



GENERAL BRIEFING NOTE ON CANADA'S SELF-GOVERNMENT AND COMPREHENSIVE LAND CLAIMS POLICIES AND THE STATUS OF NEGOTIATIONS

March 2015

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^{1**}These tables are categorized as comprehensive land claim negotiations because they have the dual focus of bringing clarity to Aboriginal rights and implementing THE Peace and Friendship TREATIES of 1760-61. The negotiated agreements will honour THE Peace and Friendship TREATIES. For more information on these tables, please visit the negotiations table update (<http://www.aadnc-aandc.gc.ca/eng/1100100028632/1100100028633>)

SECTION 1 – SELF-GOVERNMENT AND COMPREHENSIVE LAND CLAIMS POLICY

INHERENT RIGHT POLICY

The Government of Canada's approach to Aboriginal self-government - set out in the 1995 Inherent Right Policy - responds to the representations of Aboriginal groups to evolving jurisprudence and growing public awareness.

The issue of Aboriginal self-government grew from discussions on Aboriginal rights in the aftermath of the 1969 *White Paper on federal Indian policy*. In the 1970s, Aboriginal organizations began to pressure the federal government for rights recognition, including the right of self-government.

In 1982, a Special Committee of the House of Commons on Indian Self-government was appointed. The following year the Committee produced the *Penner Report*, which recommended that the federal government recognize First Nations as a distinct order of government within the Canadian federation and pursue processes leading to Aboriginal self-government.

Partly as a response to the *Penner Report*, the federal government announced the Community-Based Self-Government policy in 1985. Its objective was to create a new relationship outside of the *Indian Act* through the negotiation of self-government arrangements with First Nations. Agreements would be implemented through self-government legislation delegating a range of jurisdictions to individual First Nations on reserve. While the Community-Based Self-Government had a high participation rate, few agreements were reached for a variety of reasons. Key among these was the delegated nature of lawmaking powers.

At the same time, throughout the 1980s and early 1990s the issue of Aboriginal self-government was raised in several forums. Representations from Aboriginal organizations, as well as evolving jurisprudence, growing public awareness and political commitment led to the recognition and affirmation of existing Aboriginal and treaty rights, including what may be acquired by way of land claims agreements in section 35 of the *Constitution Act*, 1982. Four constitutional conferences, held between 1983 and 1987, attempted to further define those rights.

The process aimed at constitutional recognition of the Aboriginal right to self-government ended in 1992 with the failure of the Charlottetown Accord. The Accord contemplated a constitutional amendment to recognize that the Aboriginal peoples of Canada have an inherent right to self-government. The draft Accord further proposed that the recognition of the inherent right should be interpreted to recognize Aboriginal government as one of three orders of government in Canada, paving the way for the negotiation of a set of Aboriginal governance authorities.

INHERENT RIGHT POLICY (CONTINUED)

The Inherent Right Policy was adopted against this backdrop in 1995. It represented a major step forward with the federal government's general recognition of the right of self-government as an existing Aboriginal right within meaning of section 35 of the *Constitution Act*, 1982.

The underlying objectives of the Inherent Right Policy are to build a new partnership with Aboriginal peoples and to strengthen Aboriginal communities by supporting stable and sustainable Aboriginal governments and greater self-reliance. Self-government agreements set out arrangements for Aboriginal groups to govern their internal affairs and assume greater responsibility and control over the decision-making that affects their communities. Self-government agreements address: the structure and accountability of Aboriginal governments, their lawmaking powers, financial arrangements and their responsibilities for providing programs and services to their members. Self-government enables Aboriginal governments to work in partnership with other governments and the private sector to promote economic development and improve social conditions.

Negotiated agreements under the Inherent Right Policy set aside legal debates in favour of practical arrangements that operate within the framework of the Canadian Constitution. Agreements establish government-to-government relationships that provide for jurisdictional clarity and address capacity and responsibilities for program and service delivery.

