

A banner at the top of the slide features a traditional Indigenous carving of a face on the left, a portion of the Union Jack flag in the center, and a stylized Indigenous figure on the right.

# Te'mexw Treaty Association Negotiations

Apr 5, 2023



# PRESENTERS

## **B.C. Ministry of Indigenous Relations and Reconciliation**

Christie Harvie, Acting Chief Negotiator

Rebecca Penz, Director, Consultation and Engagement

Stephen Winn, Negotiator

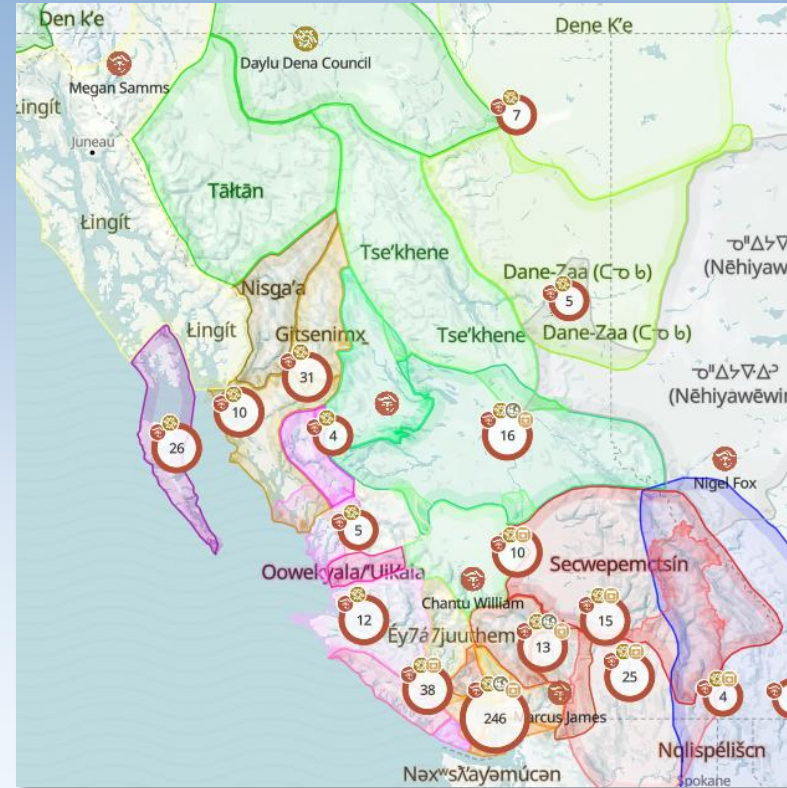


## Presentation Overview

- Reconciliation –Why, What, How?
- Negotiations in BC
- Te'mexw Treaties Overview
- Panel: Questions & Answers

# Indigenous Peoples in BC

- 270,000+ Indigenous people in BC
- First Nations, Métis and Inuit
- 204 First Nations in B.C. (600 in Canada)
- Culturally and linguistically diverse
  - 34 distinct languages and 90 dialects
- Sophisticated cultures, relationships and systems of laws
- Few historic treaties in B.C.



# Historic Treaties in BC

## Few historic treaties:

- Douglas Treaties, Vancouver Island (1850 – 1854)
- Treaty 8, Northeast B.C. (1899)



# Reconciliation – Why?

Colonial policies and programs, including the Indian Act, Indian residential schools, and the 60s scoop, have impacted all aspects of Indigenous life:

- culture and social structures
- exercise of rights
- access to lands, resources, services and economic opportunities
- overall health and wellness (including inter-generational trauma and death)



# Reconciliation – What?

A paradigm shift in thinking and action that involves:



Ultimately, it's about partnering to make a better BC



# Reconciliation – How?

- An on-going, dynamic journey
- Flexible, responsive, context-specific
- Renewed fiscal relationship
- Negotiating long-term agreements  
(Indigenous self-determination/economic independence)
- Shared initiatives to improve quality of life
- Partnering to manage land and resources





# Negotiating Agreements

## Agreement Types

- Treaties
- Reconciliation Agreements
- Shared decision-making agreements
- Other agreements:
  - revenue and benefit sharing
  - socio-economic initiatives
  - land use plans
  - collaborative stewardship agreements
  - and more



## Agreement Topics

- Rights and title
- Governance
- Land & land use
- Economic development
- Revenue sharing
- Environmental stewardship
- Wildlife & fisheries
- Natural resources
- Decision-making
- Culture and heritage

# United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) & the Declaration Act



2007  
Adopted by UN  
General Assembly

2016 & 2017  
Canada and B.C.  
support UNDRIP

2019  
Adopted by BC  
under the  
Declaration Act

2021  
Adopted by  
Canada under  
UNDRIP Act

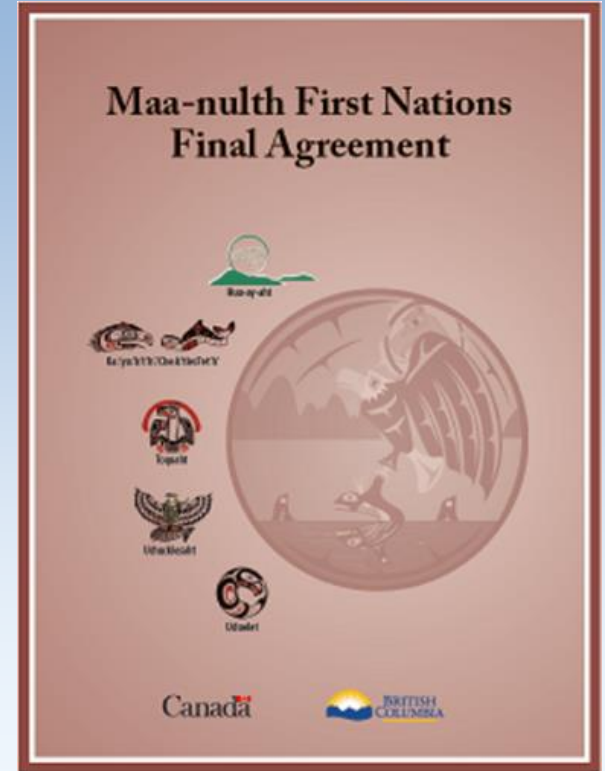
Comprehensive human rights instrument that recognizes Indigenous peoples' right to self-determination and to “freely pursue their economic, social and cultural development”

