lake), and Xats'ull (Soda Creek). There are currently five other multi-community First Nations in advanced stages of negotiations: Ktunaxa Kinbasket, Samahquam and Skatin, Stó:lō Xwexwilmexw, Te'mexw, and Tsimshian.



Two examples of multi-community First Nations implementing treaties in BC are Nisga'a Lisims Government and Maa-nulth First Nations. Nisga'a takes a "common bowl" philosophy to their governance, uniting four *Indian Act* bands under one post-treaty First Nation. Alternatively, Maa-nulth negotiated as one First Nation, and now implements as five separate governments.

Although the federal government is establishing new approaches to nation rebuilding, there is a successful approach that already exists in BC: the treaty negotiations process. NSTQ is pursuing this approach and is an example of a First Nation dedicated to nation rebuilding through treaty negotiations. ■

"What we celebrate today is our own perseverance. We are hearing the right things from the ministers here today. We hope those promises make their way to our final negotiations and that we can, in the near future, see Northern Secwepemc people thriving under their own government, making decisions for themselves that will make a better, brighter future for our children's children, long into the future."

— Chief Patrick Harry,  
Stswecem'c Xgat'tem First Nation



**SIGNATORIES HOLD UP THE SIGNED NSTQ AIP ON JULY 22, 2018. L-R: Hon. Carolyn Bennett, Chief Patrick Harry, Chief Andrea Gilbert, Chief Ann Louie, Chief Helen Henderson, and Hon. Scott Fraser. BCTC PHOTO**

## BC MODERN TREATY NATIONS FORM ALLIANCE

This summer, Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułuꞵiꞵaꞵ First Nations signed a Memorandum of Cooperation (MOC), establishing the Alliance of British Columbia Modern Treaty Nations (ABCMTN). By signing the MOC, this alliance of constitutionally recognized Indigenous Nations commits to collaborating on areas of mutual interest related to treaty implementation in British Columbia.

The Land Claims Agreements Coalition represents modern treaty First Nations in Canada by working to ensure their agreements are respected, honoured, and fully implemented. Across Canada, specific treaty-related issues vary depending on the region. The creation of ABCMTN will enable modern treaty First Nations in BC to strengthen their voice by jointly advocating for priority concerns unique to BC, including revenue sharing, police service agreements, co-management of fisheries, lands, and resources, and the future of government-to-government-to-government relationships.

“Many of the issues we’re facing as modern treaty Nations today are the result of developments that none of the parties anticipated during treaty negotiations. The formation of the ABCMTN will benefit all parties as we work to resolve these shared implementation-related issues.”

— Chief Charlie Cootes,  
Uckucklesaht Tribe

Canada’s Rights Recognition Engagement Document refers to bridging mechanisms for Indigenous Nations already implementing modern treaties. This is another important opportunity for Canada and British Columbia to move forward with rights recognition. First Nations must benefit from further improvements to Crown-Indigenous relations. Ensuring ABCMTN’s treaties embody a living relationship is key to ongoing reconciliation. The Treaty Commission will support the Parties in working to include these bridging mechanisms.



**Tsawwassen First Nation Executive Councillor Tanya Corbet, Huu-ay-aht First Nations Chief Councillor Robert J. Dennis Sr., and Tla'amin Nation Hegus Clint Williams signing the MOC on July 24, 2018.**

PHOTOS COURTESY HUU-AY-AHT FIRST NATIONS



“This alliance is about strengthening how we work together as modern treaty Nations in British Columbia. It is an opportunity to build on the nation-to-nation relationships established through our treaties by tackling some of the biggest challenges that have arisen through the implementation process.”

— Tanya Corbet, Executive Councillor for Tsawwassen First Nation and BCTC Commissioner



AMANDA LALIBERTE PHOTO

The collaborative work these First Nations are demonstrating by forming this important provincial coalition is commendable. The Principals will help define BCTC's role in supporting the Parties in implementing the new relationship.

The MOC was signed at the Assembly of First Nations AGA in Vancouver on July 24, 2018. Chief Commissioner Celeste Haldane was a witness on behalf of the Treaty Commission. ■

“We are looking forward to working directly alongside the other modern treaty Nations to pool our resources and engage in collaborative problem-solving and advocacy. This will also benefit the other partners to our treaties, the federal and provincial governments, by ensuring better implementation of the constitutional commitments in our agreements.”

—Hegus Clint Williams, Tla'amin Nation



“We must now try and move forward with the limited resources and opportunities available while we remain under the *Indian Act*.”

— Chief Dominic Frederick,  
Lheidli T’enneh First Nation



RYAN DICKIE PHOTO

## LHEIDLI T’ENNEH FIRST NATION HOLDS TREATY RATIFICATION VOTE

This year, Canada, British Columbia and Lheidli T’enneh First Nation (LTFN) updated the 2007 Lheidli T’enneh Treaty capital transfer package and included bridging provisions. These provisions would enable the treaty to adapt and LTFN to benefit from certain future changes to federal and provincial negotiating mandates in key policy areas, including periodic renewal, fiscal relations, negotiation loan repayment, taxation, and certainty models allowing for greater recognition of rights.

The bridging mechanisms were developed by the negotiators as an essential component of the Lheidli T’enneh Treaty as the ratification vote approached. At the time of the vote, the policy initiatives in the bridging mechanisms were still undeveloped, and these mechanisms could only provide a degree of clarity that LTFN was not forgoing better options.

The treaty was initialed in May and on June 24, the community voted not to accept the treaty (137 for, 185 against) and the constitution (147 for, 175 against). Although LTFN did not accept the treaty, the voter turnout was high, at 87 per cent, and is an example of self-determination. The vote took place early after the announcement of the new government initiatives, which resulted in speculation and promises of better options.

The Lheidli T’enneh vote must be respected. The vote is a clear expression of community will and self-determination. The community considered many factors, but the debates around rights recognition, extinguishment, and new policy initiatives, from within the community and from outside, weighed heavily in this decision.

The Treaty Commission recognizes and extends its appreciation to all the Parties and committees for their dedication and hard work during the LTFN ratification process. ■

“British Columbia respects the democratic choice of the people of Lheidli T’enneh First Nation. This democratic process demonstrates the importance of members making their voices heard.”

— Honourable Scott Fraser,  
Minister of Indigenous Relations and Reconciliation



BCTC PHOTO

## BCTC HOSTS REGIONAL ENGAGEMENT EVENT

The Treaty Commission held its first Regional Reconciliation Dialogue Series this spring in Campbell River. The goal of this regional forum was to bring together First Nations, business leaders, local government, youth, and media to discuss reconciliation and the future of treaties in the region.

The opportunities for treaties to bring prosperity to all Vancouver Islanders is substantial. Within the Strathcona Regional District, there are seven First Nations actively negotiating modern treaties: Da'naxda'xw/Awaetlala, Homalco, Klahoose, K'ómoks, Laich-Kwil-Tach, Tlowitsis, and Wei Wai Kum/Kwiakah. Ka'yu:'k't'h'/Che:k'tles7et'h' First Nations is implementing the Maa-nulth Treaty and sits on the Strathcona Regional District Board as an associate member. The Treaty Commission

wanted the community to have an opportunity to hear updates and ask questions directly to Commissioners, to encourage treaty support from all residents.

The engagements consisted of meetings with local government, business leaders, and media. BCTC engaged the Campbell River & District Chamber of Commerce and the Strathcona Regional District Board on the benefits of treaty and the current state of negotiations. There was opportunity for participants to ask specific questions and receive answers on numerous issues. BCTC met with the local newspaper, Campbell River Mirror, to discuss local media support for long-term reconciliation in the region, including media-related TRC Calls to Action and First Nations partnerships.





“The way I see tonight it is all about us being able to share with one another, our own experiences of how we can develop friendships, develop partnerships and develop arrangements so we are looking more forward than...where we came from.”

— Commissioner Francis Frank



In the evening, the Treaty Commission hosted a successful public Reconciliation Open House. Approximately 100 local residents gathered to share food and talk with Commissioners, local First Nations leaders, and treaty negotiators. Attendees included representatives from local government, business, law enforcement, and media, and there were information booths hosted by BCTC, First Nations, BC, and Canada.



Ligwiltach Elders and Youth Cultural Group performed powerful cultural dances—the highlight of the evening. The night closed with a group dance that brought everyone together. The evening was a resounding success, with many attendees remarking how much they learned about treaty and how the gathering brought together different Campbell River residents in one place.



The role of the public in advancing treaty negotiations cannot be overstated, and the Treaty Commission looks forward to hosting more Regional Reconciliation Dialogue Series in other regions where First Nations are in advanced stages of treaty negotiations. ■

BCTC PHOTOS



## LEGAL OPINION » FPIC



MELODY CHARLIE PHOTO

LIATION, UN DECLARATION, NEGOTIATION

## THE REALIZATION OF FREE, PRIOR AND INFORMED CONSENT (FPIC)

**INDIGENOUS RIGHTS** and treaty negotiations are complex, converging important legal, cultural, political, and public policy matters. Approaches to, and opinions on, these issues vary greatly. As a result, the Treaty Commission retains independent legal opinions on key issues related to treaty negotiations from firms specializing in Indigenous and constitutional law.

This year the Treaty Commission obtained a legal opinion from Blake, Cassels & Graydon LLP (Blakes) on whether the BC treaty negotiations process is consistent with free, prior and informed consent (FPIC), as described in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and conceptualized in Canadian law.

The Blakes opinion builds on a legal opinion included in last year's annual report that affirms treaties represent a constitutionally-protected sharing of sovereignty among the Parties. The opinion determines that nation-to-nation treaty negotiations are voluntary, transparent, and tripartite, and provide a practical model for operationalizing FPIC, and "breathes life" into Indigenous rights underlying the UN Declaration.

The opinion determines that treaty negotiations provide a practical model for operationalizing FPIC.