Several types of self-government agreements may be negotiated. Claims-related self-government is negotiated in concert with comprehensive land claims agreements. Stand-alone self-government is not negotiated with comprehensive land claim agreements. These agreements are usually negotiated by *Indian Act* First Nations and cover the First Nation's reserve. Stand-alone agreements can be comprehensive and cover a range of subject areas, or sectoral and cover governance arrangements as well as one or two additional subjects (e.g., education, child welfare). Public government arrangements refers to Aboriginal self-government negotiated within the context of broader, public government, as is the case in Nunavut.

In July 2014 Canada announced that it is moving forward with important changes to the self-government fiscal relationship, including the manner in which own source revenues are treated in determining federal transfers to self-governing Aboriginal groups.

COMPREHENSIVE LAND CLAIMS POLICY

The current Government of Canada policy for the settlement of Aboriginal land claims had its genesis in the 1973 *Statement on Claims of Indian and Inuit People*. The policy divides claims into two broad categories: specific and comprehensive.

Specific claims, made by First Nations against Canada, relate to the administration of land and other assets, or to the non-fulfilment of historic treaties.

Comprehensive land claims are based on the assertion of continuing Aboriginal rights and/or title to lands and natural resources. The Comprehensive Land Claims Policy stipulates that land claims may be negotiated with Aboriginal groups in areas where claims to Aboriginal title have not been addressed by treaty or through other legal means.

The 1973 Comprehensive Land Claims Policy was reaffirmed in 1981. Its primary thrust was to obtain certainty respecting ownership, use and management of lands and resources by negotiating an exchange of claims to undefined Aboriginal rights for a clearly defined package of rights and benefits set out in a settlement agreement. Section 35 of the *Constitution Act, 1982*, recognizes and affirms Aboriginal and treaty rights that now exist or that may be acquired by way of land claims' agreements.

Significant amendments to the Comprehensive Land Claims Policy were announced in December 1986, following an extensive period of consultation with Aboriginal and other groups. The revised policy improved the negotiation process, allowed for greater flexibility in land tenure, provided a clearer definition of the topics for negotiation and established a requirement for implementation plans.

The 1986 Policy allowed for the retention of Aboriginal rights on land that Aboriginal people will hold following the conclusion of a claim settlement, to the extent that such rights are consistent with the settlement agreement. Since 1995, Canada has developed new approaches to achieving certainty with regard to lands and resources as an alternative to the traditional approach based on exchange and surrender of Aboriginal land rights. The Nisga'a Final Agreement, which came into effect in 2000, provided for the Nisga'a Aboriginal rights to continue as modified by the treaty.

The Comprehensive Land Claims Policy has continued to evolve in this area. In particular, Canada has worked with First Nations to address First Nations' interests in the recognition and continuation of existing Aboriginal treaty rights through modern land claim agreements. New approaches that address these issues have been developed. For example, the Tlicho Agreement, which came into effect in 2005, draws a distinction between land rights and non-land rights. Finality is achieved for land rights while clarity and predictability is achieved for non-land rights. The Tlicho Agreement applies a non-assertion technique, whereby the

COMPREHENSIVE LAND CLAIMS POLICY (CONTINUED)

Tlicho's existing Aboriginal rights continue to exist, however, they agree not to exercise or assert any rights other than those set out in the Tlicho Agreement. A further technique for recognizing existing Aboriginal rights and ensuring certainty over the exercise of those rights was developed for the Eeyou Marine Region Land Claims Agreement. This agreement modifies existing Aboriginal rights into treaty rights only where they are different from the rights set out in the treaty. Where the existing Aboriginal rights are identical to the rights set out in the treaty they are continued as Aboriginal rights through the treaty.

Under the Government of Canada's 1995 Inherent Right Policy, self-government arrangements may be negotiated simultaneously with lands and resources as part of comprehensive claims agreements. The Government of Canada is prepared, where the other parties agree, to constitutionally protect certain aspects of self-government agreements as treaty rights within the meaning of section 35 of the *Constitution Act, 1982*.

In the provinces, most of the lands and resources that are the subject of comprehensive claim negotiations are under provincial jurisdiction. Moreover, by establishing certainty of title to lands and resources, claims settlements benefit the provinces. It is the position of the Government of Canada that provincial governments should participate in negotiations and contribute to the provision of benefits to Aboriginal groups.

