



BC TREATY COMMISSION

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Wednesday, October 14, 2009
For immediate release

SAYS TREATY COMMISSION IN 16TH ANNUAL REPORT

Make treaty completion a priority

VICTORIA, BC – The Treaty Commission is pushing the federal and provincial governments to complete treaties and urging First Nations to resolve territorial issues.

Several final agreements are close to completion. As many as nine agreements in principle have the potential to be the next completed treaties.

“The governments of Canada and British Columbia need to reaffirm their commitment to treaty making and re-examine their mandates in order to complete treaties,” said Chief Commissioner Sophie Pierre. “First Nations need to resolve territorial issues to remove the risk and uncertainty that prevents the completion of treaties.”

Negotiators must have clear instructions and sufficient authority to negotiate effectively. Most importantly, they must represent their government as a whole, not just one ministry or department.

Disputes over territories have the potential to delay or prevent the completion of treaties. Most First Nations have been unable to resolve these issues thereby creating significant risk and uncertainty for the treaty process. Of concern is the uncertain role in treaty negotiations of Fisheries and Oceans Canada and Department of Justice Canada.

Where there are no significant overlapping claims and a strong First Nations presence, the BC government is actively exploring solutions on shared decision-making and revenue sharing. These discussions should be taking place at the treaty table with the Government of Canada as an active participant.

The BC Government concluded substantive negotiations with Yale First Nation in November 2008 and with In-SHUCK-ch First Nation in mid-March of this year. But the federal government has been unable to conclude these negotiations; and a final agreement with Sliammon Indian Band is delayed because there is no federal fish mandate.

“From the Government of Canada, there have been extended periods of silence and inaction creating the impression they lack commitment,” said Pierre. “A worrisome example is their lack of a fish mandate.”

Governments must re-examine their mandates with a view to resolving the issues preventing treaty completion. Once the full extent of the changes in mandates have been understood and

assessed, First Nations can then determine whether there is a likelihood of reaching an agreement that meets their needs – or if they should seek other solutions.

“We expect the governments of Canada and BC to take action on the 21 opportunities that were identified at the Common Table during the 13 days of talks in mid-2008,” said Pierre.

Prior to those discussions involving more than 60 First Nation communities, the governments of Canada and BC had only indicated a limited willingness to explore and consider significant changes in mandates on key issues, either on a province-wide basis or at individual treaty tables. This changed with the Common Table.

The Treaty Commission believes it is now time to complete final agreements, conclude agreements in principle and resolve territorial issues. There have been no agreements in principle in several years so there will be a time lag before the next wave of treaties can be completed, but the potential is there.

“The hoped for momentum from the implementation of the Tsawwassen treaty and completion of the Maa-nulth treaty is yet to be realized, but there are many opportunities to conclude agreements,” said Pierre.

About the BC Treaty Commission

The Treaty Commission is the independent body responsible for overseeing treaty negotiations among the governments of Canada, BC and First Nations in BC. It has three roles: facilitation, funding, and public information and education.

Established in 1992, the Treaty Commission and six-stage treaty process are designed to advance treaty negotiations. The Treaty Commission comprises a provincial appointee, a federal appointee, two First Nations Summit appointees and a chief commissioner chosen by agreement of all three parties. For more information about the BC Treaty Commission, please visit bctreaty.net.

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