### ORIGINS OF THE UN DECLARATION AND CANADA'S ENDORSEMENT

The UN Declaration began with UN working groups as early as 1982. A draft Declaration was accepted by the UN Human Rights Council in 2006. A year later the UN Declaration on the Rights of Indigenous Peoples was adopted by a majority of the UN General Assembly.

The UN Declaration right to FPIC is in Article 32(2):

*States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.*

On November 12, 2010, Canada announced its endorsement with qualifications of the UN Declaration, stating the UN Declaration was an "aspirational" and "non-legally-binding" document.

Canada fully endorsed the UN Declaration on May 8, 2016 following the election of the current federal government. The endorsement continued





MELODY CHARLIE PHOTO

the language used by the previous government that the UN Declaration be implemented in accordance with the Canadian Constitution.

Similarly, in the federal Principles, Canada has adopted the language of FPIC as an objective rather than an outcome:

*...the Government recognizes the right of Indigenous peoples to participate in decision-making in matters that affect their rights through their own representative institutions and the need to consult and cooperate in good faith with the aim of securing their free, prior, and informed consent. [Emphasis added]*

Recently, Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration Act), entered

second reading in the Senate. The act affirms the UN Declaration as “a universal international human rights instrument with application in Canadian law.” Further, it requires Canada to “take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration.”

In Canada, the concept of FPIC as it appears in the UN Declaration has not been considered by the courts. Even where FPIC has been raised in argument, Canadian courts have been reluctant to consider it. To date, no Canadian cases have treated the UN Declaration as imposing enforceable obligations, particularly as it concerns FPIC.

It remains to be seen what effect the passage of Bill C-262 will have on the courts.



## CONCEPTUALIZING FPIC

The UN Declaration does not establish a clear model for the necessary shared governance and decision-making under which the rights set out in UN Declaration, including in relation to FPIC, can be exercised into the future.

There are a number of complex questions underlying Article 32 that will need to be answered, including:

- What are the mechanisms for governments to consult and cooperate in good faith to obtain FPIC?
- Who are the “representative institutions” of Indigenous Peoples?
- Are all impacts the same or will minor interferences be subject to a different standard of consent than major interferences?
- What are the “lands or territories and other resources” of Indigenous Peoples?
- How will overlaps or disputes between Indigenous groups over lands or territories be resolved?

Perhaps most importantly, Article 32 does not address the interaction between the rights of Indigenous and non-Indigenous peoples, including the interests of the broader society. In this regard, Article 46(2) of the UN Declaration contemplates that Indigenous rights will be subject to limitations:

*The exercise of rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of*

*securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.*

## INDIGENOUS CONSENT AND FPIC

In Canada, the international standard of FPIC is typically contrasted with the Crown’s duty to consult under Section 35 of the *Constitution Act, 1982* (Section 35). The duty to consult provides Indigenous Peoples with a seat at the table in respect of Crown decisions which may affect them. While consultation provides greater promise for achieving reconciliation, it is a right only to a process, not an outcome. It is not a veto.

However, the Crown’s duty to consult is only one aspect of the protections afforded to Aboriginal and treaty rights under Section 35. Cases are emerging that are recognizing substantive Indigenous rights. The best example of this was in 2014, when Tsilhqot’in Nation became the first Indigenous Nation in Canada to obtain a declaration of Aboriginal title over portions of its territory through a Supreme Court of Canada decision.

The recognition of substantive Aboriginal rights in Canadian law provides a legal framework for determining how consent rights can be applied in a democratic and pluralistic country like Canada. While the law continues to develop, a number of principles are clear about the scope of such substantive protections.

First, *consent is the standard for infringement*. While consent has not been the language used by the courts in respect of other Aboriginal rights and treaty rights, consent is also the effective standard for such rights, given the clear guidance of the courts that any infringement of Aboriginal or treaty rights must be justified by the government.



RYAN DICKIE PHOTO

Other principles clarify that *consent is not absolute*. However, without it, government must be able to justify infringing the right before a proposed activity can take place. What is required will depend on the impact. Some infringements will be minor and more easily justified, while some infringements could never be justified. **When an infringement cannot be justified, a lack of consent effectively amounts to a veto.**

This framework has developed incrementally since the adoption of Section 35, which protects Aboriginal and treaty rights. The purpose of Section 35 is reconciliation, not only between the Crown and Indigenous Peoples, but also between Indigenous and non-Indigenous peoples. As a result, Canadian courts have pursued a balanced approach to address the interaction between the rights of Indigenous Peoples and broader society.

The precise meaning and scope of FPIC will continue to evolve and will ultimately be informed by its implementation in Canada and elsewhere.

Nevertheless, the following principles appear to be clear:

- FPIC has both procedural and substantive elements. In some circumstances, it will be sufficient to “seek” FPIC, while in other circumstances, obtaining FPIC will be required. This could mean a veto.
- The requirements of FPIC are contextual; what is required will depend on the impact of the government action on the relevant Indigenous group.
- Even where FPIC is a substantive requirement, it is subject to a balancing with the rights and interests of others.

Many of these principles are similar to those that Canadian law has developed since the enactment of Section 35 and are consistent with the BC treaty negotiations process.

## MODERN TREATIES IN BC: OPERATIONALIZING CONSENT

There is a significant distinction between recognizing the existence of a right and determining how that right is going to be exercised on the ground. Declarations by courts are limited. Despite the historic declaration of Aboriginal title in the *Tsilhqot'in* decision, several years of negotiations and agreements between British Columbia and Tsilhqot'in Nation have been required to operationalize a consent right.

The BC treaty negotiations process provides a model for operationalizing FPIC and reinforcing the recognition of the Indigenous rights underlying the UN Declaration. The Nisga'a Treaty is an example of a modern treaty providing answers to the questions raised above in relation to Article 32.

Today, a government or third party engaging with the Nisga'a Lisims Government knows exactly what the governing institutions of Nisga'a are, which lands and resources are owned by Nisga'a, and the scope of matters under the exclusive legislative jurisdiction of the Nisga'a Lisims Government or where there may be shared jurisdiction with British Columbia or Canada, including the rules to resolve conflicts.

Resolving these and other foundational questions through the Nisga'a Treaty means not only that the rights of the Nisga'a Nation as a government

When an infringement cannot be justified, a lack of consent effectively amounts to a veto.

responsible for its own people, land, and resources are recognized, but that they can be operationalized in a meaningful way.

## TREATIES AND RIGHTS RECOGNITION

The BC treaty negotiations process has been perceived by some as a rights extinguishment process. Blakes' legal opinion disagrees, and affirms that it is a rights recognition process that provides for the fulfilment and operationalization of rights and consent, as opposed to merely recognizing the existence of rights.

Treaty negotiations establish means for the exercise of rights in a manner consistent with the sovereignty of an Indigenous Nation. Treaty negotiations provide a consensus-driven approach to define rights and their exercise, as opposed to an adversarial, costly and uncertain process through litigation.

Modern treaties are not only a declaration of rights, as is a court declaration. Nor do they provide only economic benefits, as is often the main component of bilateral agreements. Rather, they provide a constitutionally-entrenched framework, resulting from a consensus-based, voluntary and informed process, under which rights and economic benefits can be recognized, exercised and developed long into the future.

Just as Section 35 rights cannot be meaningfully exercised in the abstract, the implementation of UN Declaration and FPIC requires a legal framework. The negotiation of a modern treaty through the BC treaty negotiations process provides that framework.

*Full citations and the entire Blakes legal opinion available on our website: [bctreaty.ca](http://bctreaty.ca)*



# NEGOTIATIONS UPDATE



PHOTO RYAN DICKIE

NEGOTIATIONS > TREATIES > RECONCILIATION >  
< UN DECLARATION

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*\*Tsimshian is counted as one First Nation,  
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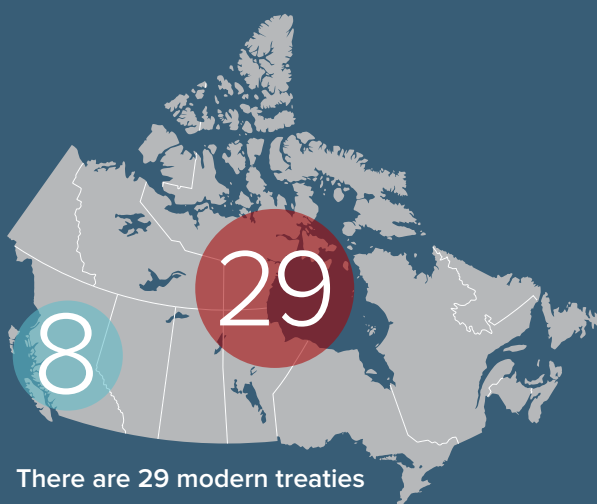
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### BY THE NUMBERS





## A VIEW OF PROGRESS

The 19 First Nations highlighted on the map represent 40 *Indian Act* bands, or 20 per cent of all *Indian Act* bands in BC. These First Nations are in advanced negotiations or are already implementing treaties.