Negotiations have generated a significant number of agreements and settlements during the last 30 years and continue to produce innovation in both policy and process. The Government of Canada is committed to a results-based negotiations process that focuses resources on the most productive tables, promotes alternative measures when appropriate, and that streamlines government processes. However, evolving constitutional law, changing public and economic environments, and experience from existing processes have served to identify a range of issues where there is a need to consider renewal of policies and processes for addressing Aboriginal and treaty rights.

To this end, in July 2014 Canada announced further action to help advance treaty negotiations and reconciliation. An interim Comprehensive Land Claims policy incorporating key updates has been released as a starting point for a national engagement process which will look to identify further reforms to advance negotiations and facilitate reconciliation.

Twenty-nine comprehensive land claim and/or self-government agreements, covering over 40 percent of Canada's land mass, have been ratified and brought into effect since the announcement of the Government of Canada's Comprehensive Land claims Policy in 1973 and the establishment of the British Columbia Treaty Process (1992).

 Affaires autochtones et
Développement du Nord Canada



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IMPLEMENTATION OF SELF-GOVERNMENT AGREEMENTS AND COMPREHENSIVE LAND CLAIMS AGREEMENTS

Once a Comprehensive Land Claims Agreement or Self-Government Agreement is signed, Aboriginal Affairs and Northern Development Canada and the other parties involved, begin work on implementing the obligations laid out within the agreement. By entering into Comprehensive Land Claims Agreements and Self-Government Agreements, the signatories commit to a series of obligations that further the goals of all parties – to improve the social well-being and economic prosperity of Aboriginal people; to develop healthier, more sustainable communities; and to promote the participation of Aboriginal Canadians in Canada's political, social and economic environment to the benefit of all Canadians.

Comprehensive Land Claims Agreements and Self-Government Agreements are complex documents. They contain objectives and obligations touching on many different jurisdictions. The signatories work together in good faith during the negotiations phase to design an agreement that is clear, reflects mutual objectives and respects obligations, and is practical in the current legislative and political landscape. On behalf of the Crown, representatives from all implicated federal departments and agencies are involved throughout the negotiations process.

These agreements change the relationship between Aboriginal signatories, the federal government and the provincial / territorial governments concerned. According to Comprehensive Land Claims Agreements and Self-Government Agreements, Aboriginal signatories constitute governments in their own right and, as a result, the Parties to the agreements form groundbreaking government-to-government relationships that transform how they relate to and collaborate with one another.

Aboriginal Affairs and Northern Development Canada represents the federal government in many of its interrelations with Comprehensive Land Claims Agreement and Self-Government Agreement partners and is responsible for managing the overall implementation of agreements by the federal government. As Canada's primary interface with the other parties in relations to the treaty, Aboriginal Affairs and Northern Development Canada works to ensure that the ongoing and evolving nature of the relationship is respected and supported and that the obligations set out in the treaties for all parties are respected.

In relation to internal support and coordination, Aboriginal Affairs and Northern Development Canada develops resource material so that other government departments have the necessary information and tools to implement their specific obligations in an efficient and accountable manner. While individual departments are responsible for fulfilling specific provisions related to their areas of responsibility, Aboriginal Affairs and Northern Development Canada plays an integral role in advising other government departments and program areas in matters of treaty implementation.

JAMES BAY AND NORTHERN QUEBEC AGREEMENT (QUEBEC) (1977)

QUICK FACTS

SETTLEMENT AREA:

1,165,286 square kilometres

SETTLEMENT LANDS:

The Cree received 5,544 square kilometres in Category I lands and 69,995 square kilometres in Category II lands

The Inuit received 8,151 square kilometres in Category I lands and 81,596 square kilometres in Category II lands

The remaining 1,000,000 square kilometres are identified as Category III lands. These are Quebec public lands upon which the Cree, Inuit and Naskapi have special rights to harvest certain species

DATE SETTLED:

November 11, 1975

EFFECTIVE DATE:

January 27, 1977

BENEFICIARIES:

18,134 Cree and 11,674 Inuit

COMMUNITIES:

9 Cree and 15 Inuit communities

Cree communities:

