

TE'MEXW TREATY ASSOCIATION TRIPARTITE NEGOTIATIONS
Implementation Chapter

Without Prejudice, For Discussion Purposes Only, Subject to Internal and Caucus Review
This document represents the work of the Parties to date. It contains no admissions and is subject to change. It will not be
tendered or relied upon in any Court proceeding.

April 2, 2008

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DEFINITIONS

“Effective Date” means the date upon which the Final Agreement takes effect;

“Final Agreement” means the final agreements between each Te'mexw Member First Nation, Canada, and British Columbia;

“Parties” means each of the Te'mexw Member First Nations, Canada, and British Columbia and
“Party” means any one of them;

“Te'mexw Member First Nation” means any of the five collectivities of a Te'mexw Member First Nation People;

“Te'mexw Member First Nation Indian Band” means any of Beecher Bay Indian Band, Malahat First Nation, Nanoose First Nation, Songhees First Nation, and T'Sou-ke First Nation each of which is a Band and **“Te'mexw Member First Nation Indian Bands”** means every Te'mexw Member First Nation Indian Band;

“Te'mexw Member First Nation People” means those individuals who are eligible to be enrolled under the Final Agreement in accordance with the Eligibility and Enrolment Chapter.

GENERAL

1. Before initialing the Final Agreement, the Parties will conclude an Implementation Plan for each Te'mexw Member First Nation that will take effect on the Effective Date and have a term of 10 years, unless renewed or extended on the recommendation of the Implementation Committees.

IMPLEMENTATION PLAN

2. The Implementation Plan will set out:
 - a) its purposes;
 - b) the obligations of the Parties under the Final Agreement;
 - c) the activities to be undertaken to fulfill those obligations and the responsible Party;
 - d) the timelines, including when activities will be completed;

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- e) how the Implementation Plan may be amended;
 - f) how the Implementation Plan may be renewed or extended; and
 - g) other matters as the Parties may agree.
3. The Implementation Plan will not:
- a) form part of the Final Agreement;
 - b) be a treaty of land claims agreement;
 - c) recognize or affirm aboriginal or treaty rights within the meaning of sections 25 or 35 of the *Constitution Act, 1982*;
 - d) create legal obligations;
 - e) alter any rights or obligations set out in the Final Agreement;
 - g) preclude any Party from asserting that rights or obligations exist under the Final Agreement even though they are not referred to in the Implementation Plan; or
 - h) used to interpret the Final Agreement.

IMPLEMENTATION WORKING GROUP

4. During Final Agreement negotiations, the Parties will establish an implementation working group with representation from each Te'mexw Member First Nation Indian Band, Canada, and British Columbia which will:
- a) develop the Implementation Plan referred to in paragraph 2 before the initialing of the Final Agreement;
 - b) develop a list of activities that the Parties must complete before the Effective Date; and
 - c) discuss implementation funding (this does not imply an obligation to provide funding on the part of any Party).

IMPLEMENTATION COMMITTEES

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5. On the Effective Date, the Parties will establish tripartite Implementation Committees for each of the Te'mexw Member First Nations. Each of these Implementation Committees will have a term of 10 years which may be renewed or extended by agreement of the Parties.
6. The Implementation Committees will be comprised of one member from Canada, one member from British Columbia, and one member from the Te'mexw Member First Nation, but additional representatives of a Party may participate in meetings to support or assist its members in carrying out that member's responsibilities on the Implementation Committee.
7. The Implementation Committees will:
 - a) provide a forum for the Parties to discuss the implementation of the Final Agreement;
 - b) establish its own procedures and operating guidelines;
 - c) provide for the periodic review of the Implementation Plan;
 - d) recommend revisions to the Implementation Plan;
 - g) develop a communications strategy in respect of the implementation and content of the Final Agreement;
 - h) provide for the preparation of annual reports on the implementation of the Final Agreement;
 - i) before the expiry of the Implementation Plan, advise the Parties on further implementation measures required and recommend whether the Implementation Plan should be renewed or extended; and
 - j) undertake other activities as the Parties may agree.