# Negotiations Alignment with UNDRIP & the Declaration Act



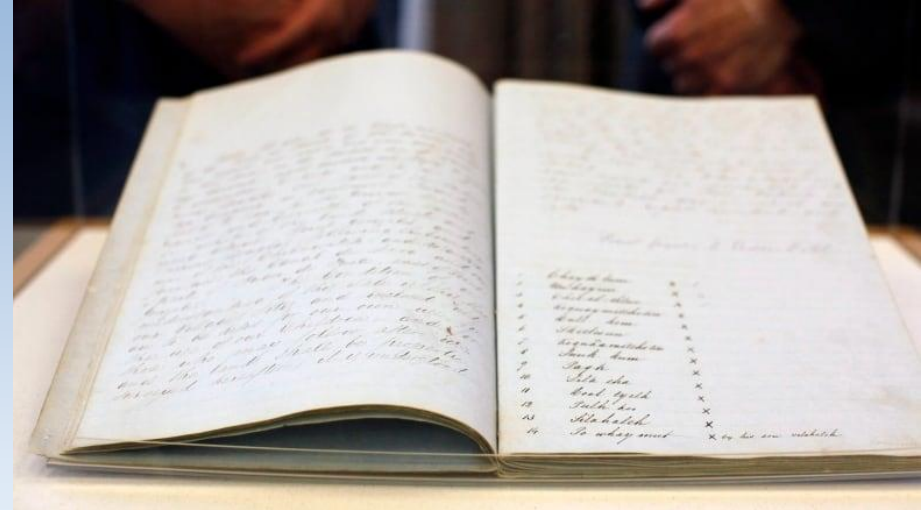
# Modern Treaties in BC

- Most comprehensive form of reconciliation
- Since 2000, 4 treaties implemented (8 FN)
- New treaties are living agreements



# Douglas Treaties

- 14 treaties around Victoria, Saanich, Sooke, Nanaimo and Port Hardy
- Douglas Treaties: First Nations retain right to fish and hunt as per formerly (held up in Court)



- New agreements (treaties, reconciliation agreements, etc.) will co-exist with Douglas Treaties

# Te'mexw Treaties Overview



- Five Nations—Malahat, Beecher Bay (SC'IA/NEW), Songhees, Snaw-Naw-As (Nanoose), T'Sou-ke—are negotiating treaties at a common table
- These treaties are intended to encourage investment, create jobs, expand economic development, and support social well-being for Te'mexw Treaty Nations and the entire Region