Chisasibi, Eastmain, Mistissini, Nemaska, Oujé-Bougoumou, Waskaganish, Waswanipi, Wemindji and Whapmagoostui

Inuit communities:

Akulivik, Aupaluk, Inukjuak, Ivujivik, Kangiqsualujuaq, Kangiqsujuq, Kangirsuk, Kuujuaq, Kuujuarapik, Puvirnituq, Quaqtaq, Salluit, Tasiujaq, Taq Pangajuk* and Umiujaq

* *Uninhabited community*

The James Bay and Northern Quebec Agreement, considered to be the first modern treaty in Canada, covers all the land in Quebec that drains into James Bay and Hudson Bay.

THE SETTLEMENT

The Final Agreement was signed in 1975 and came into effect in 1977.

Signatories to the James Bay and Northern Quebec Agreement are the Government of Quebec, the James Bay Energy Corporation, the James Bay Development Corporation, Hydro-Québec, the Grand Council of the Crees (of Quebec), the Northern Quebec Inuit Association and the Government of Canada.

Under the James Bay and Northern Quebec Agreement, the Cree received \$168.8 million (1975\$) and the Inuit received \$91 million (1975\$) as well as a land regime, participation in an environmental and social protection regime, and an income security program for hunters and trappers. Under the 1984 *Cree-Naskapi (of Quebec) Act* and the *Act respecting Northern Villages and Kativik Regional Government* (Government of Quebec), a form of self-government was established for the Cree and the Inuit.

As well, twenty-nine complementary agreements have been signed since 1975 to amend the James Bay and Northern Quebec Agreement.

IMPLEMENTATION

An Agreement respecting the Implementation of the James Bay and Northern Quebec Agreement between Her Majesty the Queen in Right of Canada and Makivik Corporation was signed in 1990. This Agreement released Canada from certain obligations under the James Bay and Northern Quebec Agreement in exchange for a one-time grant of \$22.8 million (1990\$), the creation of a James Bay and Northern Quebec Agreement Implementation Forum and the establishment of a dispute resolution mechanism. As well, a number of working groups and procedures have been established.

JAMES BAY AND NORTHERN QUEBEC AGREEMENT (QUEBEC) (1977)

(continued)

In 2008, Canada and the Cree of Eeyou Istchee signed an Agreement concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee (New Relationship Agreement). This is an out-of-court settlement which resolves disputes between the Cree and Canada concerning Canada's responsibilities under the James Bay and Northern Quebec Agreement. Under the New Relationship Agreement, the assumed certain federal responsibilities consisting of the federal share of capital costs, operations and maintenance, and programs and services including the administration of justice and economic and social development. To date, Canada has provided \$1.2 billion to the Cree (2008\$) under the New Relationship Agreement.

The James Bay and Northern Quebec Agreement established a number of organizations to support the implementation of the Agreement:

Inuit:

- Makivik Corporation
- Kativik Environmental Advisory Committee
- Environmental and Social Impact Review Panel (North) (COFEX-North)
- Kativik School Board

Inuit and Cree:

- Hunting, Fishing and Trapping Coordinating Committee

Cree:

- Cree Nation Government (formerly the Cree Regional Authority)
- Cree Board of Compensation
- Cree Band Corporations
- Cree Board of Health and Social Services of James Bay
- Cree Hunters and Trappers Income Security Board
- Cree-Naskapi Land Registry
- Cree Native Arts and Crafts Association
- Cree Outfitting and Tourism Association
- Cree Regional Economics Enterprises Company Inc.
- Cree School Board
- Cree Trapper's Association
- Environmental and Social Impact Review Committee (South) (COMEX)
- Environmental And Social Review Panel (South) (COFEX-South)
- James Bay Advisory Committee on the Environment
- James Bay Native Development Corporation
- James Bay Regional Zone Council

Other Organizations:

- Cree-Naskapi Commission (created under the *Cree-Naskapi (of Quebec) Act*)
- Cree-Canada Standing Liaison Committee (created under the New Relationship Agreement)

JAMES BAY AND NORTHERN QUEBEC AGREEMENT (QUEBEC) (1977) **(continued)**

REVIEWS, RENEWALS AND ANNUAL REPORTS

The *James Bay and Northern Quebec Agreement Implementation Review* (Tait Report) was completed in 1982.