### IMPLEMENTING TREATIES

Representing 11 former *Indian Act* bands

- 1 Maa-nulth First Nations (Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Toquaht, Uchucklesaht and Yuu7u7i7ath)
- 2 Nisga'a Nation
- 3 Tla'amin Nation
- 4 Tsawwassen First Nation

### OTHER FIRST NATIONS IN TREATY NEGOTIATIONS

Representing 72 *Indian Act* bands

### FINAL STAGE OF TREATY NEGOTIATIONS

Representing 17 former *Indian Act* bands

- 5 K'ómoks First Nation
- 6 Northern Shuswap Tribal Council
- 7 Samahquam and Skatin First Nations
- 8 Te'mexw Treaty Association
- 9 Tsimshian First Nations (Kitselas and Kitsumkalum)
- 10 Wuikinuxv Nation
- 11 Yale First Nation
- 12 Yekooche First Nation

### LAND AND CASH PROPOSALS

Representing 11 former *Indian Act* bands

- 13 Gwa'Sala-'Nakwaxda'xw Nation
- 14 Ktunaxa Kinbasket Treaty Council
- 15 Stó:lō Xwexwilmexw Treaty Association

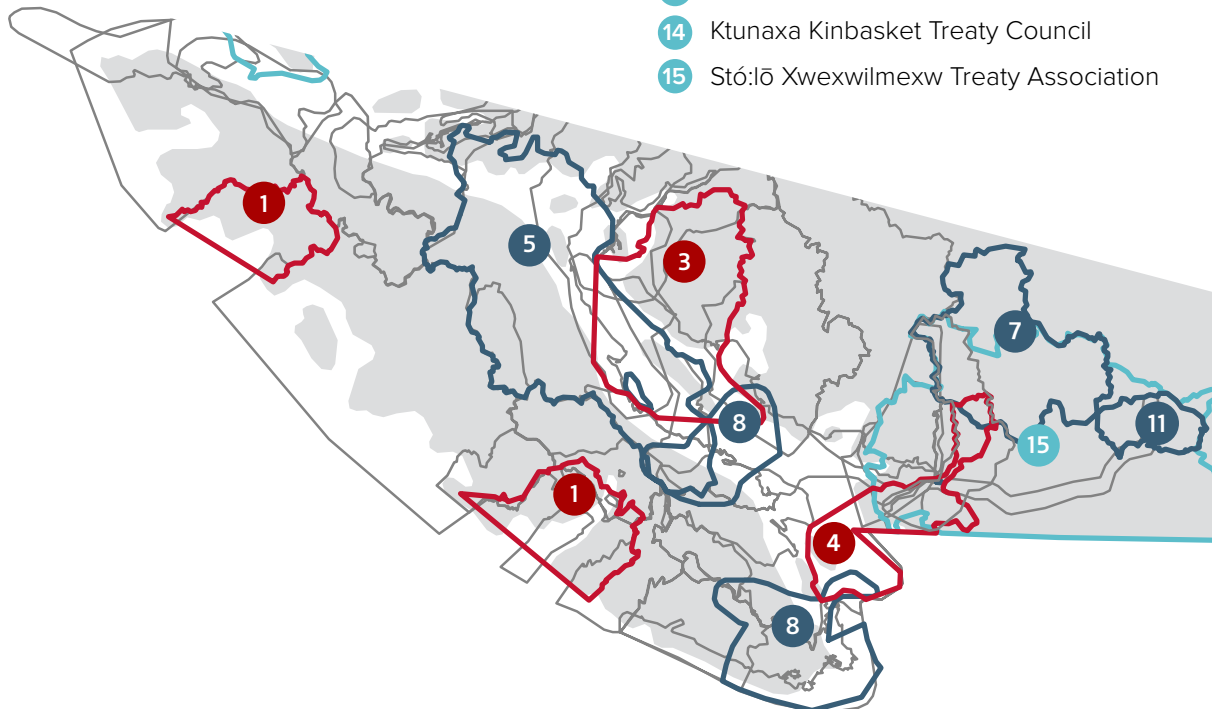






PHOTO RYAN DICKIE

## ABOUT THE STATUS REPORTS

- 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 and nationhood.
- For statistical purposes, the Treaty Commission counts the number of “Indian Act bands” within First Nations to provide a common reference point.
- 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](http://www.aandc-aadnc.gc.ca).

### ACRONYMS

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



# COMPLETED TREATIES

## FIRST NATIONS IMPLEMENTING TREATIES (7)

### ALLIANCE OF BC MODERN FIRST NATIONS

On July 24, 2018, Huu-ay-aht, Ka:'yu:'k't'h'/Chek'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułuꞵiꞵaꞵ First Nations established the Alliance of BC Modern Treaty Nations (ABCMTN) through the signing of a Memorandum of Cooperation. The ABCMTN will collaborate on areas of mutual interest and address a variety of issues, including revenue sharing, police service agreements, and co-management of fisheries, lands, and resources. For more information on ABCMTN, see page 16.



Eight First Nations governments are implementing modern treaties in BC — seven negotiated within the BC treaty negotiations process, plus the earlier Nisga'a agreement.

### MAA-NULTH FIRST NATIONS

The Maa-nulth First Nations Final Agreement came into effect on April 1, 2011. These five former *Indian Act* bands are implementing the Maa-nulth treaty as five independent governments. Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht, and Yuułuꞵiꞵaꞵ (Ucluelet) First Nations, Canada, and British Columbia are over seven years into implementing their new relationships.

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 10 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 730 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately 580

citizens; Toquaht has approximately 155 citizens; Uchucklesaht has approximately 230 citizens; and Yuułuꞵiꞵaꞵ has approximately 675 citizens. The traditional territory is located on the west coast of Vancouver Island surrounding Barkley and Kyuquot Sounds. Maa-nulth First Nations have overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasath, Tla-o-qui-aht, and Tseshaht.

#### » Huu-ay-aht First Nations

This year, Huu-ay-aht First Nations (HFN) and Western Forest Products Inc. signed a Reconciliation Protocol Agreement, committing to seek mutually-beneficial solutions for long-term sustainability of the forest sector in the Alberni Valley. In 2017, HFN purchased three forestry properties and entered into an employment and training agreement to support

Huu-ay-aht citizens interested in the forestry sector. Construction of a hydroelectric project at Sarita River is underway and will be operational in 2020. Huu-ay-aht owns a number of businesses through HFN Development LP, and is focusing on cultural tourism in the Bamfield area.

Since effective date, HFN has drawn down its law-making authority to enact Huu-ay-aht Legislation, establishing approximately 25 acts and 34 regulations. Huu-ay-aht joined the Alberni-Clayoquot Regional District board in 2012, and the Huu-ay-aht representative is the current board chair.

#### » **Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations**

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations owns and operates three tourism ventures in Kyuquot Sound, surrounded by five Provincial Parks and four Ecological Reserves. Fair Harbour Marina and Campground is a full service oceanside destination; Walters Cove Resort is a luxury fishing lodge; and Purple Palace Hostel is an adventure travelers accommodation.

Since effective date, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations has drawn down its law-making authority to enact Ka:'yu:'k't'h'/Che:k'tles7et'h' Law, establishing approximately 37 acts and 13 regulations. Ka:'yu:'k't'h'/Che:k'tles7et'h' joined the Strathcona Regional District board as an associate member in 2013 and will become a director in 2021.

#### » **Toquaht Nation**

This year, Toquaht doubled the population of the community's main village of Macoah by constructing several rental units. In fall the 2017, Toquaht hosted the first potlatch in its territory in over 30 years, and unveiled a Toquaht totem pole. To enable this residential development, the First Nation built a new waste water treatment facility in 2017 and connected to high-speed internet in 2016. The First Nation built a water

treatment plant after being on boil water restrictions for 20 years, and added 68 hectares of treaty settlement lands.

Since effective date, Toquaht has drawn down its law-making authority to enact Toquaht Law, establishing 40 laws and 26 regulations. Toquaht joined the Alberni-Clayoquot Regional District board in 2016.

#### » **Uchucklesaht Tribe**

In July 2018, Uchucklesaht launched Thunderbird Spirit Water, a luxury water brand derived from T'iitsk'in spring. In 2017, the First Nation opened an administration and cultural building in Port Alberni called Thunderbird Building with 34 apartments and a restaurant commercial space. Since 2011, Uchucklesaht has upgraded its water system and built new roads in the region.

Since effective date, Uchucklesaht has drawn down its law-making authority to enact Uchucklesaht Law, establishing 53 acts and 31 regulations. Uchucklesaht joined the Alberni-Clayoquot Regional District board in 2014.

#### » **Yuułuꞵiꞵꞵath (Ucluelet) First Nation**

This year, Yuułuꞵiꞵꞵath broke ground on a new daycare centre that will also house afterschool and cultural programming. In 2017, the First Nation opened a satellite office in the new Uchucklesaht Government Building in Port Alberni. In 2016 the First Nation completed a water treatment system and in 2015 Yuułuꞵiꞵꞵath opened its Government House. The First Nation currently operates Wya Point Resort, Wya Welcome Centre, and the Thornton Motel and is considering the future of an economic development property at the highway juncture between Ucluelet and Tofino.

Since effective date, Yuułuꞵiꞵꞵath has drawn down its law-making authority to enact Yuułuꞵiꞵꞵath Law, establishing approximately 56 laws and 40 regulations. Yuułuꞵiꞵꞵath joined the Alberni-Clayoquot Regional District board in 2012.

## TLA'AMIN NATION

The Tla'amin Final Agreement came into effect on April 5, 2016. Tla'amin Nation, Canada, and British Columbia are over two years into implementing their 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 10 years. In addition, it provides economic development funding of approximately \$7.3 million and a fishing vessel fund of \$0.3 million. 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 will be adjusted for inflation.

In July, Tla'amin Nation and the City of Powell River updated and re-signed a Community Accord that was first signed in 2003. Hchewšun (The Way Forward) Reconciliation Canoe Journey Project was a canoe carving project lead by Powell River citizens last year. In November the completed canoe was gifted to Tla'amin Nation. This summer, the City transferred Tees'kwat village site lands to the First Nation. The Tla'amin Management Services LP oversees economic development opportunities for the First Nation. These ventures include land and residential development, forest products, and commercial fishing. In March 2016, Tla'amin purchased and began operating the historic Lund Hotel. Since effective date, Tla'amin has drawn down its law-making authority to enact Tla'amin Law, establishing approximately 22 laws and 24 regulations.

There are approximately 1,125 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: Hul'qumi'num, K'ómoks, Klahoose, Kwiakah, Homalco, Sechelt, Snaw-naw-AS, We Wai Kai, Wei Wai Kum, and Qualicum.

## TSAWWASSEN FIRST NATION

The Tsawwassen First Nation (TFN) Final Agreement came into effect on April 3, 2009. TFN, Canada, and British Columbia are over nine years into implementing their 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 10 years. It provides \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for start-up and transition costs, and \$7.3 million for resource management and economic development. The treaty also commits Canada and British Columbia to providing annual funding for ongoing programs and services.

