

COMMON TABLE REPORT
SUMMARY OF OPPORTUNITIES
Prepared by the BC Treaty Commission

A. Recognition/Certainty

1. The Parties agree to explore the concept of reflecting the recognition of pre-existing Aboriginal rights and title within the body of the treaty.
2. The Parties agree to consider alternative legal certainty techniques.
3. The Parties agree to explore options to amend or add new treaty rights over time through an orderly process.

B. Constitutional Status of Lands

1. The Parties are prepared to explore different options for the Constitutional status of treaty settlement lands, such as a portion of treaty settlement lands as s. 91(24) lands.
2. The Parties agree to explore options for the source and description of title to treaty settlement lands that will not be described as a Crown grant and will acknowledge the pre-existing nature and source of Aboriginal title and acknowledge First Nations' cultural aspects and ties to the land.

C. Shared Decision-Making

1. The Parties will continue to explore options to:
 - a. Develop and implement shared decision-making mechanisms applicable off-treaty settlement land; and
 - b. To place shared decision-making in treaty with implementation being in or out of treaty.

D. Fisheries

1. The Parties agree to explore shared decision-making mechanisms and collaborative structures in fisheries management recognizing the government-to-government nature of the relationship with First Nations.
2. The Parties agree to explore alternatives to the current fish model that could exclude the resolution of Aboriginal or Douglas Treaty fishing rights from the Treaty (e.g. no fish chapter or a treaty without a defined allocation in the fish chapter).

3. The Parties agree to explore options for additional food, social and ceremonial allocation models, for example a 'Boldt-type' allocation model.
4. The Parties agree to explore options in treaty that better respect and better reflect the priority of the food, social and ceremonial fishery.

E. Governance

1. The Parties agree to explore options to more clearly define or limit the scope and application of Provincial or Federal laws on treaty settlement lands, considering appropriate mechanisms such as restrictive covenants and statutory exemptions.
2. The Parties are prepared to explore options to limit the need for mandatory criteria, standards and pre-conditions for First Nation law-making in Treaty.
3. The Parties are prepared to explore options to address operational conflicts among laws on treaty settlement lands.
4. The Parties are prepared to explore options to provide for effective transition of existing First Nation laws under federal statutes to First Nation laws under Treaty.
5. The Parties are prepared to explore options to provide for the negotiation of self-government arrangements that implement culturally appropriate approaches to self-government that accommodate hereditary systems while ensuring transparency and clarity for intergovernmental relations.

F. Fiscal Relations

1. BC will explore options for additional or expanded types of resource revenue sharing arrangements (e.g. forestry, mining, oil and gas, water, sale of Crown land).
2. BC is prepared to explore options around the duration of resource revenue sharing, including in perpetuity.
3. BC agrees to explore options to support First Nation governments to deliver provincial programs and services to non-members on treaty settlement lands.
4. When developing the fiscal transfer model, the Parties will consider the financial circumstances of First Nations' governments, including establishing and running of governments as well as the programs and services provided by those governments.
5. The Parties will consider options that reduce complexity and ensure viable fiscal arrangements with First Nations, including how own-source revenue is taken into account.