

Maa-nulth First Nations

Final Agreement Errata Information Package

The chief negotiators for Canada and British Columbia and the lead negotiator for the Maa-nulth First Nations initialed the Maa-nulth First Nations Final Agreement (the “Treaty”) on December 9, 2006. Since that time, the three parties have been preparing for and discussing the ratification and implementation processes for the Treaty. These discussions have resulted in a number of minor corrections and changes that are needed for the Treaty. These changes include the correction of errors (also known as “errata”) in the Treaty and other changes to clarify the ratification requirements.

Section 1.14.14 of the Treaty says:

“Before the Parties sign this Agreement, the chief negotiator on behalf of Canada, the chief negotiator on behalf of British Columbia and the lead negotiator of the Maa-nulth First Nations may agree to minor amendments to this Agreement.”

The negotiators have signed an Errata Agreement (which you can find and review at www.maanulth.ca or at your band office) to make the following minor changes to the Treaty:

1. **Purpose:** **to allow a First Nation to purchase pre-approved lands BEFORE the Effective Date and still have them automatically approved as Treaty Lands on the Effective Date.**

The Treaty sets out a list of lands that, if purchased by a Maa-nulth First Nation after the Effective Date, will automatically be approved as additions to Treaty settlement lands. Some of the Nations have discussed with Canada and BC the possibility of, if these lands become available, purchasing these lands prior to the Effective Date, using some of the funds the Nation will receive as capital transfers after the Effective Date. Canada and BC have agreed and changes have been made to Chapter 2 and Chapter 16 to allow for this.

2. **Purpose:** **to make sure every person on the Treaty voters list has been located and provided with information on the Treaty and to ensure that the Treaty vote only involves those people who have been contacted and provided with the necessary information.**

Over the past number of months, the Enrolment Committee has been adding to the Preliminary Enrolment Register the names of those persons who have applied to be enrolled under the Treaty. The Preliminary Enrolment Register is now being used by the Ratification Committee to prepare the list of people who are eligible to vote on the Treaty. However, some individuals on the Preliminary Enrolment Register cannot be located because they have not provided updated contact information to their Nation and information concerning the Treaty vote cannot be sent to them. These missing individuals need to be removed from the list of eligible voters until they are located and can be given the necessary information required to make an informed choice about the Treaty. This is particularly important because approving the Treaty requires that 50% plus one of all the persons on the voters list, not just those persons who cast a ballot, vote YES. This amendment therefore ensures that the Treaty vote is decided by those people

who have been provided the necessary information about the Treaty vote. Once they have provided updated contact information, they will be put back on the voters list. Being removed from the voters list will not result in that individual's name being removed from the Enrolment Register. If the Treaty is ratified, these missing individuals will still be entitled to Treaty benefits.

3. **Purpose: to ensure that the Treaty vote reflects the wishes of the members.**

Minor changes have been made to the ratification provisions of the Treaty to make it clear that it is those individuals whose names are on the voters list who will be the ones to determine whether or not the Treaty is ratified. If a majority of the individuals whose names appear on each of the Nations' voters' list vote to approve the Treaty, then it will have been ratified by the Maa-nulth First Nations.

4. **Purpose: to allow the Ratification Committee to do their work properly and to ensure that both votes reflect the wishes of the members.**

There are two votes relating to the ratification of the Treaty: the Treaty vote and the Band vote. The Ratification Committee has requested that it be given the same powers to manage the Band voters list as it has to manage the Treaty voters list.

5. **Purpose: to enable one of the Maa-nulth First Nations to proceed with an earlier vote.**

Because one of the Maa-nulth First Nations wanted to have its votes earlier than the others, the notice period for the Band voters list needed to be shortened from 60 days to 30 days.

6. **Purpose: to clarify how a representative of a Maa-nulth First Nation becomes duly authorized to sign the Treaty.**

A minor change has been made to make it clear how an "authorized representative" becomes authorized to sign the Treaty on behalf of each Maa-nulth First Nation once the Treaty is ratified. A Maa-nulth First Nation may authorize its representative either by Band Council Resolution or some other means as it decides is appropriate.

7. **Purpose: to make the treaty rights in federal parks consistent with traditional practices of consultation with neighbouring First Nations.**

Because of concerns raised by some neighbouring First Nations regarding overlapping traditional territory matters, minor changes are being made to the Federal Parks and Protected Areas chapter. A Maa-nulth First Nation will discuss with its neighbours the exercising of its harvesting rights within the federal park if the area is within their overlapping traditional territories. This is consistent with traditional practices. Also, the Treaty now clarifies that the federal government will have to get Maa-nulth's consent to boundary changes to Pacific Rim Park only when it is formally established as a national park. In practice, Canada will continue to have an obligation to consult with all affected First Nations about boundary changes.