To enable the construction of \$1 billion in developments, TFN invested \$27 million in a sewage treatment plant. Two malls have opened on TFN lands, and this year TFN will complete the Tsawwassen Container Examination Facility, relocating container inspection closer to the port, decreasing traffic and gas emissions in the Lower Mainland. In September 2018, Amazon announced it will open a 10-acre shipping warehouse on TFN lands, creating more than 700 full-time jobs. TFN is renewing its community infrastructure: in 2017 a sports field was opened, and development of a youth centre, multi-family housing project, and Elders' centre are underway. Since effective date, TFN has drawn down its law-making authority to enact Tsawwassen Law, establishing approximately 33 acts and 98 regulations. Tsawwassen joined the Metro Vancouver Regional District board in 2009.

There are approximately 500 Tsawwassen members, 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, Katzie, Musqueam, Stó:lō, Tsleil-Waututh, and Semiahmoo.







## STATUS REPORTS: STAGE 5

# FIRST NATIONS IN THE FINAL STAGE OF NEGOTIATIONS TO CONCLUDE A TREATY (9)

### K'ÓMOKS FIRST NATION

The K'ómoks treaty table is in Stage 5 negotiations. The Parties continue to collaboratively develop a land and cash proposal. The table is working to address all outstanding items, including fish and water. Aquaculture remains a key topic at the table. British Columbia and K'ómoks continue to implement an ITA which provides the transfer of two land parcels to the First Nation in advance of treaty implementation. TRM funding is supporting community engagement, governance preparedness, fisheries monitoring and reporting, and a treaty benefits study.

The AIP was signed on March 24, 2012, and sets out the 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 treaty will recognize and protect K'ómoks rights, 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 335 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, Snaw-naw-AS, Nuu-chah-nulth, Sechelt, Snuneymuxw, Tla'amin, Te'mexw, Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiakah.

### LHEIDLI T'ENNEH FIRST NATION

The Lheidli T'enneh treaty table is in Stage 5. This year the Parties updated the 2007 treaty and initialed it in May. The treaty included bridging provisions which enabled the treaty to adapt and Lheidli T'enneh to benefit from future key provincial and federal policy changes. These key policy areas include: periodic renewal, fiscal relations, negotiation loan repayment, taxation, and certainty models allowing for greater recognition of rights. In preparation for a second vote, the Parties focused on community engagement, consultation and stakeholder engagement. The second treaty ratification vote was held in June, and the membership voted not to accept the treaty.

The Lheidli T'enneh treaty provided the First Nation with 4,330 hectares of treaty settlement land and a one-time capital transfer payment of approximately \$37.1 million over 10 years. In addition, the First Nation would have received \$502,000 annually in resource revenue sharing payments for 50 years, and a combination of \$15 million in one-time funding and \$2.29 million in annual funding to support programs and implementation of the treaty.

There are approximately 440 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: Canim Lake, Carrier Sekani, McLeod Lake, Lhtako Dene, Nak'azdli, Nazko, Sai-Kuz, Soda Creek, and Simpcw.

## NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap (NStQ) treaty table is in Stage 5 negotiations. This year, the Parties signed the AIP, officially transitioning the table into the final stage of treaty negotiations. British Columbia and NStQ continue to implement an ITA which provides for the transfer of up to 3,760 hectares to the four communities in advance of treaty implementation. TRM funding is supporting governance planning and fisheries research.

The AIP was signed on July 22, 2018, and sets out the basis for the final stage of treaty negotiations (Stage 5). NStQ will receive approximately 82,129 hectares of land, including former reserves, and a capital transfer of \$48.7 million. The treaty will recognize and protect NStQ rights, 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 2,640 NStQ members, with traditional territory in the central Cariboo from Valemound and McBride in the northeast, to south of Clinton, and west of the Fraser River. 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, High Bar, Tsilhqot'in, and other Secwepemc Nations.

## SAMAHQUAM AND SKATIN FIRST NATIONS

The Samahquam and Skatin (formerly known as In-SHUCK-ch) treaty table signed an AIP in 2007 and is in Stage 5 negotiations. Samahquam and Skatin have been engaging with Canada, British Columbia, and the First Nations' membership on possible governance structures with provisions to uphold their autonomies and protect their interests, including culture, lands, resources, and jurisdictions.

There are approximately 780 Samahquam and Skatin members, with shared traditional territories located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. Samahquam and Skatin has overlapping and/or shared territories with Chehalis, Xa'xtsa (Douglas) Katzie, Lil'wat, Squamish, Stó:lō, and Tsleil-Waututh.

## TE'MEXW TREATY ASSOCIATION

The Te'mexw treaty table is in Stage 5 negotiations. In October 2017 British Columbia and Canada advanced land and cash proposals to Malahat, Snaw-Naw-as, and T'Sou-ke First Nations; the Parties continue to work toward land and cash proposals for Sc'ianew and Songhees First Nations. All five communities have land transfers from ITAs signed in 2013 with British Columbia. Sc'ianew First Nation, the District of Metchosin, and the City of Langford formalized a land swap in early 2017, adjusting municipal boundaries to protect greenspace and enable economic growth in the region. This land swap, and discussions with the Department of National Defense (DND), are important for the negotiations, as available lands in the area are scarce. The Te'mexw First Nations are Douglas Treaty beneficiaries, and are negotiating an approach on fisheries that will reflect their Douglas Treaty rights. TRM funding is supporting constitution and governance development, community engagement, economic development



planning, traditional place name identification, a museum protocol agreement, ground water research, and fisheries negotiation.

The AIP was signed on April 10, 2015, and sets out the basis for the final stage of treaty negotiations (Stage 5). 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 treaty will recognize and protect Te'mexw rights, 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 from five First Nations: Scia'new (Beecher Bay), Malahat, Snaw-naw-AS (Nanoose), Songhees, and T'Sou-ke (Sooke). Te'mexw traditional territory is 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 has overlapping and/or shared territory with its First Nation neighbours: Esquimalt, K'ómoks, Saanich, Sechelt, Qualicum, Snuneymuxw, Pacheedaht, We Wai Kai, Wei Wai Kum, Kwiakah, Tla'amin, and some of the Nuu-chah-nulth and Hul'qumi'num First Nations.

### **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 43); Gitga'at is in Stage 4 negotiations (see page 47), and Kitasoo/XaiXais does not have active tripartite negotiations.

The Kitselas and Kitsumkalum treaty table continues to address outstanding issues and make progress to complete treaty negotiations.

The Parties are completing technical work for separate land and capital transfer proposals, and economic development remains a key focus. Proposals are being developed in key areas including: a new foundation based on the recognition of Indigenous rights; processes to consult and accommodate on impacts to treaty rights; and the evolution and renewal of treaty through processes for review and amendment. Kitselas and Kitsumkalum advance their individual community constitutions through extensive community engagement. Both First Nations have been engaging local government in the region. TRM funding is supporting community engagement, fish monitoring program development, and forest and roads research.

The AIPs were signed on August 4, 2015 in two separate community celebrations. Each agreement sets out the basis for the final stage of treaty negotiations (Stage 5). 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 treaty will recognize and protect Kitselas and Kitsumkalum rights, 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, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

## WUIKINUXV NATION

The Wuikinuxv treaty table is in Stage 5 negotiations. The Parties continue work on shared decision making, governance, fisheries, lands and forestry. TRM funding is supporting capacity development, fisheries management, and economic development planning.

The AIP was signed on July 23, 2015, and sets out the basis for the final stage of treaty negotiations (Stage 5). Wuikinuxv will receive over 14,646 hectares of land, including former reserves, and a capital transfer of \$7.3 million. The treaty will recognize and protect Wuikinuxv rights, 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, We Wai Kai, and Heiltsuk.

## 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 by the current leadership of Yale.

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: Hul'qumi'num, Stó:lō communities from Stó:lō Xwexwilmexw (SXTA), Stó:lō Nation, and Stó:lō Tribal Council.

## YEKOOCHE FIRST NATION

The Yekooche treaty table is in Stage 5 negotiations. The Parties are developing a unique capacity and governance transition plan to prepare for treaty implementation, and have focused on fish and other interests to conclude the treaty. Yekooche continues to engage its membership on treaty negotiations, and is working on addressing overlaps with neighbouring First Nations.

The AIP was signed on August 22, 2005, and sets out the basis for the final stage of treaty negotiations (Stage 5). Yekooche will receive approximately 6,400 hectares of land, including former reserves, and a capital transfer of \$6.5 million. The treaty 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, Burns Lake, Nadleh Whut'en, Nak'azdli, Stelat'en, Takla, Tl'azt'en, and Treaty 8.

## STATUS REPORTS: ADVANCED STAGE 4

# FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS (5)

### DITIDAHT FIRST NATION

Ditidaht and Pacheedaht are separate First Nations negotiating together. The treaty table is in advanced Stage 4 negotiations. The Parties intensified negotiations to expedite completion of treaty chapters. Technical work is underway to advance the updated land and capital transfer components of the treaty. The Parties also focused on side agreements linked to treaty to address Ditidaht interests in key areas, such as parks and collaborative decision-making. Ditidaht continues to engage its community on the treaty, land-use and economic opportunities with the Doodah Incremental Treaty Lands and planning for self-government. TRM funding is supporting community planning, governance capacity development, and a community learning strategy.

There are approximately 770 Ditidaht 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.

### GWA'SALA-'NAKWAXDA'XW NATIONS

The Gwa'Sala-'Nakwaxda'xw (GNN) treaty table is in Stage 4 negotiations. GNN continues to engage its membership while the Parties develop the land and cash components of the treaty. Key negotiation interests include housing, fisheries, and forestry. In May 2017, GNN signed a Cultural Revitalization and Capacity Building Agreement with British Columbia. TRM funding is supporting governance strategy 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, 'Na-mg-is, Tlatlasikwala, Tsawataineuk, and Wuikinuxv.