Looking back

**1995** Treaty negotiations

**2015** Agreement-in-Principle

**2023**

Next steps



Negotiations  
Continue



Close of  
Negotiations



Membership of  
Each Nation Votes  
on Constitution  
and Treaty



B.C. and Canada  
pass Te'mexw  
Treaty Legislation



Treaty  
Effective Date

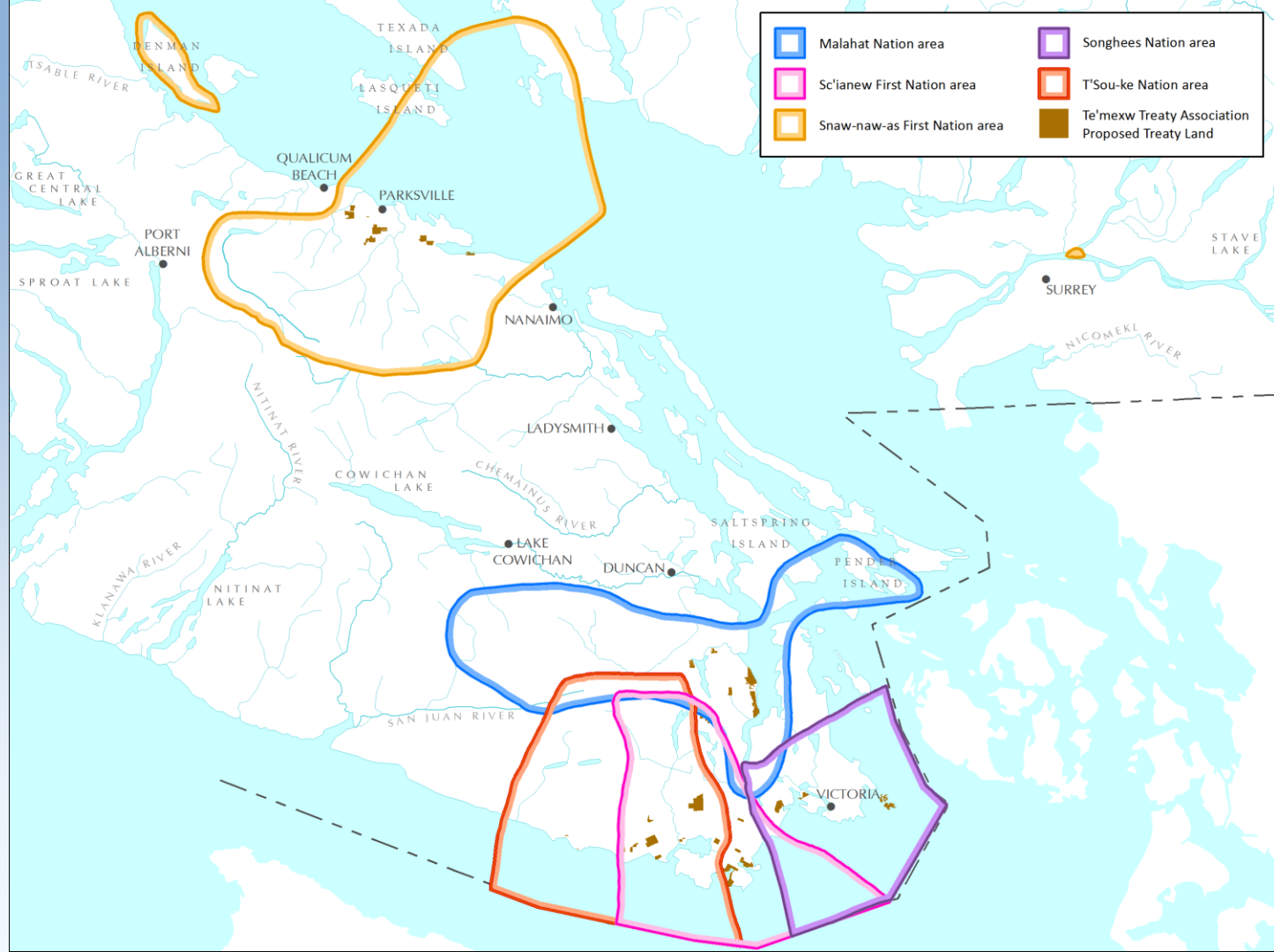


# Overview

These treaties will:

- Recognize pre-existing rights and title of First Nations
- Return lands to First Nations
- Establish First Nations self-government
- Provide predictability
- Provide ongoing governance funding
- Include a one-time cash transfer
- Create opportunity for the power of taxation by the First Nation on their treaty land
- Identify co-management/shared decision-making opportunities in Te'mexw territories

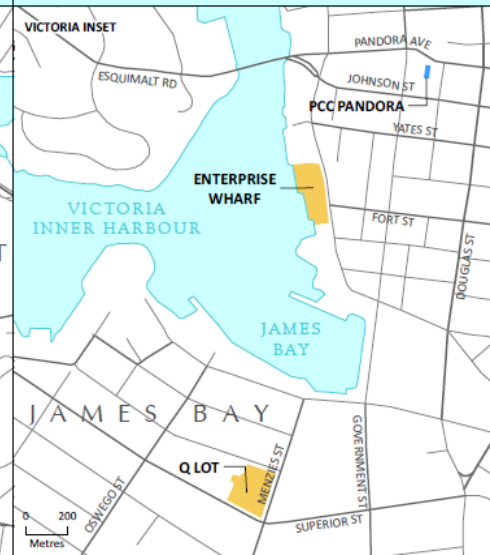
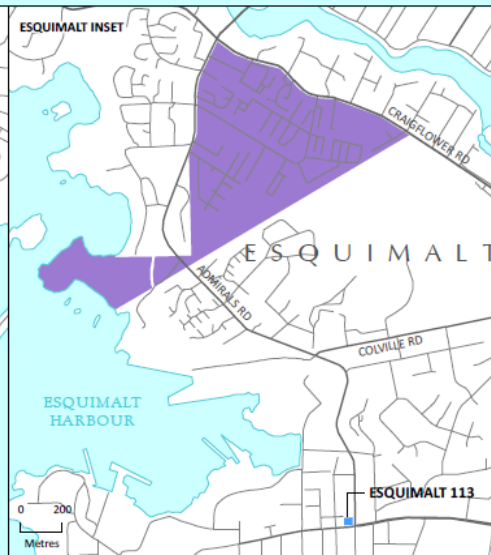
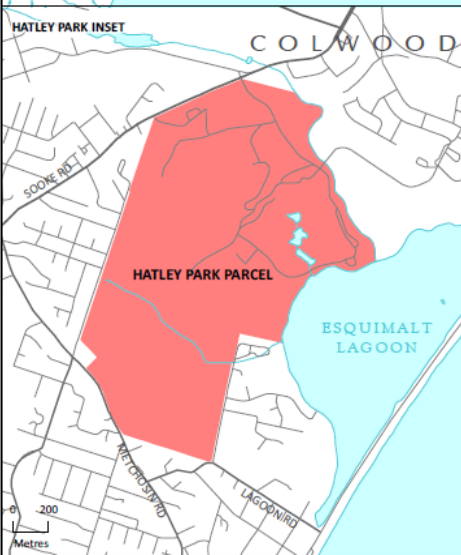
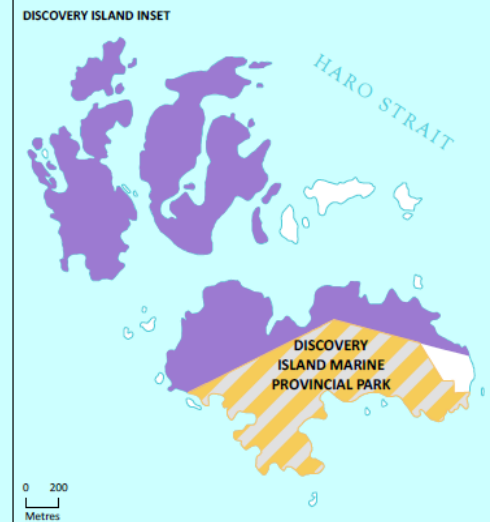
**Statement of Intent:**  
First Nations  
Identified Territory  
with all Treaty Land

