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

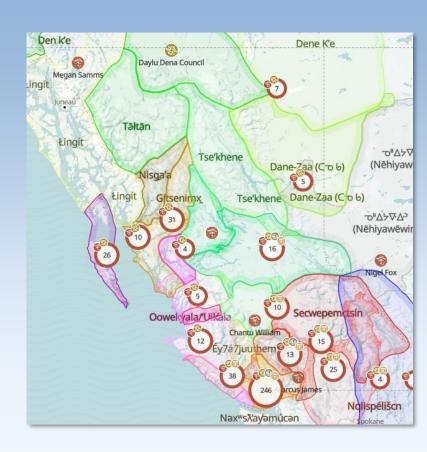


Presentation Overview

- 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

• Indigenous Governing Bodies Treaties Self-Determination • Comprehensive Reconciliation Agreements • Self-Government Agreements Shared Decision-Making Agreements Addressing Free, Prior, Approaches to Co-Management and Informed Consent • Land Use Planning Recognition of Rights • Continuing rights vs. modification or extinguishment of rights **Approach** Evolving Relationship

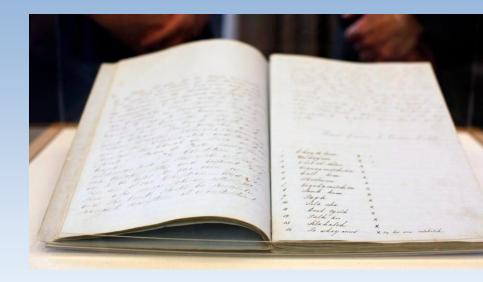
Modern Treaties in BC

- 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



- 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



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

TEXADA Malahat Nation area Songhees Nation area TSABLE RIVER LASQUETI Sc'ianew First Nation area T'Sou-ke Nation area Te'mexw Treaty Association Snaw-naw-as First Nation area Proposed Treaty Land QUALICUM CENTRAL PARKSVILLE LAKE PORT ALBERNI SPROAT LAKE SURREY NANAIMO LADYSMITH COWICHAN SALTSPRING COWICHAN DUNCAN ISLAN SAN JUAN RIVER VICTORIA

STAVE

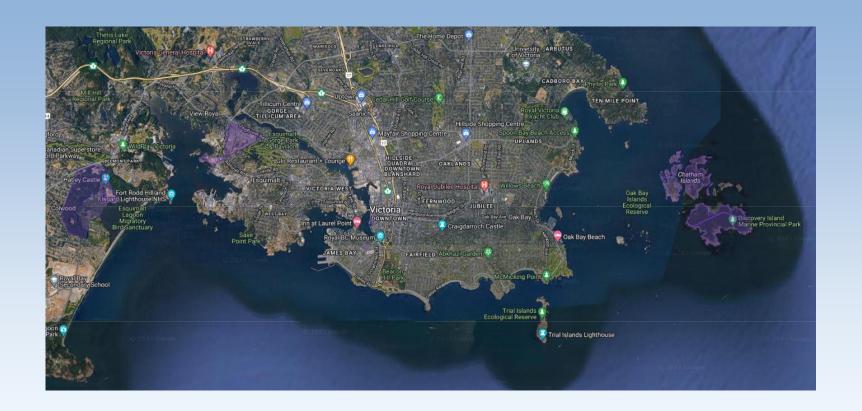
Statement of Intent:

First Nations Identified Territory with all Treaty Land

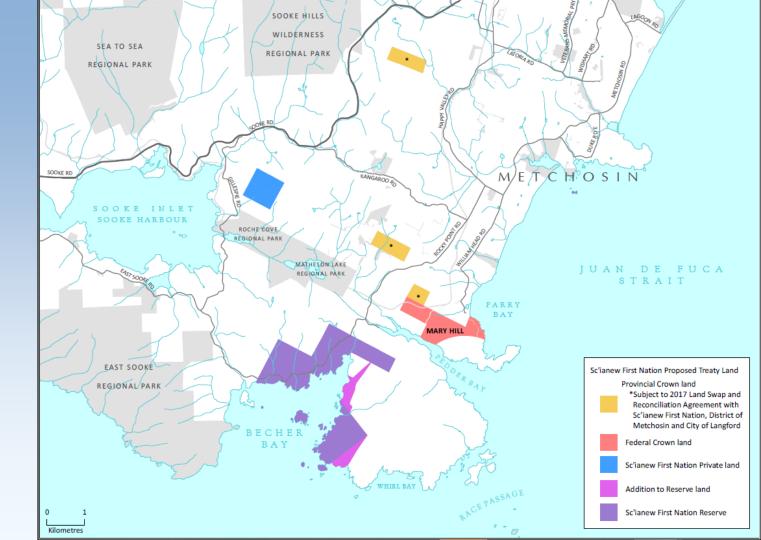
- The following maps show lands proposed to become Treaty Lands for the five Te'mexw Nations.
- The land package depicted on these maps is subject to conclusion of the Te'mexw Treaty negotiations and fulfilling consultation obligations.