## KTUNAXA KINBASKET TREATY COUNCIL

The Ktunaxa Kinbasket (KKTC) treaty table is advancing from Stage 4 to Stage 5 negotiations. In March 2018 the negotiators initialed a Ktunaxa Nation Rights Recognition & Core Treaty Memorandum of Understanding to transition to Stage 5 negotiations. The Parties have set a goal of signing the MOU in the fall of this year. This MOU also commits the Parties to explore options for the recognition of the Ktunaxa Nation as a legal entity before a treaty is implemented; and explore a core treaty approach, one of the innovations highlighted in the Principals' report, *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*.

The MOU will establish a process for the Parties to seek mandates that will set out options for the structure of a core treaty, including a recognition and implementation approach for Ktunaxa Section 35 Rights, and processes for the evolution of rights, jurisdictions and intergovernmental relationships. The core treaty approach will use intergovernmental agreements (side agreements) as a tool to set out procedural and other matters which can be more easily updated for a more flexible and living treaty agreement. This unique approach, while exploratory, will continue to take place within the British Columbia treaty negotiations process. The First Nation continues to work on its citizenship code and constitution development. The Parties have made progress on intergovernmental arrangements with Canada and British Columbia. KKTC TRM funding is supporting financial management policy development and governance planning.

There are approximately 1,100 KKTC 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 ʔakisq' nuk (Columbia Lake), ʔaqam (St. Mary's Indian Band), ʔakinkumtasnuqtiʔit

(Tobacco Plains Band) and Yaqan nuʔkiy (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.

## PACHEEDAHT FIRST NATION

Ditidaht and Pacheedaht are separate First Nations negotiating together. The treaty table is in advanced Stage 4 negotiations. The Parties intensified negotiations to expedite completion of treaty chapters, and have made substantial progress. Technical work is underway to advance the updated land and cash components of treaty to both Ditidaht and Pacheedaht. The Parties have also focused on side agreements linked to treaty to address Ditidaht and Pacheedaht interests in key areas, such as Parks and collaborative decision-making. Pacheedaht continues to engage community on treaty, lands selection, and planning for self-government. TRM funding is supporting residential and land use planning.

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

## STÓ:LŌ XWEXWILMEXW TREATY ASSOCIATION

The Stó:lō (SXTA) treaty table is advancing from Stage 4 to Stage 5 negotiations. In November 2017, the Parties reached a significant milestone by collaboratively developing a land and capital transfer proposal. Since early 2018, the Parties have agreed to transition to Stage 5 negotiations and explore a core treaty approach, one of the innovations highlighted in the Principals' report, *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*. The Parties have developed a Memorandum of Understanding to capture their commitments to this unique approach, and the transformation currently under way in the BC treaty negotiations process, including government mandates committing to rights recognition and non-extinguishment of rights, a living treaty and the implementation of the UN Declaration. The Parties anticipate signing the MOU and entering into Stage 5 in October of 2018. SXTA has continued to strengthen relationships with local governments and engage its communities on treaty-related topics. TRM funding is supporting communications planning, land use planning community engagement, and water licensing.

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 six communities: Aitchelitz, Leq'á:mel, 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.

## TSIMSHIAN FIRST NATIONS (METLAKATLA)

The Tsimshian First Nations are in varying stages in treaty negotiations. Metlakatla is in advanced Stage 4 negotiations; Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations (see page 39); Gitga'at is in Stage 4 negotiations (see page 47), and Kitasoo/XaiXais does not have active tripartite negotiations.

The Metlakatla treaty table is considering ways to expedite the transition to Stage 5 negotiations and explore innovations highlighted in the Principals' report, *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*. The Parties are developing an agreement which commits the Parties to this unique approach and incorporates the ongoing transformation currently underway in the BC treaty process. This agreement commits to the exploration of rights recognition and non-extinguishment of rights, and affirms that the Parties will be guided by the United Nations Declaration on the Rights of Indigenous Peoples. Stage 5 negotiations will also build upon other agreements Metlakatla is part of, such as the Coastal First Nations Reconciliation Protocol Agreement, and the Protected Area Collaborative Management Agreement. TRM funding is supporting community engagement and land and resource planning.

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 have overlapping and/or shared territories with their First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

## FIRST NATIONS IN ACTIVE NEGOTIATIONS (17)

### CARCROSS/TAGISH FIRST NATION

Carcross/Tagish is a self-governing First Nations in the Yukon with traditional territory in British Columbia. The treaty table is in Stage 4 negotiations. This year the Parties reengaged in negotiations in BC after a hiatus of several years. The First Nation signed its treaty in the Yukon in 2005, and a Self-Government Agreement in 2006.

There are approximately 670 Carcross/Tagish members, with traditional territory and waters spanning the Yukon/BC border. Carcross/Tagish has overlapping and/or shared territory with its First Nation neighbours: Champagne and Aishihik, and Taku River Tlingit.

### DA'NAXDA'XW/AWAETLALA NATION

The Da'naxda'xw/Awaetlala treaty table is in Stage 4 negotiations. This year, Da'naxda'xw/Awaetlala has worked extensively with its community on internal governance work. The Parties continue to negotiate outstanding AIP chapter language and prepare the land and cash proposals.

There are approximately 230 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: Kwakiutl, 'Namgis, Mamalilikulla-Qwe'Qwa'Sot'Em, Tlowitsis, We Wai Kai, Wei Wai Kum, Kwiakah, and Mumtagila.

### GITANYOW HEREDITARY CHIEFS

The Gitanyow treaty table is in Stage 4 negotiations. The Parties are focusing on hereditary governance and an approach to implementing Gitanyow title. Gitanyow and British Columbia continue to implement a reconciliation agreement. TRM funding is supporting a fisheries committee.

There are approximately 870 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: Gitxsan and Nisga'a.

### GITXSAN HEREDITARY CHIEFS

The Gitxsan treaty table is in Stage 4 negotiations. The tripartite table is supporting Gitxsan governance work. The table is exploring how Gitxsan governance, including Gitxsan rules on members for each Gitxsan hereditary house ("Wilp"), authority and responsibilities of each Wilp, and Gitxsan laxyip (land tenure) fits within the broader Canadian Constitutional framework. This work will form the foundation for a Gitxsan-specific approach to reconciliation and the recognition of rights.

There are approximately 6,805 Gitxsan members. In treaty negotiations, the Gitxsan Hereditary Chiefs represent the majority of the house groups and membership. Gitxsan traditional territory is located in the Hazelton area and watersheds of the upper Skeena and Nass



rivers. Gitxsan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitanyow, Nisga'a, Tahltan, Tsay Keh Dene, Tsimshian, and Wet'suwet'en.

### **HOMALCO INDIAN BAND**

The Homalco treaty table is in Stage 4 negotiations. The Parties have renewed their commitment to tripartite negotiations, and have identified economic development, AIP completion, and community engagement efforts as priorities for this year.

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, Tlowitsis, and We Wai Kai.

### **HUL'QUMI'NUM TREATY GROUP**

The Hul'qumi'num (HTG) treaty table is in Stage 4 negotiations. The Parties made significant progress on completing AIP chapter work, and continue to address the issue of available private lands for treaty settlement. The table continues land status work on Crown land selections and ITA proposals by HTG for treaty settlement. TRM funding is supporting land evaluation and communications planning.

There are approximately 6,455 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 five communities: Cowichan Tribes, Halalt, Lake Cowichan, Lyackson, and Penelakut. HTG has overlapping and/or shared territory with its First Nation neighbours: Chehalis, Ditidaht, Hwlitsum, Katzie,

K'ómoks, Kwikwetlem, Musqueam, Qualicum, Sechelt, Semiahmoo, Sts'ailes, Snuneymuxw, Te'mexw, Tla'amin, Ts'elxweyeqw, Tsawwassen, Tsleil-Waututh, and Yale.

### **KATZIE FIRST NATION**

The Katzie treaty table is in Stage 4 negotiations. The Parties are focusing on treaty-related issues and are exploring options to recognize and protect Katzie rights, including a second AIP vote. Katzie continues to work on community engagement efforts, land code implementation, and possible initiatives with neighbouring First Nations. In April 2016, the Katzie membership voted not to accept the AIP, and in March 2017, Katzie ratified its community land code.

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, Squamish, Sto:lō, Tsawwassen, Hul'qumi'num, and Tsleil-Waututh.

### **KASKA DENA COUNCIL**

The Kaska Dena treaty table is in Stage 4 negotiations. The Parties are discussing nation-building opportunities and have agreed to focus negotiations on a Kaska land model. The Parties have now concluded the transfer of ITA parcels and continue to implement the amended ITA. TRM funding is supporting economic development planning, land and resource planning, and aerodrome runway designing.

There are approximately 1,045 Kaska Dena members, with traditional territory stretching from north-central BC into Yukon and 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: Acho Dene Koe, Carrier Sekani, Liard, Ross River Dena, Teslin Tlingit, and Tahltan.

### **KLAHOOSE FIRST NATION**

The Klahoose treaty table is in Stage 4 negotiations. This year the Parties are focusing on completing AIP chapters, community engagement work, treaty lands selections, and overlap and shared territory discussions with neighbouring First Nations.

There are approximately 405 Klahoose members, with traditional territory and waters around its main community on Cortes Island, opposite Quadra Island, near Campbell River. Klahoose has overlapping and/or shared territory with its First Nation neighbours: Homalco, Kwiakah, Wei Wai Kum, We Wai Kai, and Tla'amin.

### **LAICH-KWIL-TACH COUNCIL OF CHIEFS**

The Laich-Kwil-Tach (LCC) treaty table is in Stage 4 negotiations. The Parties are collaboratively developing a land and cash proposal and ITA. The table is nearing completion of the AIP chapter language. Key outstanding issues include forestry interests. LCC continues to increasingly engage its members. TRM funding is supporting communications planning and fisheries needs assessment.