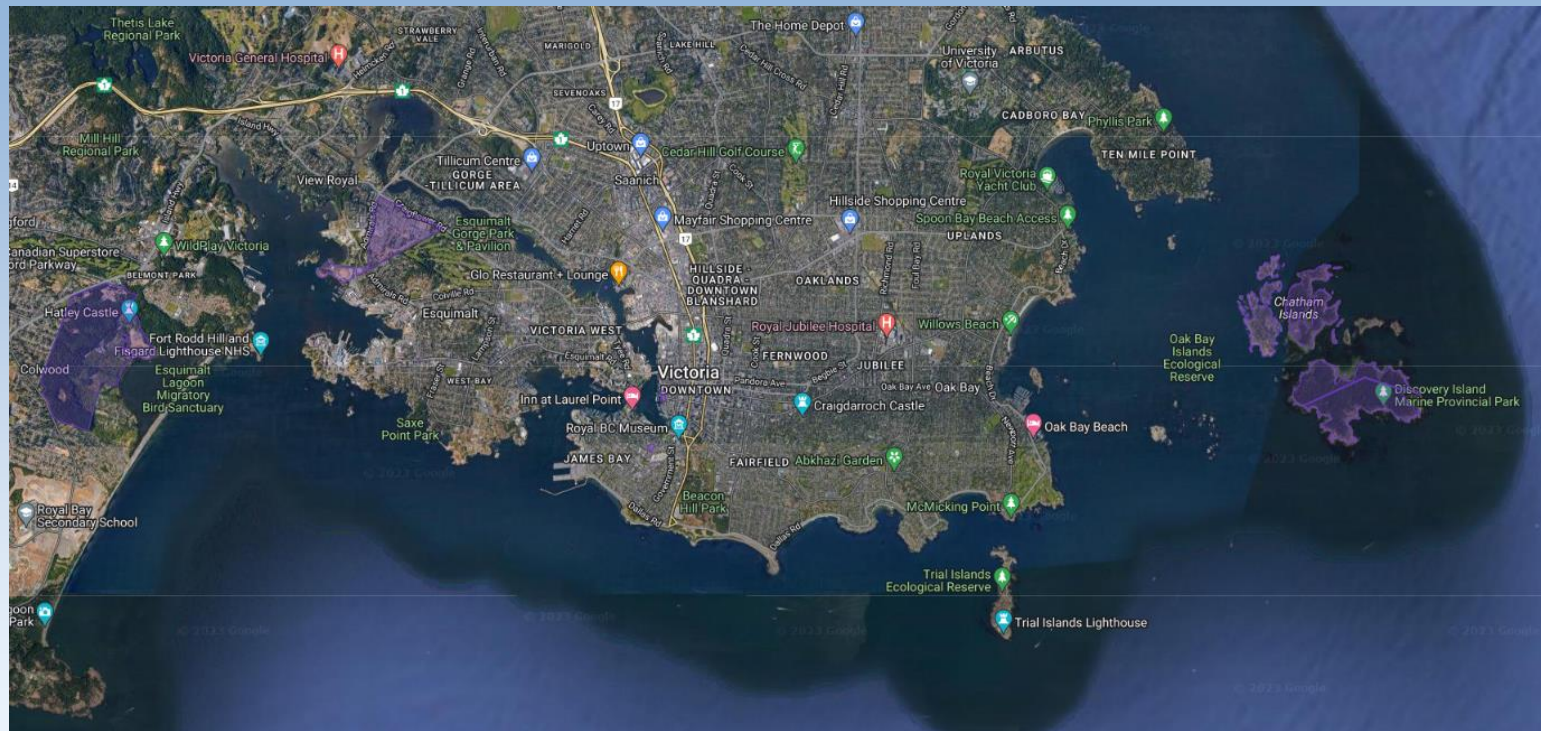


## **Proposed Treaty Lands**

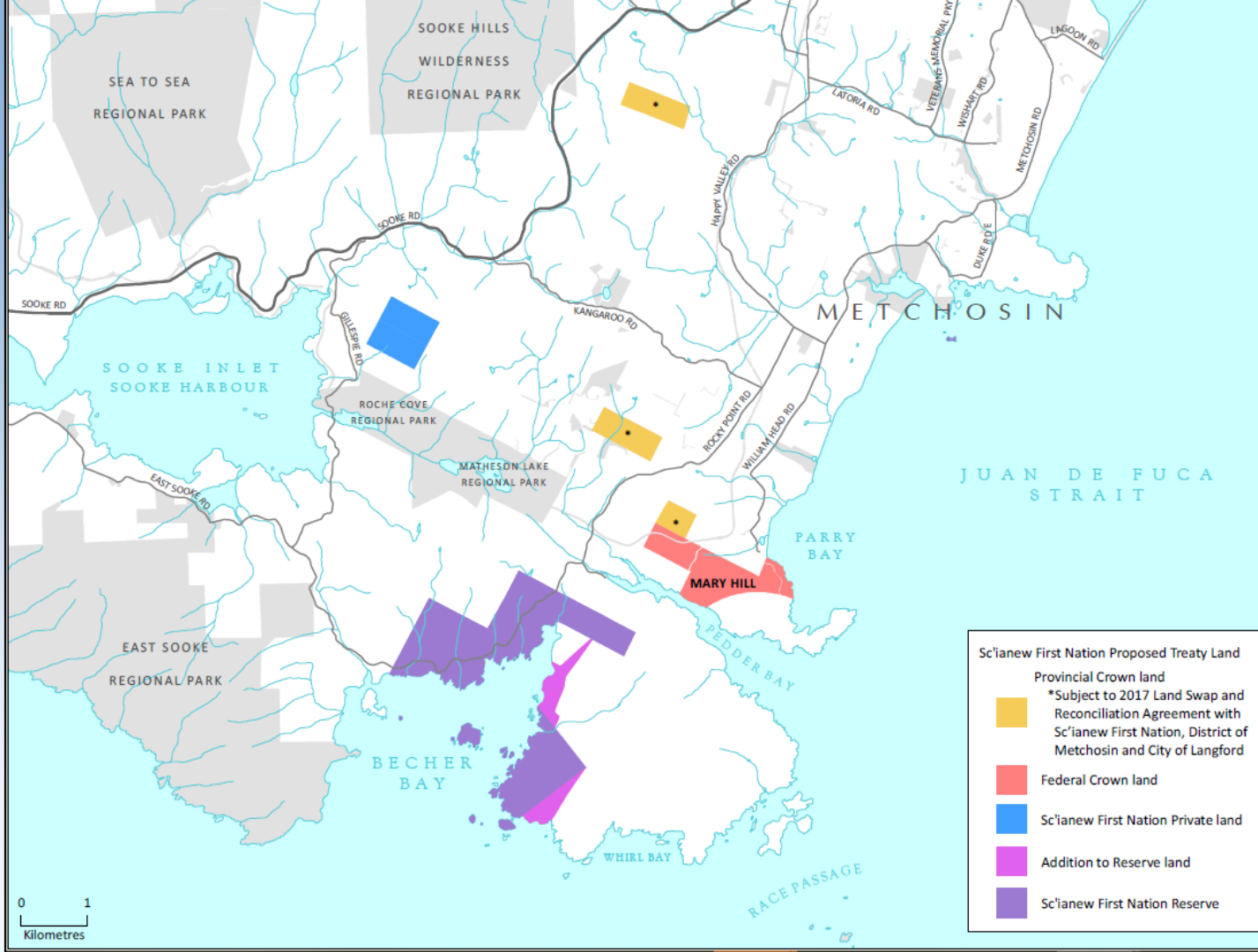
- The following maps show lands proposed to become Treaty Lands for the five Te'mexw Nations.
- The land package depicted on these maps is subject to conclusion of the Te'mexw Treaty negotiations and fulfilling consultation obligations.

