



Negotiations Update and 2023 Annual Report

Presentation to the Indigenous Relations Committee, Metro Vancouver Regional District

Presented By:
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OVERVIEW

- About the BC Treaty Commission
- Negotiations Update
- 2023 Annual Report
- Innovative Agreements
- Shared Path to Reconciliation





Mandate

The BC Treaty Commission is an independent body that advocates for and facilitates the recognition and protection of Indigenous rights and title, and the implementation of the UN Declaration, through the negotiation of modern treaties and tripartite agreements.





Mandate

Facilitation

Funding Allocation

Public Education



NEGOTIATIONS UPDATE

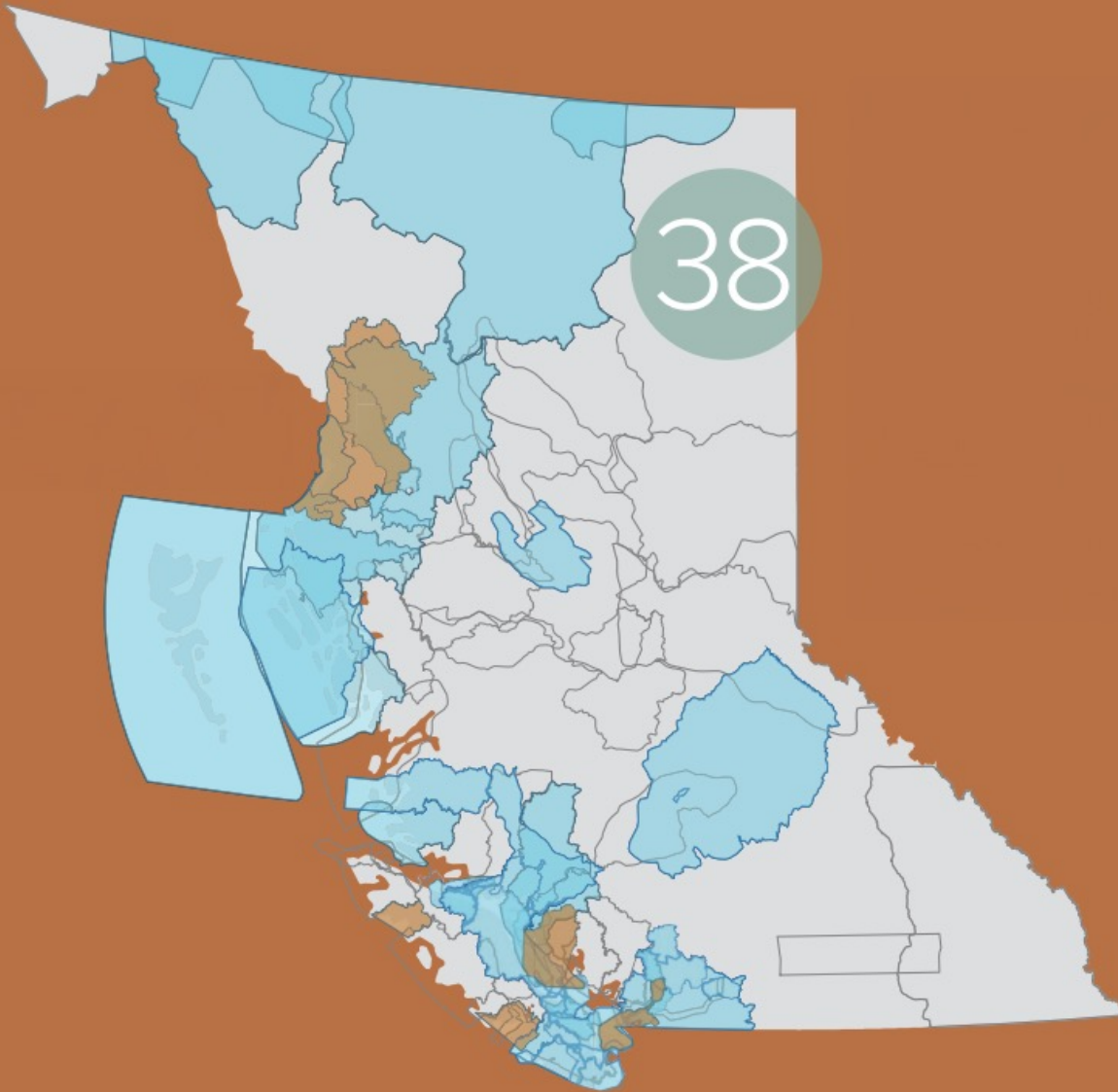


Negotiations Update

Map legend:

- 30 First Nations actively negotiating agreements (light blue)
- 8 Self-governing Nations implementing Modern Treaties in BC (bronze)

There are 8 modern treaties in British Columbia, 7 were negotiated through the BC treaty process