There are approximately 1,150 LCC members. LCC is comprised 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: Da'naxda'xw Awaetlala, Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'Namgis, Snaw-naw-AS, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

### **LAKE BABINE NATION**

The Lake Babine (LBN) treaty table is in Stage 4 negotiations. Last year British Columbia and LBN signed a Foundation Pathway Agreement (FPA), setting out their roadmap to reconciliation. The Parties are moving forward with tripartite negotiations, using the FPA as the basis for the discussions, and have decided to conduct these negotiations outside the treaty negotiations process. British Columbia and LBN continue to implement an ITA, which transfers four land parcels for economic opportunities and provides funding to support capacity development.

There are approximately 2,540 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 rivers to the north, including most of Lake Babine. LBN has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitxsan, Wet'suwet'en, and Yekooche.

### **TAKU RIVER TLINGIT FIRST NATION**

The Taku River Tlingit treaty table is in Stage 4 negotiations. This year, the Parties are focusing on community engagement efforts and exploring options to move forward in the treaty process after briefly stepping back from treaty negotiations.

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.

## **TESLIN TLINGIT COUNCIL**

Teslin Tlingit is a self-governing First Nations in the Yukon with traditional territory in British Columbia. The treaty table is in Stage 4 negotiations. This year the Parties reengaged in negotiations in BC after a hiatus of several years. The First Nation signed its Yukon treaty and Self-Government Agreement in 1993.

There are approximately 600 Teslin Tlingit members, with traditional territory and waters spanning the Yukon/BC border. The Teslin Tlingit has overlapping and/or shared territory with its First Nation neighbours: Kaska, Liard, Ross River Dena, Tahltan, and Taku River Tlingit.

## **TLOWITSIS FIRST NATION**

The Tlowitsis treaty table is in Stage 4 negotiations. The Parties are focusing on collaborative development of a land and cash proposal, and are addressing outstanding issues in the AIP chapter language. Key topics of negotiation include cultural heritage and forestry interests. In December 2017, Tlowitsis received an Order in Council designating a new community in Campbell River, Nenagwas Indian Reserve. The creation of this much needed community lands was a result of extensive effort by Tlowitsis and supported by the federal government. TRM funding is supporting communications planning and land selection.

There are approximately 430 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, 'Na-mg-is, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Wei Wai Kum, We Wai Kai, and Kwiakah.

## **TSAY KEH DENE BAND**

The Tsay Keh Dene (TKD) treaty table is in Stage 4 negotiations. The Parties have been focusing on resource revenue sharing, mandates, and outstanding issues in the AIP. TKD continues to regularly engage its members through small group meetings, community meetings, and open houses. TRM funding is supporting migratory birds research.

There are approximately 495 TKD 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, Gitxsan, McLeod Lake, Tahltan, and Treaty 8.

## **TSIMSHIAN FIRST NATIONS (GITGA'AT)**

The Tsimshian First Nations are in varying stages in treaty negotiations. Gitga'at is in Stage 4 negotiations; Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations (see page 39); Metlakatla is in advanced Stage 4 negotiations (see page 43), and Kitasoo/XaiXais does not have active tripartite negotiations.

The Gitga'at treaty table continues to make progress on chapter work, outstanding issues, and land selection discussions. The Parties have been exploring potential co-management and economic development opportunities. Gitga'at continues to engage membership on lands and marine areas of interest, and the Parties have been hosting community and stakeholder engagements.

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, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

### **WEI WAI KUM/KWIAKAH FIRST NATIONS**

The Wei Wai Kum/Kwiah (WKTS) treaty table is in Stage 4 negotiations. The Parties continue to negotiate AIP chapter language and develop a land and cash proposal. The table is focusing on forestry interests and concluding the negotiation of an ITA. Previously, WKTS negotiated with Laich-Kwil-Tach Council of Chiefs. In 2014, WKTS began negotiating at its own treaty negotiations table. TRM funding is supporting community engagement.

There are approximately 855 Wei Wai Kum/Kwiah members. WKTS traditional territory is located around the east-central area of Vancouver Island and mainland coastal watersheds. WKTS represents two communities: Wei Wai Kum and Kwiah. WKTS has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht, Muchalaht, 'Na-mg-is, Snaw-naw-AS, Qualicum, Snuneymuxw, Da'naxda'xw Awaetlala, Tlowitsis, Tla'amin, and We Wai Kai.

### **WET'SUWET'EN HEREDITARY CHIEFS**

The Wet'suwet'en treaty table is in Stage 4 negotiations. The First Nation is extensively engaging its community on governance while working to finalize its constitution, including discussions for integrating the Wet'suwet'en hereditary governance. Last year, the Wet'suwet'en Hereditary Chiefs, elected Chiefs of Witsat (Morice town) and Hagwilget, and British Columbia signed the Wet'suwet'en Service & Jurisdiction Planning Agreement. This agreement commits the Parties to work together to create unique Wet'suwet'en child welfare programs and services that will be exercised within Wet'suwet'en jurisdiction. Canada is joining this important initiative, and an Memorandum of Understanding signing is contemplated for this fall.

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, Morice town, Skin Tyee, and Nee Tahi Buhn. Wet'suwet'en Hereditary Chiefs have overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitxsan, Tsimshian, and Lake Babine.

## STATUS REPORTS: NOT NEGOTIATING

# FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (27)

The following First Nations have not had any significant tripartite activity in the last fiscal year or longer:

### ACHO DENE KOE FIRST NATION

The Acho Dene Koe (ADK) treaty table is in Stage 2. ADK is a trans-boundary First Nation, which to date has been unable to engage British Columbia in treaty negotiations. ADK signed an AIP with Canada and the Northwest Territories in February 2014. There are approximately 695 ADK members, with traditional territory and waters spanning three jurisdictions: BC, Yukon, and Northwest Territories. ADK's main community is Fort Liard, north of the BC-Northwest Territories border, and it maintains a small settlement at François Lake in northern BC. ADK has overlapping and/or shared territory in BC with its First Nation neighbours: Kaska Dena Council, Liard First Nation, Ross River Dena Council, and Fort Nelson.

### ALLIED TRIBES OF LAX KW'ALAAMS

The Lax Kw'alaams treaty table is in Stage 3. There are approximately 3,815 Lax Kw'alaams members, with traditional lands and waters located on the northwest coast of BC around Port Simpson, Prince Rupert and the Skeena River. Lax Kw'alaams has overlapping and/or shared territory with its First Nation neighbours: Haisla, Gitxaala, Kitselas, Kitsumkalum, Metlakatla, and Nisga'a.

### CARRIER SEKANI TRIBAL COUNCIL

The Carrier Sekani treaty table is in Stage 4. There are approximately 6,950 Carrier Sekani members, with traditional territory and waters in north-central BC. The eight Tribal Council communities include Ts'il Kaz Koh, Nadleh Whut'en, Nak'azdli, Saik'uz, Stellat'en, Takla, Tl'azten, and Wet'suwet'en First Nation. The Carrier Sekani Tribal Council has overlapping and/or shared territory with its First Nation neighbours: Gitxsan, Kaska Dena Council, Liard, Ross River Dena, Lake Babine, Lheidli T'enneh, Tsay Keh Dene, Wet'suwet'en Hereditary Chiefs, and Yekooche.

### CHAMPAGNE AND AISHIHIK FIRST NATIONS

The Champagne and Aishihik treaty table is in Stage 4. There are approximately 900 Champagne and Aishihik members, with traditional territory and waters spanning the Yukon/BC border. Champagne and Aishihik have overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish First Nation and Taku River Tlingit.

### CHESLATTA CARRIER NATION

The Cheslatta Carrier treaty table is in Stage 3. There are approximately 355 Cheslatta members, with traditional territory and waters encompassing the area around Ootsa and Eutsuk lakes in central BC. Cheslatta has overlapping and/or shared territory with its First Nation

neighbours: Carrier Sekani Tribal Council, and Wet'suwet'en.

### **COUNCIL OF THE HAIDA NATION**

The Haida treaty table is in Stage 4. There are approximately 4,665 Haida members from the two communities of Masset and Skidegate, with traditional lands and waters encompassing Haida Gwaii. Haida has overlapping and/or shared territory with its First Nations neighbours: Heiltsuk and Tsimshian.

### **ESK'ETEMC FIRST NATION**

The Esk'etemc treaty table is in Stage 4. There are approximately 985 Esk'etemc members, with traditional territory and waters centred around Alkali Lake, southwest of Williams Lake. Esk'etemc has overlapping and/or shared territory with its First Nation neighbours the Secwepemc Nations.

### **HAISLA NATION**

The Haisla treaty table is in Stage 4. There are approximately 1,890 Haisla members, with traditional lands and waters on the west coast of BC near Kitimat. Haisla has overlapping and/or shared territory with its First Nation neighbours: Allied Tribes of Lax Kw'alaams, Gitxsan Hereditary Chiefs, Gitxaala, Heiltsuk, Nisga'a, Nuxalk, Tsimshian First Nations, and Wet'suwet'en Hereditary Chiefs.

### **HEILTSUK NATION**

The Heiltsuk treaty table is in Stage 4. There are approximately 2,415 Heiltsuk members, with traditional lands and waters around its main community on Campbell Island and extending across the central coast. Heiltsuk has overlapping and/or shared territory with its First Nation neighbours: Haida, Haisla, Nuxalk, Tsimshian, and Wuikinuxv.

### **HUPACASATH FIRST NATION**

The Hupacasath treaty table is in Stage 4. There are approximately 330 Hupacasath members, with traditional territory and waters located in the Port Alberni area. Hupacasath has overlapping and/or shared territory with its First Nation neighbours: Nuuchahnulth Tribal Council, Uchucklesaht, Ucluelet, Tla-o-qui-aht, and Tseshaht.