## Songhees Nation: Proposed Treaty Lands

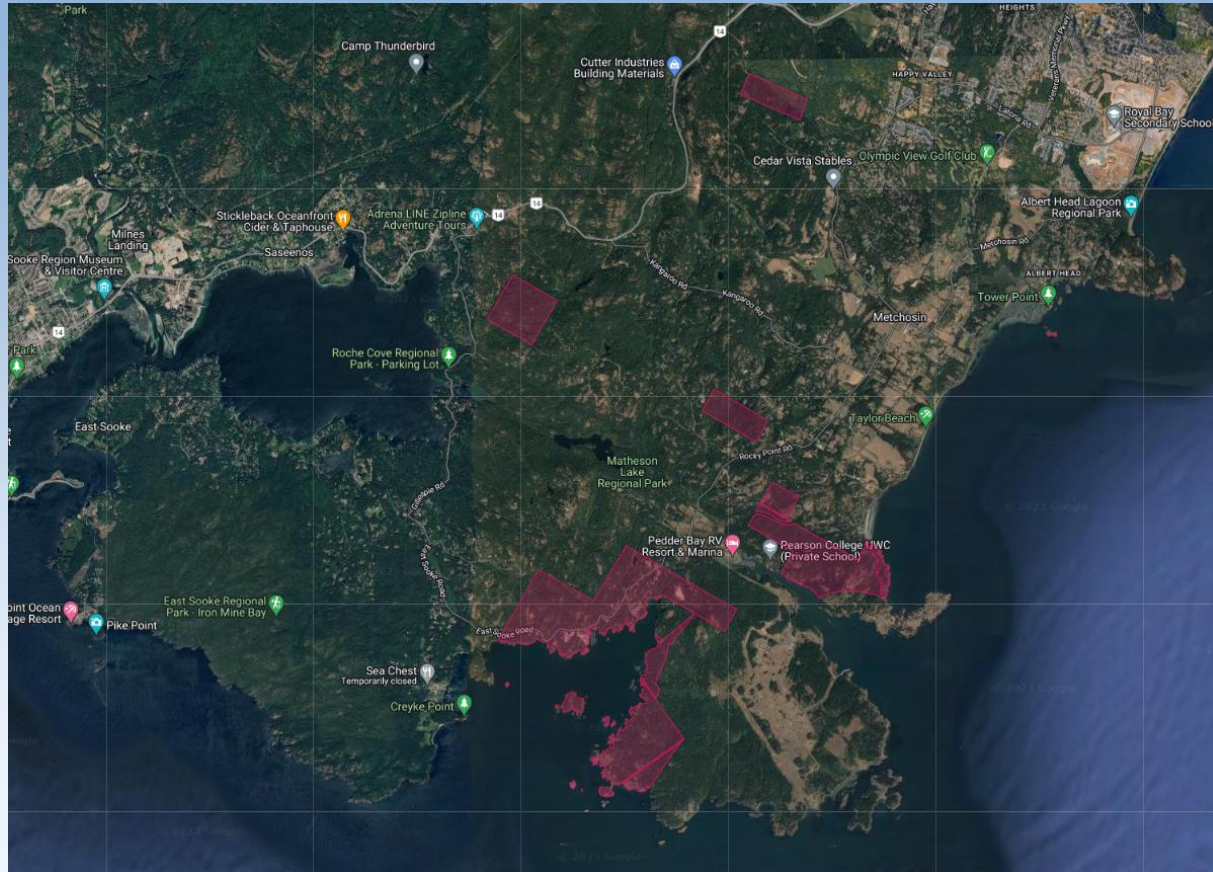




## Beecher Bay (SC'IA/NEW): Proposed Treaty Lands

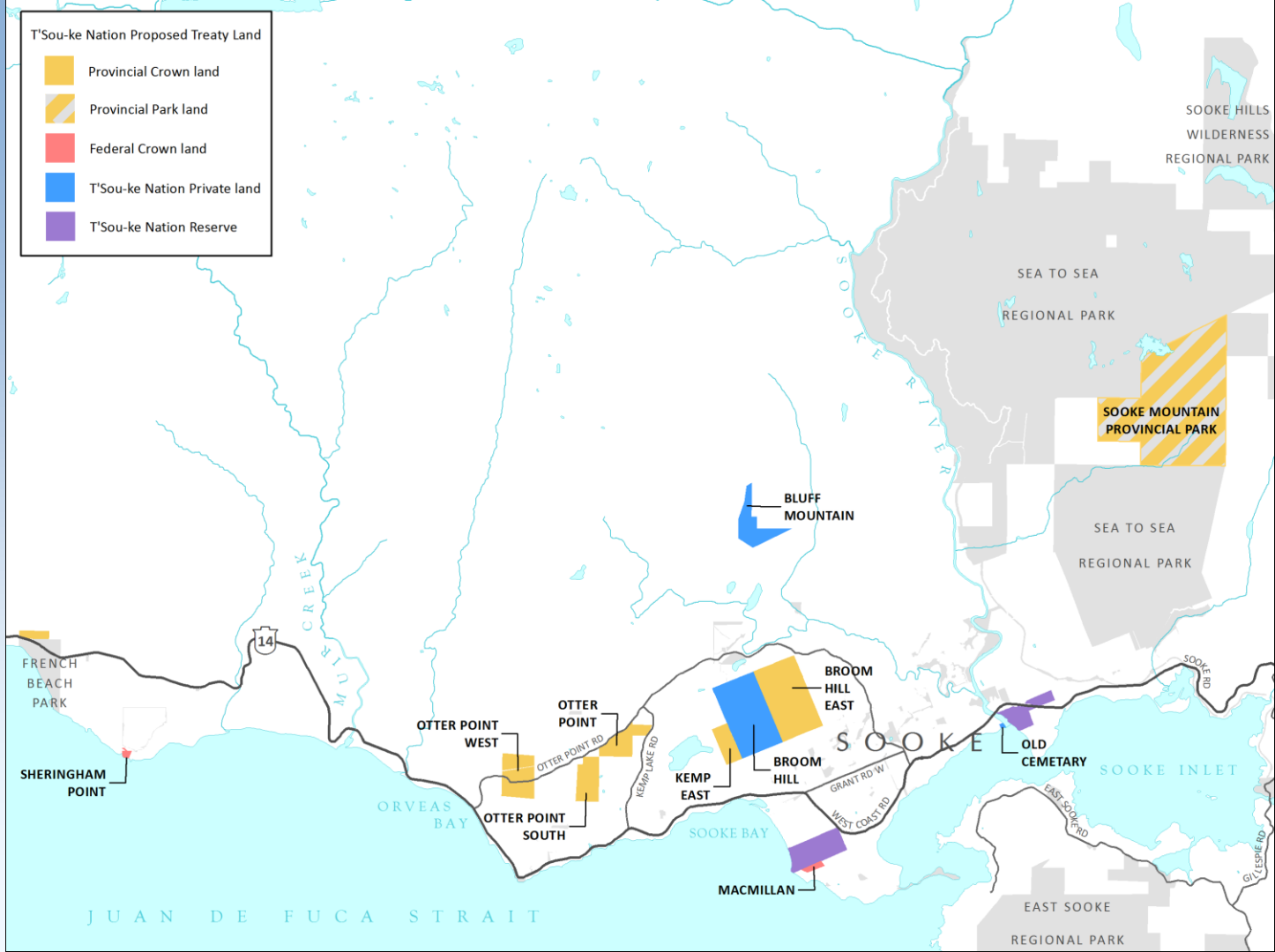






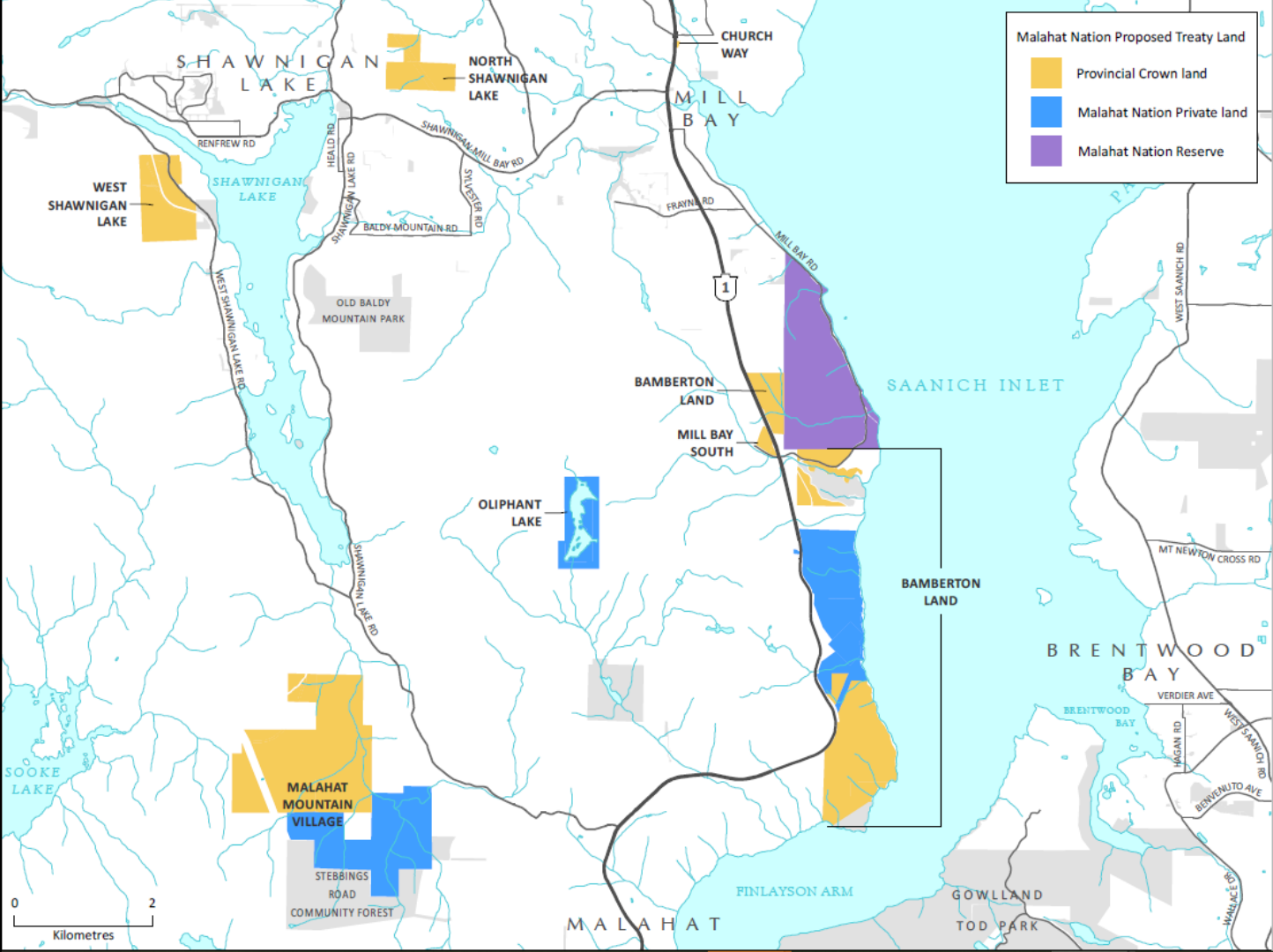


