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Treaty Negotiations With the Te'Mexw Treaty Association



Ministry of
Aboriginal Relations
and Reconciliation

Agenda

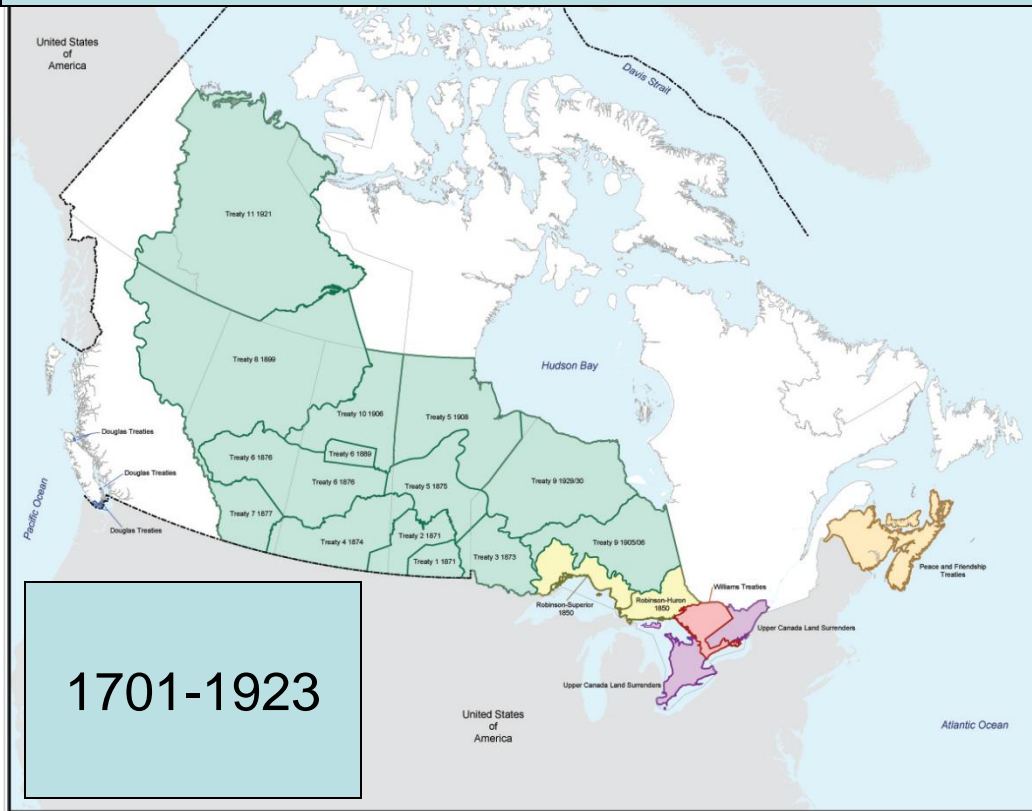
1. Treaty-making in Canada and BC
2. BC Treaty Process
3. Status of negotiations with TTA
4. Consultation Activities
5. Your Turn

Treaty-making in Canada and British Columbia

What are Treaties?

- Legally binding, constitutionally protected agreements
- Define currently undefined Aboriginal rights
- Provide certainty
- Define rights and obligations of all parties
- Foundation for new working relationship

Historical treaties of Canada



Treaty-making in Canada

- Royal Proclamation of 1763 sets policy
- Treaties encouraged peaceful relations
- Few treaties signed west of Rockies
- 14 Douglas Treaties on Vancouver Island
- Treaty 8 in northeastern BC

Modern treaty-making

- Last historic treaty signed in 1923
- Calder Decision in 1973 led to modern treaty-making
- Canada adopted new land claims policy
- Negotiations commenced with Nisga'a and First Nations north of 60
- Courts encourage governments to find negotiated solutions

BC Treaty Process

- 1993 - BC Treaty Commission established
- 1998 - Nisga'a Final Agreement completed
- 47 sets of negotiations today -- over 70% of all First Nations in BC
- 2007 - Tsawwassen and Maa-nulth agreements receive Royal assent

Why negotiate treaties?

- Historical – Complete unfinished business
- Legal – Court decisions
- Economic – Create certainty
- Social – Close socio-economic gap

