

Maa-nulth Final Agreement: Governance

The Maa-nulth Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and the Maa-nulth First Nations. The five Maa-nulth First Nations are Ucluelet First Nation, Huu-ay-aht First Nations, Toquaht Nation, Ka:yu:k't'h/Che:k'tles7et'h' First Nations, and Uchucklesaht Tribe, all located on the west coast of Vancouver Island. The Maa-nulth First Nations represent about 2,000 people. Maa-nulth means "villages along the coast" in the Nuu-chah-nulth language.

The Maa-nulth Final Agreement is among the first Final Agreements reached in the province under the British Columbia treaty process. The Final Agreement sets out each Maa-nulth First Nation's rights and benefits respecting land and resources, and self-government over their lands and resources and their citizens. The Final Agreement provides certainty for all parties with respect to ownership and management of lands and resources and the exercise of federal, provincial and Maa-nulth First Nation governmental powers and authorities.

The negotiation of a Final Agreement marks Stage Five of the six-stage British Columbia treaty process, and is the conclusion of substantive treaty negotiations. Once ratified by all parties, the Final Agreement will become a treaty through legislation. It will be a constitutionally-protected, legal agreement which creates mutually binding obligations and commitments.

MAA-NULTH FIRST NATIONS GOVERNANCE

The Maa-nulth Final Agreement will operate within the framework of the Constitution of Canada and the *Canadian Charter of Rights and Freedoms* will apply to the Maa-nulth First Nation governments.

With the exception of determining Indian status, after a transition period the *Indian Act* will no longer apply to the Maa-nulth First Nations, their lands or members. Instead, constitutionally-protected self-government provisions will enable each Maa-nulth First Nation to make its own decisions about matters related to the preservation of its culture, the exercise of its treaty rights and the operation of its government.

The Final Agreement requires that each Maa-nulth First Nation have a constitution that provides for government that is democratically and financially accountable to the Maa-nulth-aht (those people who are enrolled in and will benefit from the treaty). At the discretion of each Maa-nulth First Nation, its constitution may provide for the appointment of *Ha'with*

(Nuu-chah-nulth hereditary chiefs) into its government structure. However, the majority of representatives within each Maa-nulth First Nation government will be elected. Each Maa-nulth First Nation's constitution will come into force on the effective date of the treaty.

MAA-NULTH FIRST NATIONS LAW-MAKING POWERS

The Final Agreement contains law-making powers for matters related to land, resources, and other areas of governance. Maa-nulth First Nation areas of authority include the delivery of health services, education, fire protection and public works.

Federal and provincial laws will apply on treaty settlement lands, known as Maa-nulth First Nation Lands. In matters where the Maa-nulth First Nations have law-making authority, the Final Agreement sets out which law prevails if a Maa-nulth First Nation law conflicts with a federal or provincial law.

In areas related to internal and integral matters, Maa-nulth First Nation laws will have priority over conflicting federal and provincial laws. Examples include government administration, governance of Maa-nulth First Nation Lands, Maa-nulth First Nation assets on these lands, and Maa-nulth First Nation membership. In other areas, federal and provincial laws will prevail over Maa-nulth First Nation laws to the extent of any conflict.

REGIONAL GOVERNMENT

Maa-nulth First Nation Lands do not form part of any municipality. Local government by-laws do not apply to Maa-nulth First Nation Lands unless specific agreement has been reached between the applicable Maa-nulth First Nation and local government.

Each Maa-nulth First Nation may enter into land use planning protocols with local governments to coordinate and harmonize land use planning processes and land use decisions.

No later than 10 years after the effective date of the treaty, Huu-ay-aht First Nations, Uchucklesaht Tribe, Ucluelet First Nation and Toquaht Nation may each appoint one director to the board of the Alberni-Clayoquot Regional District, and the Ka'yu:'k't'h'/Che:k:tles7et'h' First Nations may appoint one director to the board of the Comox –Strathcona Regional District.

NON-MEMBER REPRESENTATION

There will be non-member representation on any First Nation Government or First Nation public institution that makes decisions relating to taxation matters that directly and significantly affect non-members. The non-member representative will be selected by non-members and have the ability to participate in discussions and to vote on taxation matters that directly and significantly affect non-members.

CULTURE AND HERITAGE

Each Maa-nulth First Nation government may make laws applicable on its Maa-nulth First Nation Lands regarding the preservation, promotion and development, and teaching of the Nuu-chah-nulth culture and the Nuu-chah-nulth language. Each Maa-nulth First Nation government may also make laws on the conservation, protection and management of cultural heritage resources, and public access to heritage sites located on its Maa-nulth First Nation Lands. ■