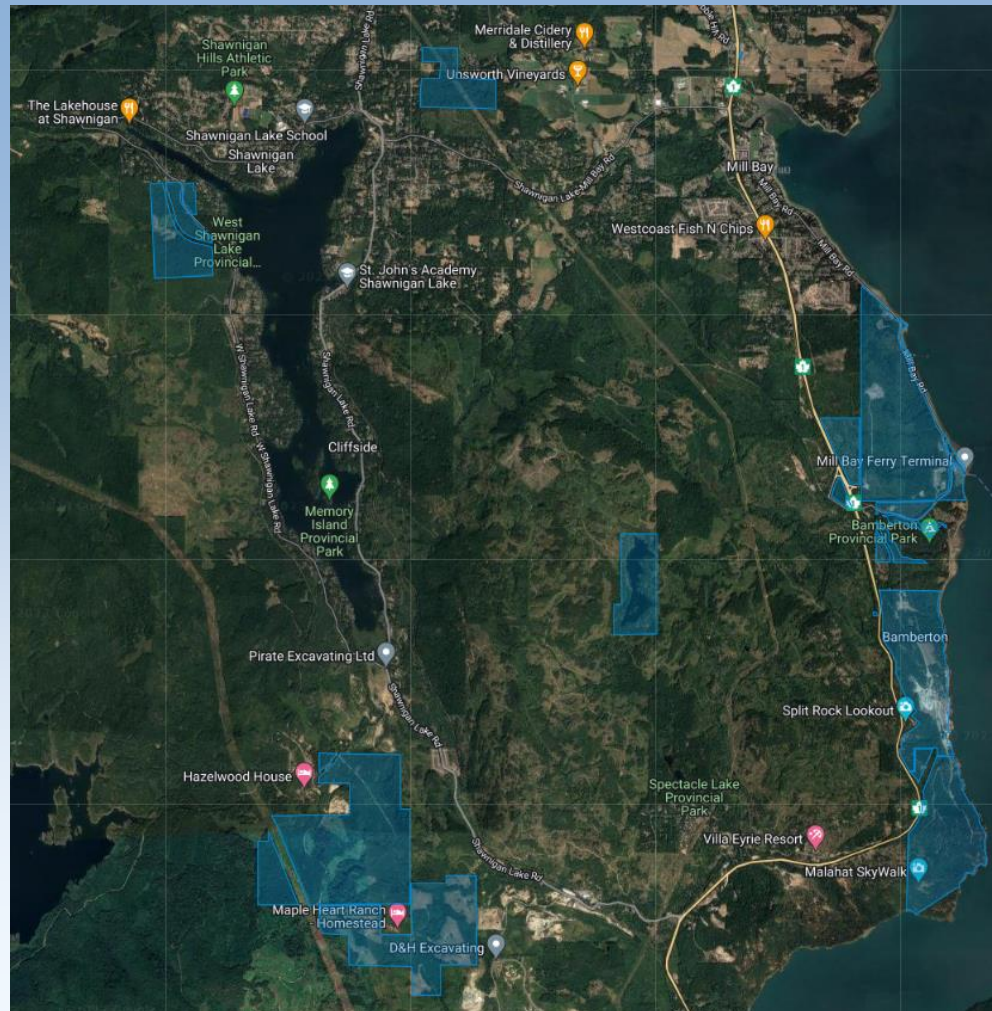
## T'Sou-ke Nation: Proposed Treaty Lands





