

TE'MEXW TREATY ASSOCIATION TRIPARTITE NEGOTIATIONS
Ratification of the Final Agreement 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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RATIFICATION OF THE FINAL AGREEMENT

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DEFINITIONS

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

“Minister” means, in relation to any matter, the Minister or Ministers of the Crown having the responsibility, from time to time, for the exercise of powers in relation to the matter in question and includes a person with authority to act on behalf of the relevant Minister in respect of the matter in question;

“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 Constitution” means the constitution of a Te'mexw Member First Nation provided for in the Governance Chapter;

“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. The Final Agreement will be legally binding once ratified by all of the Parties in accordance with the Ratification Chapter of the Final Agreement.
2. The Final Agreement will be submitted to the Parties for ratification as set out in the Final Agreement after it has been initialed by the Chief Negotiators for Canada and British Columbia and the Negotiator for each Te'mexw Member First Nation.

RATIFICATION COMMITTEE

3. The Parties will establish a Ratification Committee to be responsible for the ratification process for each Te'mexw Member First Nation and will include a person appointed by Canada and at its discretion a person appointed by British Columbia.
4. The Ratification Committee will:

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- a) prepare and publish a preliminary list of eligible voters in accordance with the relevant provisions of this agreement;
- b) prepare a list of addresses of eligible voters;
- c) implement a process to ensure the completeness and accuracy of the preliminary list of eligible voters, including providing a means for persons claiming an entitlement to vote to be considered for inclusion, so that the preliminary list of eligible voters can become the Official Voters List;
- d) prepare and publish the Official Voters List;
- e) determine the number and location of on-reserve and off-reserve polling stations and the means by which the polling will be conducted;
- f) determine the means by which mail-in and advance polling, if any, will be conducted;
- g) prepare and approve official information packages describing:
 - i. the terms of the Final Agreement;
 - ii. the ratification process;
- h) approve the means by which the official information packages will be distributed to eligible voters;
- i) set the question to be posed on the ballot and the form of the ballot;
- j) hire qualified persons to conduct the polling;
- k) set the general directions governing the conduct of the polling by the persons designated to conduct the polling;
- l) set the general directions governing the counting of the ballots, the appointment of scrutineers, the conduct of recounts, the retention and destruction of ballots;
- m) set the date of and conduct the ratification vote;
- n) count the ballots and, if necessary, any recount of the ballots;

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- o) perform any other function agreed upon by the Parties related to the ratification of the Final Agreement.
- 5. The Ratification Committee will make decisions by consensus, provided that where a Ratification Committee is unable to decide a question by consensus, decisions will be made by majority vote.

RATIFICATION BY TE'MEXW MEMBER FIRST NATIONS

- 6. An eligible voter will be a person who:
 - a) is Enrolled in accordance with the Eligibility and Enrolment Chapter of this Agreement;
 - b) is 18 years of age or older on the day of the ratification vote; and
 - c) meets any other criterion set out in this Agreement.
- 7. Ratification of the Final Agreement by each Te'mexw Member First Nation requires:
 - a) that Te'mexw Member First Nation eligible voters have a reasonable opportunity to review the Final Agreement prior to the vote;
 - b) a vote, by way of secret ballot;
 - c) that a majority of eligible voters vote in favour of the Final Agreement;
 - d) ratification of each Te'mexw Member First Nation Constitution through the process set out in paragraph 10 of this chapter; and
 - e) the Final Agreement be signed by the authorized representative of each Te'mexw Member First Nation.

RATIFICATION BY CANADA

- 8. Ratification of the Final Agreement by Canada requires:
 - a) that the Final Agreement be signed by a Minister authorized by the federal Cabinet; and

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- b) the coming into force of federal legislation giving effect to the Final Agreement.

RATIFICATION BY BRITISH COLUMBIA

- 9. Ratification of the Final Agreement by British Columbia requires:
 - a) that the Final Agreement be signed by a Minister authorized to do so; and
 - b) the coming into force of provincial legislation giving effect to the Final Agreement.

RATIFICATION OF THE TE'MEXW CONSTITUTIONS

- 10. Ratification of the Te'mexw Member First Nation Constitutions by each Te'mexw Member First Nation requires:
 - a) eligible voters of each Te'mexw Member First Nation will have a reasonable opportunity to review their respective Te'mexw Member First Nation Constitution prior to the vote;
 - b) a vote, by way of a secret ballot; and
 - c) that a majority of eligible voters vote in favour of adopting the Te'mexw Member First Nation Constitution.