BCTC Process

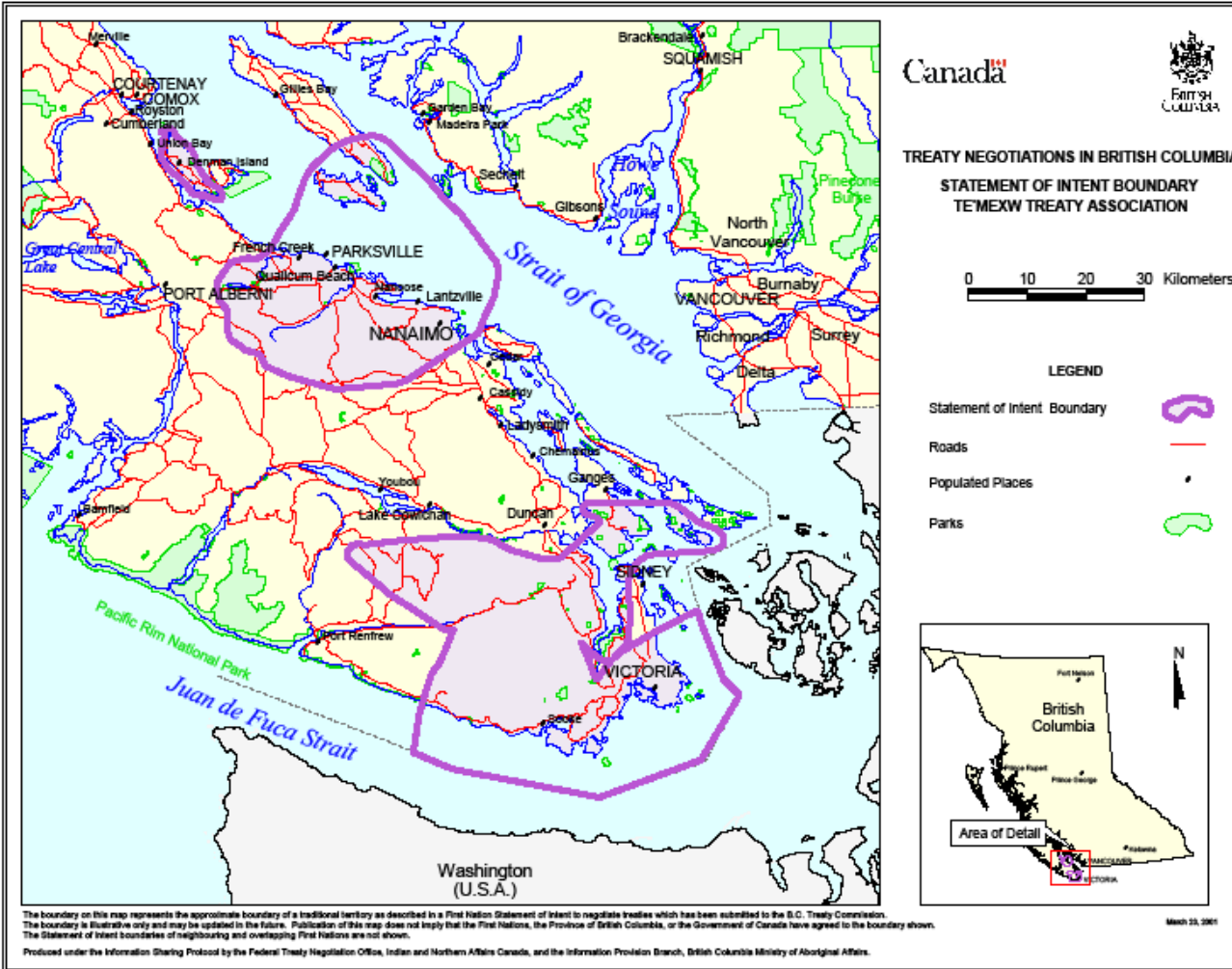
1. Submit Statement of Intent
2. Complete readiness
3. Negotiate Framework Agreement
4. Negotiate Agreement-in-Principle (AiP)
5. Negotiate Final Agreement
6. Implement treaty

Te'mexw Treaty Association (TTA)

Which First Nations?

- Beecher Bay First Nation
- Malahat First Nation
- Nanoose First Nation
- Songhees First Nation
- T'Sou-ke First Nation

Traditional territories



Te'mexw in Stage 4

1. Submit Statement of Intent
2. Complete readiness
3. Negotiate Framework Agreement
- 4. Negotiate Agreement-in-Principle**
5. Negotiate Final Agreement
6. Implement treaty

Steps and timing

- Complete the Agreement-in-Principle
 - make an offer
 - TTA community consultation and ratification
 - signing
- Negotiate the Final Agreement
 - TTA community consultation and ratification
 - BC Legislature ratifies
 - Parliament ratifies
- Implementation

Douglas Treaties

- 14 treaties affecting 358 square miles of land on Vancouver Island
- Negotiated between 1850 and 1854
- Included in the BCTC process:
 - Equitable treatment in development of new relationship
 - Consistent management systems across the province
 - Greater certainty by defining rights

Main Components of the Treaty

- 26 chapters – topics from General Provisions to Parks and Protected Areas
- First Nation Governance
- Land component
- Cash and Financial Considerations

Major Issues

- Land and land use -- scarcity, suitability, pressures
- Reconciliation of Douglas Treaty rights e.g. certainty and “fishing as formerly”
- Opportunities off Treaty Settlement Lands
- Economic development
- Capacity building

Benefits

- Certainty for all
- Resolution of long-standing claims
- Economic development and stability
- First Nations as full partners
- Self-determination for First Nations
- Framework for dispute resolution

Consultation

Purpose of Consultation

- Ensure negotiators are fully aware of potential issues and implications
- Build support for negotiations and ultimate treaty
- Help ensure negotiations and treaty are a positive force within communities

Consultation & Public Information

- Consultation with neighbouring First Nations
- Meet with Local Governments
- Stakeholder meetings
- Public meetings

Your Turn

- Your questions and concerns
- Your input and advice
- Your assistance and support