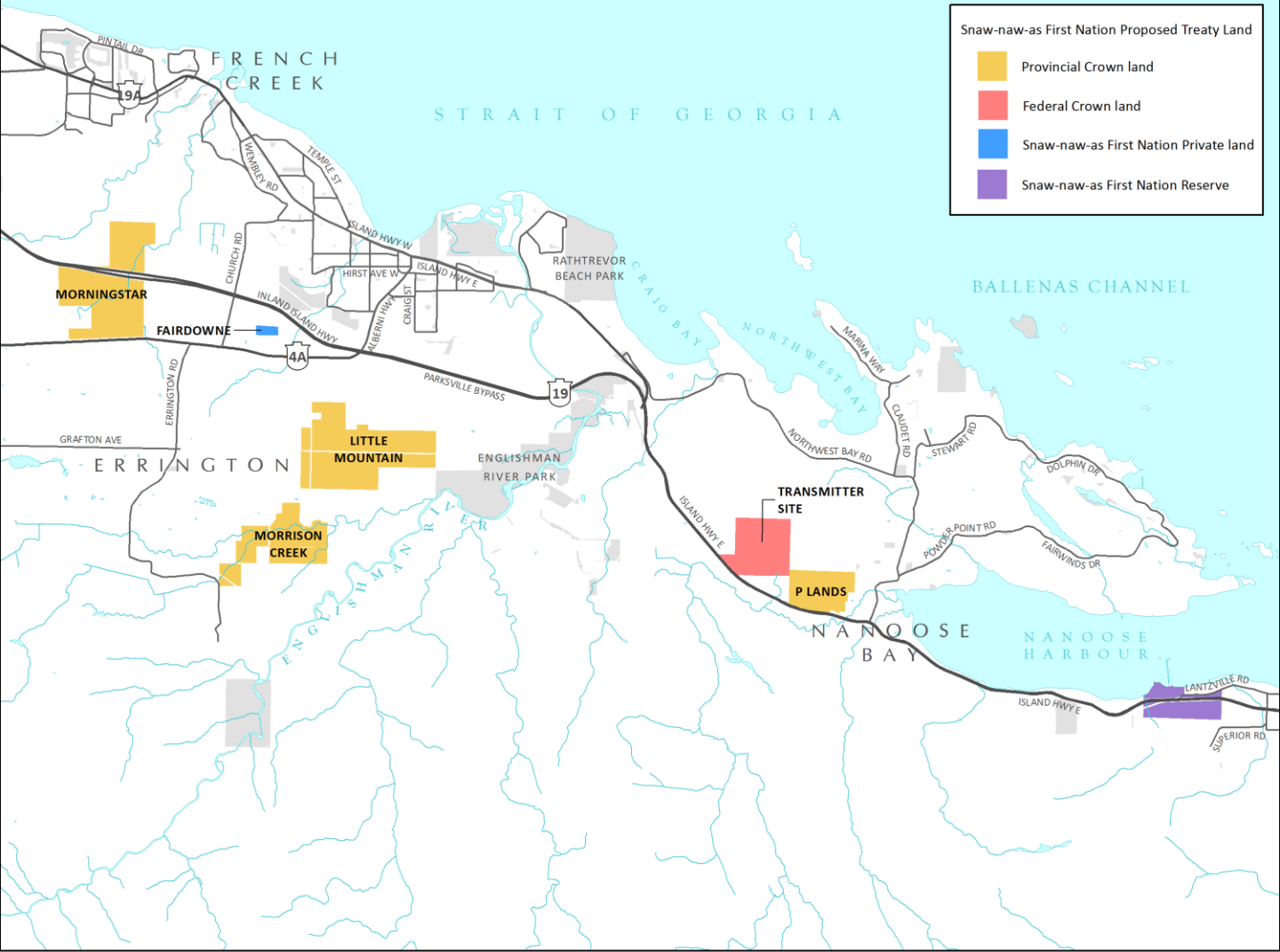
**Malahat Nation:**  
Proposed Treaty Lands







**Snaw-Naw-As (Nanoose  
First Nation):  
Proposed Treaty Lands**





# Treaty Lands vs Reserve Lands



## Reserve Lands

- Owned by federal government
- Decision-making limited

## Treaty Lands

- Owned in fee-simple by Treaty Nation
- Treaty Nation government has jurisdiction



All existing reserve lands become Treaty Lands



# Self-Governance

- Inherent right of First Nations to self-govern and make laws (in accordance with treaty)
- First Nations may create laws when prepared to exercise authority (otherwise general laws apply)



## Law-making Authorities include

- Lands and Resources
- Adoption
- Child protection services
- Aboriginal healers
- Health services
- Family and social services
- Marriage
- Childcare
- Language and Culture
- Kindergarten to Grade 12 education
- Post-Secondary education
- Heritage

**Sign-Up for Te'mexw Treaty Updates:**

[www.engage.gov.bc.ca/temexw-treaty-negotiations](http://www.engage.gov.bc.ca/temexw-treaty-negotiations)

# QUESTIONS?

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Type questions in the Q&A forum:

- ▶ Focus on questions of broad interest
- ▶ Challenge ideas, not people