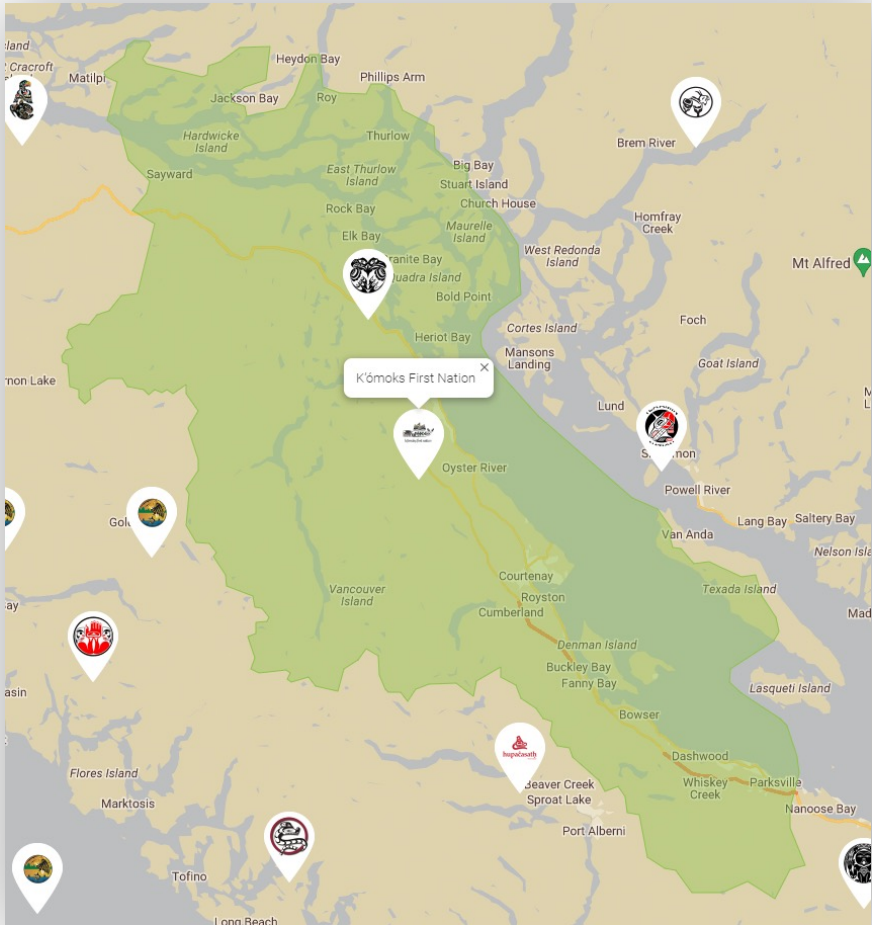


Negotiations Update

There are four negotiations tables nearing the conclusion of treaty negotiations

- **K'ómoks**
- **Kitselas**
- **Kitsumkalum**
- **Te'mexw Treaty Association**



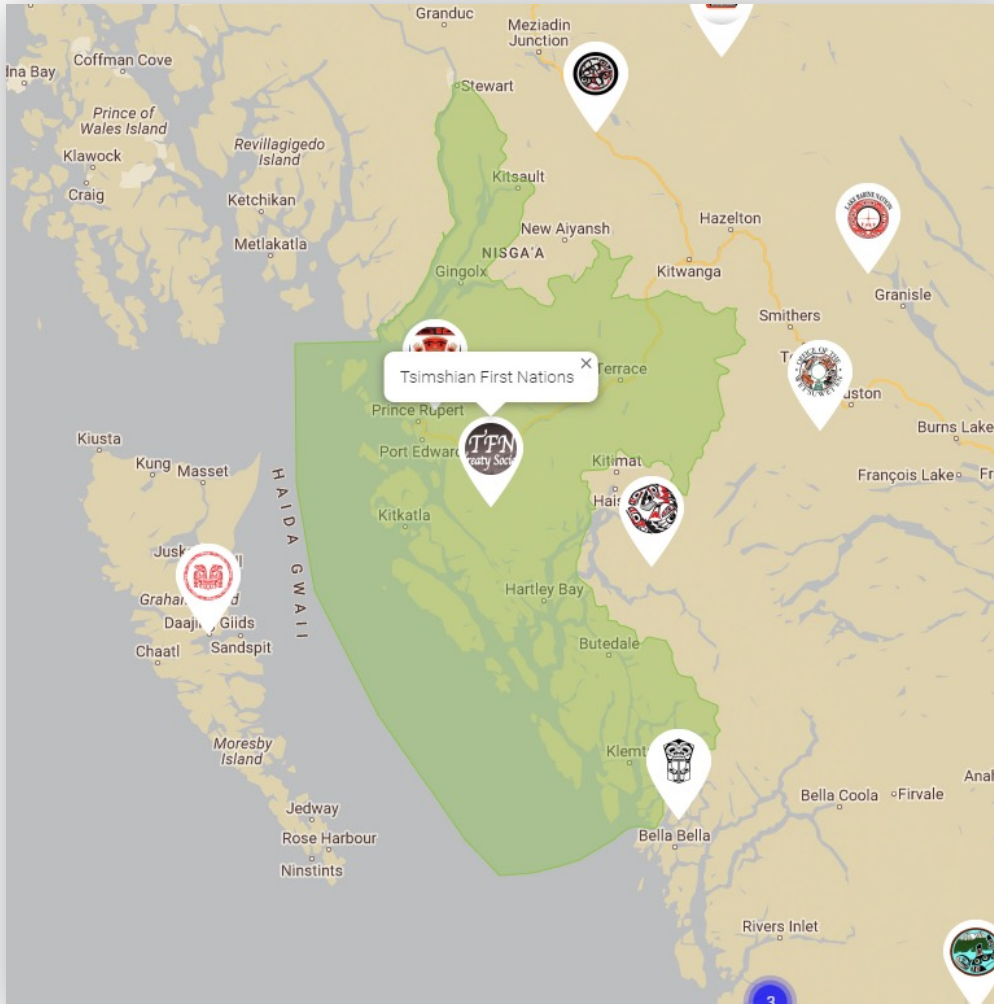


K'ómoks First Nation

Negotiations Update

K'ómoks First Nation





KITSELAS
FIRST NATION

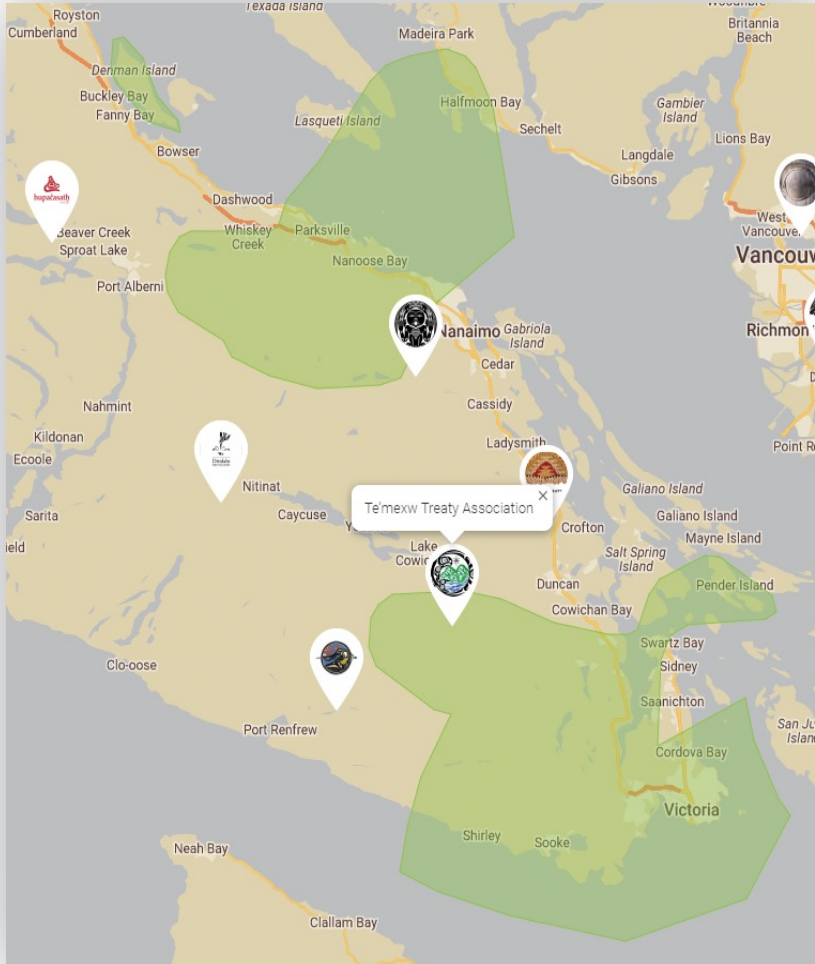


Negotiations Update

KitseLas and Kitsumkalum

KitseLas and Kitsumkalum First Nations
are part of the Tsimshian First Nations.





TE'MEXW
TREATY ASSOCIATION

Negotiations Update

Te'mexw Treaty Association

Beecher Bay (SC'IA'NEW), Malahat, Snaw-Naw-As, Songhees and T'Sou-ke negotiate together as part of the Te'mexw Treaty Association.





