



Maa-nulth First Nations Agreement-in-Principle



REVITALIZING THE TREATY PROCESS

The provincial government is committed to revitalizing the treaty process in British Columbia and negotiating workable, affordable treaties that will provide certainty over the ownership and use of Crown land and resources.

Revitalizing the treaty process, to create new opportunities for British Columbians

The Maa-nulth Agreement-in-Principle is being negotiated by British Columbia, Canada and Maa-nulth First Nations through the B.C. Treaty Commission process, launched in 1993.

As part of the provincial government's commitment to revitalizing the treaty process and advancing treaty negotiations with First Nations, a province-wide referendum on provincial treaty negotiation principles was held in April 2002. Over three-quarters of a million British Columbians took the opportunity to participate, and provided a strong public endorsement of the principles to guide provincial negotiators at treaty tables.

Advancing treaty negotiations, to improve certainty

The Maa-nulth Agreement-in-Principle (AIP), which is now entering the final stages of negotiation, upholds the eight principles for treaty negotiations adopted by British Columbians.

The Maa-nulth First Nations AIP will serve as the foundation for negotiation of the Final Agreement. The AIP also provides the parties with the ability to negotiate a Self-Government Agreement between AIP and Final Agreement. The Self-Government Agreement will not be part of the treaty, and includes other governing authorities over matters such as education, child and family services, solemnization of marriage, and emergency preparedness on treaty lands.

The chief negotiators have recommended the AIP for approval by their principals, which are the Maa-nulth First Nations membership, and the federal and provincial cabinets. The AIP is not legally binding and represents broad consensus among the three parties on language and provisions contained in the document.

If ratified by the principals, the AIP will form the basis for negotiating the Final and Self-Government Agreements. Subsequent negotiations will provide the legal definitions of these understandings, leading to a Final Agreement. The parties hope to achieve Final Agreement as quickly as possible, after which time all three parties would have to ratify the agreements before they would come into force. Plans to implement the agreements would be negotiated during the Final Agreement negotiations.

Publicly endorsed referendum principles:

- *Private property should not be expropriated for treaty settlements.*
- *The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.*
- *Hunting, fishing and recreational opportunities on Crown land will be ensured for the use and benefit of all British Columbians.*
- *Parks and protected areas should be maintained for the use and benefit of all British Columbians.*
- *Province-wide standards of resource management and environmental protection should continue to apply.*
- *Aboriginal governments should have the characteristics of local government, with powers delegated from Canada and B.C.*
- *Treaties should include mechanisms for harmonizing land-use planning between Aboriginal governments and neighbouring local governments.*
- *The existing tax exemptions for Aboriginal people should be phased out.*

These principles are respected in the Agreement-in-Principle.

Maa-nulth First Nations

The Maa-nulth First Nations are five Nuuchah-nulth First Nations known as the Huu-ay-aht, Ka:yu:'k't'h'/Che:k'tles7et'h' (Kyuquot/Checlesaht), Toquaht, Uchucklesaht and Ucluelet. Their communities are spread over the west coast of Vancouver Island, with a combined population of approximately 1,934 people.

The Maa-nulth First Nations are members of the Nuuchah-nulth Tribal Council (NTC), which approved a Draft NTC AIP in March 2001. However, since the overall membership of the NTC did not approve the agreement, the AIP was not signed. The Maa-nulth First Nations approached British Columbia and Canada about negotiating a Final Agreement based on the March 2001 AIP, which ultimately led to the negotiation of the current Maa-nulth First Nations AIP.



 Maa-nulth First Nations

Building better relationships with First Nations

In B.C., treaty negotiations involve three parties: the provincial government, the federal government, and First Nations. Each set of negotiations requires give-and-take on all sides. British Columbia is prepared to be flexible and creative at the negotiating table, while ensuring each agreement meets the publicly endorsed guiding principles.

Our government is working with First Nations to reinvigorate and advance treaty negotiations across B.C. It is opening a new dialogue that will forge stronger relationships with Aboriginal people and provide them with greater input into decisions that involve their communities. The development of mutual trust and respect on all sides will build the foundation to achieve certainty for both First Nations and British Columbians.

Economic benefits improve the quality of life for First Nations

The government is committed to increase economic opportunities for First Nations that improve Aboriginal British Columbians' quality of life, both on- and off-reserve. To support this goal, the government has created a \$40 million Economic Measures Fund to foster economic development for First Nations communities, create jobs and provide skills development and training. Other initiatives include increasing Aboriginal participation in forestry, tourism, oil and gas and the 2010 Olympic and Paralympic Winter Games. Success in treaty agreements will help create new economic opportunities for all British Columbians.

1. Will my home and property be expropriated for treaty lands?

No. Government will not expropriate private land for treaty settlement purposes. Some land may be purchased to become part of the Maa-nulth First Nations' treaty settlement, but this would only occur on a willing-seller, willing-buyer basis.

