

Yale First Nation Final Agreement Fact Sheet: Introduction

The Yale First Nation Final Agreement was negotiated by the Government of Canada, the Government of British Columbia and Yale First Nation. The Final Agreement provides Yale First Nation with certain rights and benefits regarding land and resources, and self-government over its lands and resources and its members. It provides certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and Yale First Nation governmental powers and authorities.

Yale First Nation

Yale First Nation Members number under 200, and the Yale First Nation's main reserve adjoins the unincorporated settlement of Yale, approximately 20 kilometres north of the town of Hope. Yale First Nation is composed of 16 existing reserves totalling approximately 217 hectares. Many Yale First Nation Members live off-reserve in the surrounding region. Yale leaders have an excellent working relationship with their neighbours and have negotiated an agreement with representatives of the Fraser Valley Regional District for the delivery and payment of services, as well as other significant matters.

Yale First Nation entered the BC treaty process in April 1994. In March 2006, representatives from Yale First Nation and the governments of British Columbia and Canada signed an Agreement-in-Principle, which is the basis for Final Agreement negotiations.

The Yale First Nation Final Agreement

The Final Agreement provides Yale First Nation with the authority to create laws and other tools for managing its lands, resources and other legal affairs.

By initialling a Final Agreement, the chief negotiators for Canada, British Columbia and the First Nation agree to present the Agreement to their respective principals with a recommendation that it be signed and ratified. First Nation members are the first to vote on a Final Agreement through a community vote.

In order for the Final Agreement to be ratified by Yale First Nation 50 per cent plus one of all eligible Yale First Nation Member voters, including those who live off-reserve, must vote "yes" by secret ballot.

If the Yale First Nation Members ratify the Final Agreement, British Columbia and then Canada will proceed through their ratification processes.

Overlaps

First Nations' claimed traditional territories can and do overlap. In British Columbia, there are often multiple, overlapping claims. As part of the British Columbia treaty process, First Nations must establish a process to resolve overlaps with neighbouring First Nations.

Canada, British Columbia and Yale First Nation are consulting with neighboring First Nations and will continue to work to resolve any remaining overlap issues. The harvesting areas set out in the Final Agreement are not exclusive, Other First Nations and the general public may fish and hunt, as they currently do, on Crown land within the Harvest Areas set out in the Final Agreement. Access provisions concerning Yale First Nation Land are explained in the Lands Fact Sheet.

BACKGROUND

The BC Treaty Process

Canadian courts, in considering section 35 of the *Constitution Act*, 1982, have encouraged Canada and provincial governments to negotiate with First Nations in order to build greater certainty over lands and resources. Negotiating treaties also helps to close the socio-economic gaps that separate most First Nation members from other Canadian citizens.

The treaty process is managed by the British Columbia Treaty Commission (BCTC) an independent, neutral body that helps facilitate negotiations among the three negotiating parties and provides funding to First Nations to be in the process. The BC treaty process was established in 1992 and is open to all First Nations in the province on a voluntary basis. It is up to First Nations to decide how they organize themselves for the purposes of treaty negotiations. At some tables a single First Nation is represented, while at others there may be two or more.

The treaty process consists of six stages as follows:

- Stage 1 – Statement of intent to negotiate
- Stage 2 – Readiness to negotiate
- Stage 3 – Negotiation of a Framework Agreement
- Stage 4 – Negotiation of an Agreement-in-Principle
- Stage 5 – Negotiation to finalize a treaty
- Stage 6 – Implementation of the treaty

There are currently 59 First Nations in the treaty process in British Columbia. Forty-two First Nations are currently negotiating Agreements-in-Principle and seven, including Yale First Nation are negotiating to finalize a treaty.