2023 ANNUAL REPORT



HIGHLIGHTS

- Tsawwassen Treaty Journey
- Innovations in Negotiations
- Shared Path to Reconciliation



Tsawwassen Treaty Journey



Tsawwassen First Nation was the first urban modern treaty in BC. It came into effect on April 3, 2009.

May 31, 2023, the Treaty Commission visited Tsawwassen First Nation to learn from representatives who shared a presentation about the nation, their history, and their journey into implementing their modern treaty, self-governance and prosperity.



Tsawwassen Treaty Journey

Pre-
contact

Contact

1993

2009

2023

Tsawwassen
People were
prosperous and
self-governing

Colonization
disrupts our ways
of life and
oppresses our
people

Entered the BCTC
Treaty
Negotiations
Process

Tsawwassen Final
Agreement
comes into effect
on April 3.

**Tsawwassen
People are
revitalizing
culture, laws,
and governance**



INNOVATIONS IN NEGOTIATIONS





Haida Title and Recognition Legislation

- *Haida Nation Recognition Act* was passed on May 9, 2023.
- The act acknowledges the Council of the Haida Nation as the governing body, supporting their inherent right of governance.
- The parties negotiated a tripartite Haida Nation recognition agreement.
- BC and Canada commit to legislating recognition of the inherent rights of governance and self-determination for the Haida Nation and its council.
- The new legislation fulfills the Province's commitment in this regard.