2. I have a lease on land that may be included in the treaty. Will I be compensated if it is disrupted?

The Province will ensure that the terms and conditions of leases and licences are protected. Should there be an impact on licensees or leaseholders as a result of a treaty settlement, fair compensation will be paid.

3. My family hikes, fishes and hunts in the area. Will we still be able to do this?

The public will continue to have access to Crown lands after the treaty. The Maa-nulth First Nations will provide reasonable opportunities for the public to hunt, fish and engage in other recreational activities on Maa-nulth First Nations treaty lands.

4. Where will the Maa-nulth First Nations' hunting rights apply and will they be required to carry licences?

Maa-nulth First Nations will be able to harvest wildlife and migratory birds within a defined harvest area that will include treaty and non-treaty land. Maa-nulth First Nations hunters will be required to carry and produce documentation issued by the Maa-nulth First Nations governments when harvesting in accordance with treaty rights.

5. How will this agreement affect my commercial fishing operation?

A treaty with Maa-nulth First Nations will bring clarity to all commercial fishing operations by modifying Maa-nulth First Nations' existing undefined fishing rights into clearly defined treaty rights and responsibilities. Provisions in the agreement will contribute to integrated management arrangements and equitable access to fish resources. The provincial interest of an economically viable fishing industry that creates employment will be supported by a treaty with the Maa-nulth First Nations.

6. Will the public continue to have access to parks after treaty settlement?

Public access to provincial parks will not be affected by the treaty. The AIP provides for the negotiation of agreements outside the treaty to enable Maa-nulth First Nations to have a role in park management and operations in specific parks within the region.

7. Will resource management and environmental protection continue to meet provincial standards?

Federal and provincial laws, including those related to resource management and environmental protection, will apply to Maa-nulth First Nations members, lands and governments. While Maa-nulth First Nations will have law-making authority over forest management and environmental protection on treaty lands, federal and provincial laws will prevail over Maa-nulth First Nations laws if there is a conflict.

8. Can the Maa-nulth First Nations legislate standards on treaty lands that are more stringent than provincial standards?

The Maa-nulth First Nations governments will be able to establish and enforce higher standards, such as environmental protection laws, on treaty lands as set out in the Final Agreement.

9. Will Maa-nulth First Nations governments have authorities similar to my local government?

The Maa-nulth First Nations governments will have authorities, much like local governments, over such things as fire protection, public works, and traffic and transportation. These law-making authorities will be set out in a Self-Government Agreement that will not be part of the treaty.

Maa-nulth First Nations governments' law-making authorities will be put into effect through federal and provincial legislation. Authorities related to land and resource rights, assets, culture and language will be included in the treaty. These will ensure long-term preservation of Maa-nulth First Nations' assets and cultural identity while providing greater certainty over land and resource ownership and management.

10. Will the Canadian Charter of Rights and Freedoms and the Criminal Code apply on Maa-nulth First Nations treaty lands?

Yes. The Canadian Charter of Rights and Freedoms and the Criminal Code will apply to Maa-nulth First Nations treaty lands, Maa-nulth First Nations governments and Maa-nulth First Nations members.

11. Will the Maa-nulth First Nations continue to have tax exemptions?

Following a transition period, Maa-nulth First Nations members will no longer be exempt from taxation. The Maa-nulth First Nations governments will receive taxation treatment similar to local governments.

12. Will the Maa-nulth First Nations governments have taxation powers?

The Maa-nulth First Nations governments will have direct taxation powers over their own members on treaty lands. The agreement also provides Maa-nulth First Nations the opportunity to enter into negotiations with Canada and B.C. regarding taxation of other persons on treaty lands.

Provisions in both the Final and Self-Government Agreements will ensure that non-Maa-nulth citizens living on treaty lands will have opportunities to be consulted and participate in Maa-nulth governments and public institutions.

13. Will there be a patchwork quilt of land-use plans after the agreement is finalized?

No. The agreement provides the opportunity for Maa-nulth First Nations to join the Alberni-Clayoquot Regional District and the Regional District of Comox-Strathcona, to enter into agreements with local and regional governments with respect to the provision of specific services, and to coordinate activities and proposed land use with local and regional governments within their respective areas of responsibility.

FREQUENTLY ASKED QUESTIONS

14. What opportunities will the public have to express their views on the AIP?

Numerous public meetings have been held over the years to provide information on the negotiations. Copies of the draft AIP have been distributed and are available on the Internet at www.bctreaty.net

Provincial negotiators will continue to hold public meetings, which will be advertised through local media. In addition, residents can also address their interests through local and regional government representatives and MLAs.

Public and stakeholder consultations will continue through Final Agreement negotiations.

15. How will this agreement benefit me and my community?

The agreement with the Maa-nulth First Nations will increase certainty over the lands and resources on the west coast of Vancouver Island. It will clearly define the rights and responsibilities of the First Nations. It will provide opportunity for economic development and help build a prosperous, vibrant community for Aboriginals and non-Aboriginals alike.



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