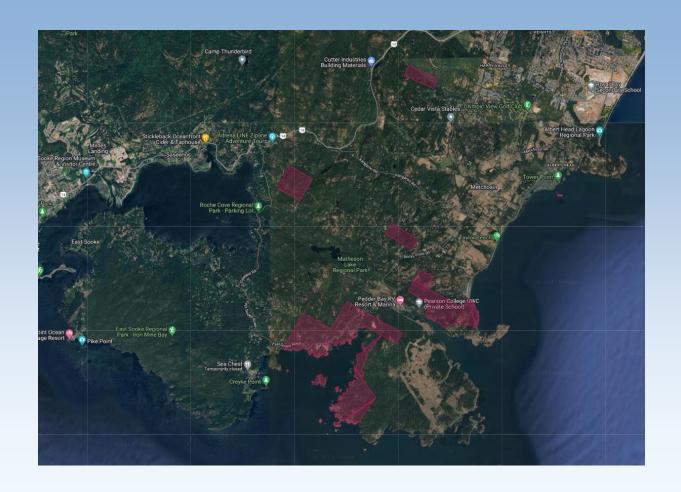
DISCOVERY ISLAND INSET Songhees Nation Proposed Treaty Land Provincial Crown land Songhees Nation Private land Provincial Park land Songhees Nation Reserve Federal Crown land DISCOVERY -ISLAND INSET COLWOOD ESQUIMALT DISCOVERY ISLAND MARINE PROVINCIAL PARK VICTORIA ESQUIMALT HATLEY PARK INSET JUAN DE FUCA STRAIT ESQUIMALT INSET VICTORIA INSET HATLEY PARK INSET COLW OOD PANDORA AVE ESQUIMALT RD PCC PANDORA ENTERPRISE WHARF VICTORIA INNER HARBOUR Æ S-OUIMALT HATLEY PARK PARCEL ESQUIMALT JAMES COLVILLE RD ESQUIMALT HARBOUR AM ES Q LOT -ESQUIMALT 113 Metres

Songhees Nation:



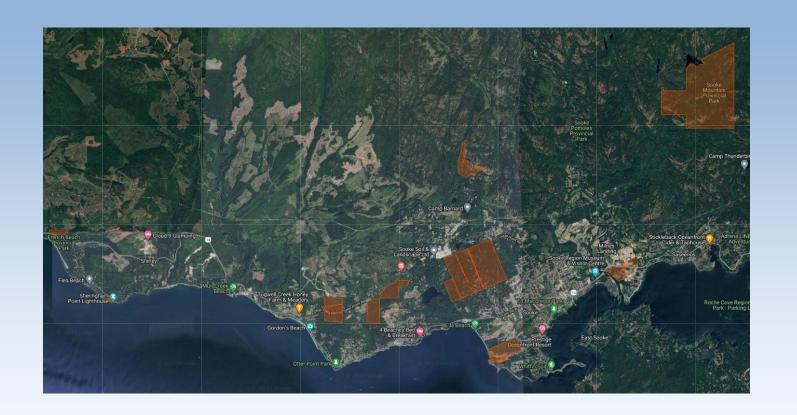
Beecher Bay (SC'IA/NEW):





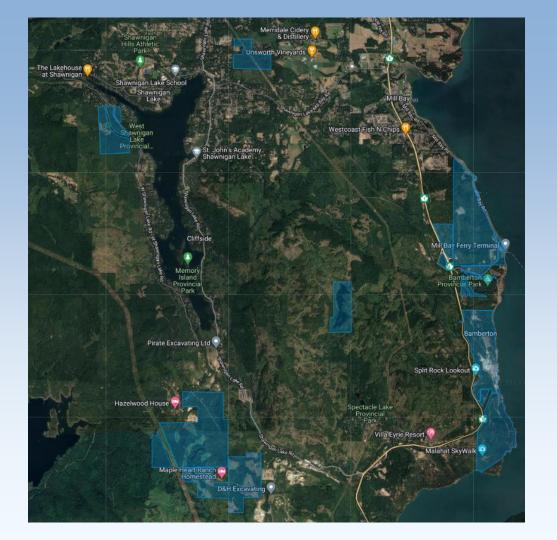
T'Sou-ke Nation Proposed Treaty Land Provincial Crown land Provincial Park land SOOKE HILLS WILDERNESS Federal Crown land REGIONAL PARK T'Sou-ke Nation Private land T'Sou-ke Nation Reserve SEA TO SEA REGIONAL PARK SOOKE MOUNTAIN PROVINCIAL PARK BLUFF MOUNTAIN SEA TO SEA REGIONAL PARK FRENCH BROOM BEACH PARK OTTER **EAST** POINT OTTER POINT BROOM HILL SHERINGHAM KEMP POINT EAST OTTER POINT SOUTH MACMILLAN EAST SOOKE DE FUCA STRAIT REGIONAL PARK

T'Sou-ke Nation:Proposed Treaty Lands



CHURCH Malahat Nation Proposed Treaty Land WAY SHAWNIGAN NORTH Provincial Crown land SHAWNIGAN LAKE Malahat Nation Private land BAY Malahat Nation Reserve SHAWNIGAN WEST LAKE SHAWNIGAN BALDY-MOUNTAIN-RD LAKE OLD BALDY MOUNTAIN PARK BAMBERTON SAANICH INLET LAND MILL BAY SOUTH OLIPHANT LAKE MT NEWYON CROSS RD BAMBERTON LAND BRENTWOOD MALAHAT MOUNTAIN VILLAGE FINLAYSON ARM ROAD GOWLLAND COMMUNITY FOREST MALAHAT TOD PARK Kilometres

Malahat Nation:



Snaw-naw-as First Nation Proposed Treaty Land FRENCH Provincial Crown land CREEK Federal Crown land STRAIT OF GEORGIA Snaw-naw-as First Nation Private land Snaw-naw-as First Nation Reserve RATHTREVOR BEACH PARK BALLENAS CHANNEL MORNINGSTAR FAIRDOWNE -GRAFTON AVE LITTLE ENGLISHMAN MOUNTAIN ERRINGTON RIVER PARK TRANSMITTER SITE MORRISON CREEK P LANDS NO O S E N A N O O S E H A R B O U R BAY SERIOR RD

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

QUESTIONS?

Type questions in the Q&A forum:

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