### **HWLITSUM FIRST NATION**

The Hwlitsum treaty table is in Stage 2. There are approximately 230 Hwlitsum members, with traditional territory and waters located in the Lower Mainland, Gulf Islands and a portion of Vancouver Island. Hwlitsum has overlapping and/or shared territory with its First Nation neighbours: Cowichan, Halalt, Lyackson, Musqueam, Penelakut, Semiahmoo, Sencot'en, Stz'uminus, and Tsawwassen.

### **KWAKIUTL NATION**

The Kwakiutl treaty table is in Stage 4. There are approximately 790 Kwakiutl members, with traditional territory and waters around its main community in Fort Rupert and extending along the northeastern shores of Vancouver Island. Kwakiutl has overlapping and/or shared territory with its First Nation neighbours: Gwa'Sala-Nakwaxda'xw, 'Namgis, Quatsino, Da'naxda'xw Awaetlala, and Tlatlasikwala.

### **LIARD FIRST NATION**

The Liard treaty table is in Stage 2. There are approximately 1,195 Liard members, located primarily in the Yukon, with traditional territory and waters spanning southeast Yukon, and extending into north-central BC and the Northwest Territories. Liard First Nation has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani Tribal Council, Kaska Dena Council, Ross River, and Tahltan.



## **MCLEOD LAKE INDIAN BAND**

The McLeod Lake treaty table is in Stage 2. There are approximately 550 McLeod Lake members, with traditional lands and waters north of Prince George. McLeod Lake Indian Band has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Necoslie, Tsay Keh Dene, West Moberly, Salteaux, and Halfway River.

## **MUSQUEAM NATION**

The Musqueam treaty table is in Stage 4. There are approximately 1,390 Musqueam members, with traditional territory and waters spanning the Greater Vancouver area. Musqueam has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, Hwlitsum, Kwikwetlem, Katzie, Squamish, Sto:lo, Tsawwassen, and Tsleil-Waututh.

## **'NAMGIS NATION**

The 'Namgis treaty table is in Stage 4 negotiations. There are approximately 1,855 'Namgis members, with traditional territory at the north end of Vancouver Island, extending from the Nimpkish watershed to the east and west. 'Namgis 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, We Wai Kai, Wei Wai Kum, Kwiakah, and Dzawada'enuxw.

## **NAZKO FIRST NATION**

The Nazko treaty table is in Stage 4 negotiations. There are approximately 385 Nazko members, with traditional territory and waters extending from Quesnel to Prince George. Nazko has overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Lhtako Dene, Lhoozk'us Dene, and Alexandria.

## **NUU-CHAH-NULTH TRIBAL COUNCIL**

The Nuu-chah-nulth treaty table is in Stage 4. There are approximately 3,175 Nuu-chah-nulth members, with traditional territories and waters spanning much of the west coast of Vancouver Island. Nuu-chah-nulth Tribal Council comprises of Ehattesaht, Hesquiaht, Mowachacht/Muchalaht, Nuchatlaht, and Tseshaht First Nations. Nuu-chah-nulth Tribal Council has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hupacasath, Huu-ay-aht, Ka:'yu:'k't'h'/Che:k'tles7et'h', Toquaht, Uchucklesaht, and Ucluelet.

## **QUATSINO FIRST NATION**

The Quatsino treaty table is in Stage 4. There are approximately 545 Quatsino members, with traditional lands and waters around the north end of Vancouver Island. Quatsino has overlapping and/or shared territory with its First Nation neighbours: Kwakiutl, and Tlatlasikwala.

## **ROSS RIVER DENA COUNCIL**

The Ross River Dena treaty table is in Stage 2. There are approximately 545 Ross River members located primarily in the Yukon, with traditional territory and waters ranging from the southeast Yukon into north central BC and the Northwest Territories. Ross River Dena Council has overlapping and/or shared territory with its First Nation neighbours: Acho Dene Koe, Carrier Sekani Tribal Council, Kaska Dena Council, Liard, and Tahltan.

## **SECHELT INDIAN BAND**

The Sechelt treaty table is in Stage 4. There are approximately 1,390 Sechelt members, with traditional lands and waters located around the Sechelt Peninsula. Sechelt has overlapping and/or shared territory with its First Nation neighbours: Snaw-naw-AS, Squamish, and Tla'amin.

## **SNUNEYMUXW FIRST NATION**

The Snuneymuxw treaty table is in Stage 4 negotiations. There are approximately 1,790 Snuneymuxw members, with traditional territory and waters extending across eastern Vancouver Island, including Nanaimo, Gabriola, and Mudge Islands, and other islands in the Nanaimo watershed. Snuneymuxw has overlapping and/or shared territory with its First Nation neighbours: Snaw-naw-AS, Nuu-chah-nulth Tribal Council, and Stz'uminus.

## **SQUAMISH NATION**

The Squamish treaty table is in Stage 3. There are approximately 4,200 Squamish members, with traditional territory and waters ranging from the Lower Mainland to Howe Sound and the Squamish valley watershed. Squamish has overlapping and/or shared territory with its First Nation neighbours: Sechelt, Katzie, In-SHUCK-ch, Musqueam, Sto:lo, Tsleil-Waututh, We Wai Kai, and Lil'wat.

## **TLA-O-QUI-AHT FIRST NATIONS**

The Tla-o-qui-aht treaty table is in Stage 4 negotiations. 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.

## **TLATLASIKWALA NATION**

The Tlatlasikwala treaty table is in Stage 4 negotiations. 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:

Gwa'Sala-'Nakwaxda'xw, Kwakiutl, 'Namgis, and Quatsino.

## **TSIMSHIAN FIRST NATIONS (KITASOO/XAIXAIS)**

The Tsimshian First Nations are in varying stages in treaty negotiations. Kitasoo/XaiXais does not have active tripartite negotiations; Kitselas and Kitsumkalum negotiate together and are in Stage 5 negotiations (see page 39); Metlakatla is in advanced Stage 4 negotiations (see page 43) and Gitga'at is in Stage 4 negotiations (see page 47).

The five Tsimshian First Nations total approximately 3,580 members. Kitasoo/XaiXais has approximately 520 members. Its traditional territories and waters span 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 Tsleil-Waututh treaty table is in Stage 4 negotiations. There are approximately 580 Tsleil-Waututh members, with traditional territory around North Vancouver and the Lower Mainland. Tsleil-Waututh has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, In-SHUCK-ch, Katzie, Kwikwetlem, Musqueam, Squamish, Tsawwassen and Stó:lō.

## **WESTBANK FIRST NATION**

The Westbank treaty table is in Stage 4. There are approximately 860 Westbank members, with traditional lands and waters located in the Kelowna area. Westbank has overlapping and/or shared territory with its First Nation neighbours: Lower Nicola, Penticton, Ktunaxa, and Okanagan Nation Alliance.

# ABOUT THE BC TREATY COMMISSION



PHOTO MELODY CHARLIE

NEGOTIATIONS, TREATIES, RECONCILIATION,  
UN DECLARATION



## FACILITATING RECONCILIATION

### PRINCIPALS AND PARTIES

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

In 1991, the three Principals accepted the 19 recommendations of the BC Claims Task Force Report. The recommendations called for the creation of the Treaty Commission and the six-stage made-in-BC treaty negotiations process. Both were officially established in 1992 when the Principals signed the BC Treaty Commission Agreement.

The Treaty Commission is not a party to the negotiations and does not negotiate treaties. The Parties to the negotiations are the Government of Canada, the Government of British Columbia, and individual or collective First Nations. The First Nations Summit is not a Party to treaty negotiations, but is a Principal, and a forum for First Nations in the negotiations.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and currently supported by 10 staff members.

Operating costs of the Treaty Commission are funded by the federal and provincial governments. The Government of Canada contributes 60 per cent and the Government of British Columbia contributes 40 per cent. In the 2017/18 fiscal year, operating funding was \$2.55 million.

### MANDATE

The Treaty Commission has three main roles:

- Facilitating treaty negotiations, including assisting the Parties in finding solutions and resolving disputes;
- Allocating negotiation support funding to enable First Nations to participate in negotiations; and
- Educating the public and providing information about treaty negotiations.

Independence is central to the mandate of the Treaty Commission. Fair and impartial negotiations are essential to the BC treaty negotiations process. This is consistent with the right to fair, independent, impartial, and transparent mechanisms to assist with the recognition of Indigenous rights as set out in the UN Declaration (Article 27).

At the start of 2018, the three Principals, implementing a recommendation in their May 2016 report *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*, issued a document clarifying the roles and responsibilities of the Treaty Commission. The document strengthens the Treaty Commission's mandate: "Through its role in facilitating treaty negotiations, BCTC will support the implementation of the UN Declaration, the TRC's 94 Calls to Action, the federal Principles, and the recognition of First Nations rights and title."

The Treaty Commission welcomes this strengthened mandate. Treaties fairly negotiated and honourably implemented are the best

Treaties fairly negotiated and honourably implemented are the best expression of reconciliation.

expression of reconciliation. Modern treaties recognize and protect First Nations title and rights, and establish shared sovereignty with the Crown, through constitutionally protected agreements. Modern treaties, and the BC treaty negotiations process, is a living example of the right to self-determination, and the UN Declaration's right to free, prior and informed consent.



MELODY CHARLEY PHOTO

The BC Treaty Commission is the only tripartite statutory body in the country whose mandate is to support reconciliation.



AMANDA LALIBERTE PHOTO

## INDEPENDENT FACILITATOR

The Treaty Commission is the only tripartite statutory body in the country whose mandate is to support reconciliation. Now, this mandate includes the implementation of the UN Declaration, the TRC's 94 Calls to Action, the federal Principles, and the recognition of First Nations title and rights.

The BCTC Agreement and associated legislation state that the primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of the negotiations.

To do this, the Treaty Commission:

- Assists the Parties in developing solutions and in resolving disputes;
- Encourages timely negotiations and progress towards milestones;
- Ensures fair, effective, and impartial negotiations;
- Assists First Nations with resolving overlapping and shared territory issues;
- Observes and reports on negotiations progress;
- Facilitates negotiations and convenes important meetings;
- Reports publicly on opportunities and obstacles; and
- Works with the Principals on improving the treaty negotiations process.