Snuneymuxw MOU and Land Transfers

- *Snuneymuxw Tripartite Memorandum of Understanding* (Snuneymuxw MOU) was signed on July 28, 2021.
- *Snuneymuxw MOU* acknowledges Canada and BC's commitment to implementing the UN Declaration.
- Emphasizes Article 37, affirming Indigenous peoples' right to the recognition, observance, and enforcement of treaties, agreements, and other constructive arrangements concluded with states.
- On January 27, 2024, the Snuneymuxw First Nation and the Government of Canada signed the Interim Land Reconciliation Agreement (ILRA).
 - This agreement returns approximately 80.09 hectares of land to Snuneymuxw First Nation.
 - Snuneymuxw First Nation development plans include key priorities related to housing, infrastructure, and economic development.





Gitanyow Governance Accord

- Signed on August 11, 2021.
- By signing the Accord:
 - Canada and BC recognize the nature of Gitanyow hereditary governance.
 - Will transition Gitanyow away from the *Indian Act*.
 - Gitanyow, BC, and Canada agreed on key milestones to be reached within five years – steps toward rebuilding the Gitanyow Hereditary Governance with modern day governance tools.





BC Declaration Act

- Released November 28, 2019.
- The province's framework for to establish the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*.
- The Declaration act have 4 key areas:
 - **Section 3** align provincial laws with the *UN Declaration*.
 - **Section 4** mandates the province to collaboratively develop and execute an action plan with Indigenous Peoples to achieve the goals of the *UN Declaration*.
 - **Section 5** mandates periodic reporting to the legislature for monitoring the progress in aligning laws and implementing the action plan, including presenting annual reports by June 30 each year.





Canada United Nations Declaration on the Rights of Indigenous Peoples Act

- Royal Assent on June 21, 2021
- The Act mandates the Government of Canada to, in consultation and cooperation with Indigenous peoples:
 - Ensure the alignment of Canadian laws with the Declaration through necessary measures
 - Develop and execute an action plan aimed at realizing the objectives of the Declaration.
 - Present an annual progress report on aligning Canadian laws and implementing the action plan.



Shared Priorities Framework

Establishes a shared path for advancing the implementation of modern treaties in British Columbia.

The Province and Alliance have a shared vision that:

- Modern Treaties are recognized, observed, and enforced;
- Modern Treaty Nations and the Province are resourced for a whole of government approach to timely and effective treaty implementation;
- The Province's relationships with modern treaty nations are distinct and reflect their established rights; and
- The Province's relationship with modern treaty nations are dynamic and evolve and improve over time.





Changes to Section 87 and Taxation

In July 2022, the Government of Canada announced changes to their policy on Section 87 (s.87) of the *Indian Act*. Tax exemptions are no longer required to be phased out as a condition of self-governance, and s.87 tax exemptions can be reinstated.

The Government of British Columbia has matched the federal policy, reinstating the exemptions for PST and other taxes.

The taxation changes announced by Canada and B.C. are a positive indicator of the willingness of the Crown to work with First Nations and Modern Treaty Nations to build better, more equitable futures.





Section 87 Treaty amendments

All eight Modern Treaty Nations have either reinstated or are continuing s.87 tax exemptions on their former reserve lands:

- March 27 – Tsawwassen Treaty
- June 23
 - Maa-nulth Treaty
 - Tla'amin Treaty (continuing)
- January 1, 2024 – Nisga'a Nation
 - Decisions on Nisga'a GST and personal income tax on Nisga'a Lands will be determined at a later date.





Modern Treaty Implementation Policy

On February 28, 2023, the Government of Canada announced its draft Canada's Collaborative Modern Treaty Implementation Policy.