Commissioners and staff are involved in an increasing number of facilitation initiatives. This is a result of several 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 negotiations;
- Increased importance of resolving First Nations overlapping and shared territory issues, and complex consultations between the Crown and First Nations affected by overlaps; and
- Increased dialogue within and among First Nations, especially in multi-community First Nations, with respect to issues of shared territory, governance, and capacity.



## FUNDING

The Treaty Commission is the independent funding authority for treaty negotiations in BC, implementing a key recommendation from the Task Force Report and is set out in the BCTC Agreement and associated legislation. Negotiation support funding is allocated to ensure First Nations have sufficient resources to negotiate with Canada and BC.

In the 2018 budget, the federal government announced that going forward it would replace loans with non-repayable contribution funding for First Nations participating in modern treaty negotiations. This change to 100 per cent contribution funding for First Nations for treaty negotiations is being implemented. Through this transition the federal government has maintained its commitment to the Task Force Report and the Treaty Commission continues to oversee the allocation of the funding.

Canada also indicated in the budget that it will explore how to address existing negotiation loans, including loan forgiveness. The Treaty Commission recently made a submission to the federal government to move forward with loan forgiveness, as a key step for rights recognition and reconciliation.

Over the past 25 years, the Treaty Commission has allocated approximately \$730 million in negotiation support funding; \$567 million of that funding was loans and \$163 million was contributions. Since negotiations began in May 1993 until the 2017/18 fiscal year, the Treaty Commission allocated both loans and non-repayable contribution funding to 60 First Nations. Allocations were made up of a maximum of 80 per cent loans and a minimum of 20 per cent non-repayable contribution funding.

At March 31, 2018, outstanding negotiation loans totalled approximately \$550 million (excluding accrued interest). Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Tla'amin

In the 2018 budget, the federal government announced that going forward it would replace loans with non-repayable contribution funding for First Nations participating in modern treaty negotiations. This change to 100 per cent contribution funding for First Nations for treaty negotiations is being implemented.



AMANDA LALIBERTE PHOTO

Nation, Toquaht Nation, Tsawwassen First Nation, Uchucklesaht Tribe, and Yuułuꞵiꞵaꞵ First Nation have begun to repay their negotiation loans under the terms of the treaties.

## PUBLIC EDUCATION AND INFORMATION

The Treaty Commission provides public information on treaty negotiations and on its role in supporting treaty-making in BC. 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 provide specific information on the progress of the treaty table.

To fulfill this mandate role the Treaty Commission:

- Reports on the status of treaty negotiations throughout the year through various avenues, including online and in-person presentations, and consolidates this information in the annual report;
- Engages the public on treaty negotiations at conferences, tradeshows, special events, community forums, meetings, and schools;
- Educates and engages youth on reconciliation through negotiations;
- Meets with federal and provincial departments to advocate for the importance of treaty negotiations in fulfilling Canada and BC's constitutional obligations;
- Creates and distributes publications to share best practices with First Nations and the public, such as the Ratification Guide and the HR Capacity Tool Kit;
- Organizes and hosts 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;
- 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; and
- Engages with the public using social media channels such as Facebook, Instagram, Youtube, and Twitter.



CANADIAN PRESS PHOTO

# COMMISSIONERS



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# BCTC COMMISSIONERS

Celeste Haldane  
**CHIEF COMMISSIONER**



**CELESTE HALDANE** was appointed in April 2017. Prior to this, she served as an elected Commissioner for three two-year terms commencing in 2011.

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 the first Indigenous chair of the Legal Services Society. She is a director of Brain Canada and the Hamber Foundation. Celeste is an active member of the Canadian Bar Association, and a member and director of 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. Celeste is the proud mother of three and grandmother of two.

Tom Happynook  
**COMMISSIONER**



**TOM HAPPYNOOK** was appointed by the British Columbia in February 2015, and is currently serving a second two-year term. He is from Huu-ay-aht First Nations and is the Head Hereditary Whaling Chief.

Huu-ay-aht is one of five communities included within Maa-nulth First Nations, which has been implementing its modern treaty since April 1, 2011. Tom played a significant role in the negotiation 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 2007. He then took on the role of Treaty Implementation Team Leader from 2009 to 2011 to ensure the Nation had a smooth transition to self-governance.

Tom was a firefighter for 16 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 by the First Nations Summit for a second two-year term beginning in March 2017. He is from Tla-o-qui-aht First Nations on the west coast of Vancouver Island. He is trained as a 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 Councilor for 14 years, negotiator for 10 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 nation.

Tanya Corbet  
**COMMISSIONER**



**TANYA CORBET** was elected by the First Nations Summit for a one-year term beginning in February 2018. She is a member of Tsawwassen First Nation (TFN) and is serving her first term as an elected Executive Councillor. She has worked for the TFN Government for 18 years, and has held key roles with the Treaty Team and the TFN Economic Development Corporation.

The TFN treaty is BC's first modern treaty negotiated through the made-in-BC treaty negotiations process. Tanya was involved in the negotiations and implementation of the treaty. Her role in the TFN Government has encompassed strategic communications, media relations, government relations, and internal and external communications. Tanya's reputation as a consummate professional has also led to working with private sector companies to help facilitate project partnerships with First Nations.

Tanya is a board member of the Delta Hospital and Community Health Foundation, and has served as Vice Chair to the Kwantlen Polytechnic University Board of Governors and as a Director of the Reach Foundation. Tanya studied at the University of Northern BC and holds a Public Relations Associate Certificate from BCIT. She resides on the Tsawwassen Lands with her two children.

Mary-Ann Enevoldsen  
**COMMISSIONER**



**MARY-ANN ENEVOLDSEN** was appointed by the Government of Canada to a two-year term beginning in May 2018. She is from Homalco First Nation, and was the first woman to be elected Chief, a role she held for three years after serving as councillor for 11 years.

Since 1993, Mary-Ann has been involved in treaty negotiations and has extensive experience in various roles, including negotiating shared territory agreements with First Nations neighbours. She is an advocate for cultural revitalization and ensuring Homalco traditional knowledge and practices are passed down to the next generation.

Mary-Ann is married to Marcus Enevoldsen and has two sons and five grandchildren.



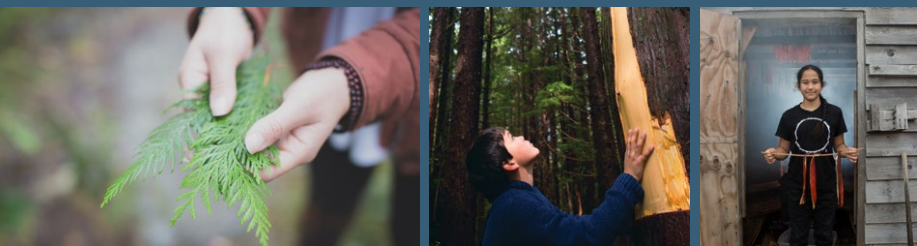
## ABOUT THE PHOTOGRAPHY

This year, the BCTC asked photographers from across BC to share their work, with a focus on Indigenous Peoples' traditional use of the land. For inspiration, we selected Article 25 of the United Nations Declaration on the Rights of Indigenous People:

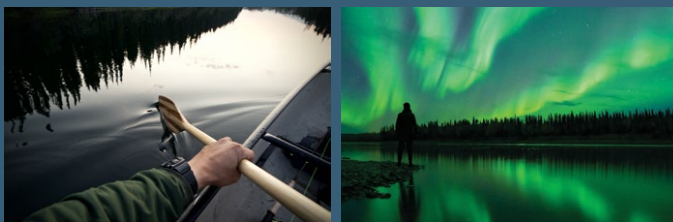
*Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*

We are pleased to present the work of three photographers: Melody Charlie, Ryan Dickie, and Amanda Laliberte.

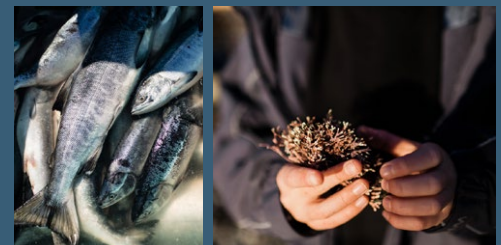
To share your work with us, please contact [info@bctreaty.ca](mailto:info@bctreaty.ca)



**MELODY CHARLIE**, born and raised in Ahousat and proudly calling Nuuchahnulth home, has been capturing light beams and beings since the early 1990s. Having worked most of her life in healing, she's naturally drawn to the strengths and medicines of Indigenous beings across Turtle Island. Culture, songs, ceremony and learning her language offered some much needed healing after the loss of her children's father. Losing him became a journey of finding her. Finding her led to the strengths and stories of First Peoples, through the lens, straight to the heart and back to our roots. [melodycharlie.com](http://melodycharlie.com)



**RYAN DICKIE** is an Indigenous photographer based in Fort Nelson. Born with strong lineage of Dene and Kwakwaka'wakw decent, he is most at home traversing the remote wilderness that encompasses his ancestral homelands. Through his formative imagery style, Ryan takes great pride in showcasing his place in the world to others, striving to produce work that is both contemporary and holds true to the rugged beauty and simplicity of life in the north. [winterhawkstudios.com](http://winterhawkstudios.com)



Born in Saskatoon, **AMANDA LALIBERTE** is Metis with her father's ancestry coming from the government settlement of Green Lake, SK. She graduated from the University of Victoria in 2009 with an honours degree in Fine Arts, and in 2011 undertook a diploma at the Western Academy of Photography. She is also a contributor to the online collaborative Tea and Bannock – Indigenous Women & Photography. Amanda currently resides with her family by the water, as guests on the traditional territories of the Lkwungen and WSÁNEĆ peoples. [amandalaliberte.com](http://amandalaliberte.com)

BACK COVER: RYAN DICKIE PHOTO

Graphic design: Nadene Rehnby and Pete Tuepah, Hands on Publications





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