The purpose of the policy is to “*support the full, effective, and timely implementation of all current and future Modern Treaties in Canada, with the specific goal of advancing a systemic shift in institutional culture.*”



Union of BC Municipalities (UBCM) Convention 2023



On September 18, 2023, the Treaty Commission hosted a panel discussion titled 'Shared Path of Reconciliation: Treaty Updates and Opportunities for Local Governments.'



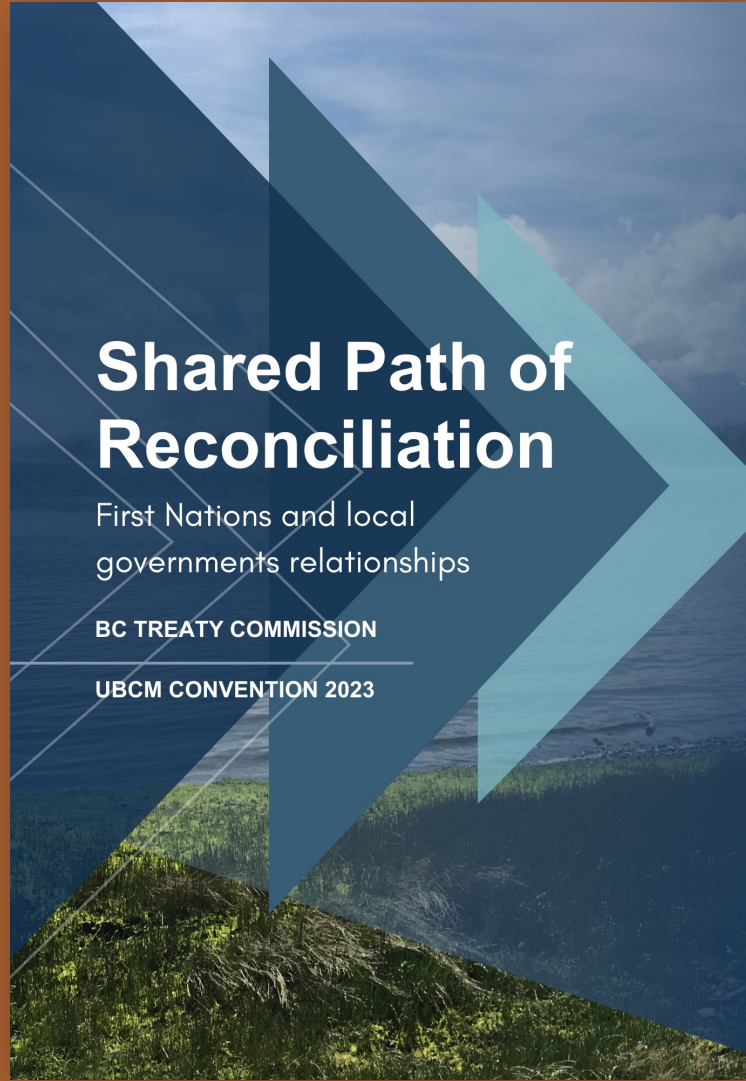
UBCM Convention 2023 and Engagement



The Treaty Commission hosted a booth at the UBCM tradeshow. Engagement levels were high with over 79% of the visitors asking detailed and substantive questions.

Over the course of 2 days the Treaty Commission engaged with over 200 visitors.





Shared Path of Reconciliation

This publication spotlights instances of government-to-government successes challenges and demonstrates the ways in which modern treaties create the potential for reconciliation in a local and regional context.



Steps For Reconciliation

- ▶ Learn About Shared Histories and Current Events
- ▶ Foster Relationships Built on Mutual Respect and Trust
- ▶ Support First Nations Path of Self-Determination
- ▶ Implement the UN Declaration
- ▶ Maintain Regular Dialogue
- ▶ Establish Protocols, Agreements, or Guiding Principles
- ▶ Be Creative in Seeking Innovative Approaches
- ▶ Negotiate Service Agreements
- ▶ Involve and Inform Others
- ▶ Share and Celebrate Success



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