Annual Report – Canada prepares an annual report on the implementation of the James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement. Although no longer a statutory requirement under the *James Bay and Northern Quebec Native Claims Settlement Act*, the Standing Committee on Public Accounts recommended in 1988 that the Minister of Aboriginal Affairs and Northern Development Canada table annual reports on all native claims settlements.

NORTHEASTERN QUEBEC AGREEMENT (QUEBEC) (1978)

QUICK FACTS

SETTLEMENT AREA:

1,004,471 square kilometres

SETTLEMENT LANDS:

The Naskapi received 327 square kilometres in Category I lands and 4,144 square kilometres in Category II lands.

The remaining 1,000,000 square kilometres are identified as Category III lands. These are Quebec public lands upon which the Naskapi, Cree and Inuit have special rights to harvest certain species.

DATE SETTLED:

January 31, 1978

EFFECTIVE DATE:

April 18, 1978

BENEFICIARIES:

1,208 Naskapi

COMMUNITY:

Kawawachikamach

THE SETTLEMENT

The Northeastern Quebec Agreement was signed in 1978 and amended the James Bay and Northern Quebec Agreement to integrate the Naskapi. Signatories to the Agreement are the Naskapi Band of Kawawachikamach (formerly known as Schefferville), the Government of Quebec, the James Bay Energy Corporation, the James Bay Development Corporation, Hydro-Québec, the Grand Council of the Crees (of Quebec), the Northern Quebec Inuit Association and the Government of Canada.

The Northeastern Quebec Agreement provided the Naskapi people with \$9 million (1978\$), treaty settlement lands and rights and benefits equivalent to those set out in the James Bay and Northern Quebec Agreement.

IMPLEMENTATION

An Agreement respecting the Implementation of the Northeastern Quebec Agreement was signed in 1990. This Agreement released Canada from certain obligations under the Northeastern Quebec Agreement in exchange for a one-time grant of \$1.7 million (1990\$), the creation of a working group on job creation, and the establishment of a dispute resolution mechanism.

The Northeastern Quebec Agreement, the 1990 Implementation Agreement, and the *Cree-Naskapi (of Quebec) Act* (1984) established a number of implementing bodies to support and oversee implementation:

- Cree-Naskapi Commission

NORTHEASTERN QUEBEC AGREEMENT (QUEBEC) (1978) (continued)

- Cree-Naskapi Land Registry
- Hunting, Fishing and Trapping Coordinating Committee
- Naskapi Development Corporation
- Working Group on Job Creation in Kawawachikamach

REVIEWS, RENEWALS AND ANNUAL REPORTS

Annual Report – Canada prepares an annual report on the implementation of the James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement. Although no longer a statutory requirement under the *James Bay and Northern Quebec Native Claims Settlement Act*, the Standing Committee on Public Accounts recommended in 1988 that the Minister of Aboriginal Affairs and Northern Development Canada table annual reports on all native claims settlements.

INUVIALUIT FINAL AGREEMENT (NORTHWEST TERRITORIES) (1984)

QUICK FACTS

SETTLEMENT AREA:

435,000 square kilometres in the Mackenzie Delta, Beaufort Sea and Amundsen Gulf area of the Northwest Territories

SETTLEMENT LANDS:

Approximately 91,000 square kilometres of land, of which 13,000 square kilometres includes mineral rights

DATE SETTLED:

June 5, 1984

EFFECTIVE DATE:

July 25, 1984

POPULATION:

4,000 Inuvialuit

COMMUNITIES:

Aklavik, Ulukhaktok (Holman), Inuvik, Paulatuk, Sachs Harbour and Tuktoyaktuk

THE SETTLEMENT

The Inuvialuit Final Agreement, also known as the Western Arctic Claim, was the first Comprehensive Land Claims Agreement in the Northwest Territories. It was signed in June 1984 and came into effect in July 1984. Signatories to the Agreement include the Committee for Original Peoples' Entitlement and the Government of Canada (representatives of the Governments of the Northwest Territories and Yukon).

The agreement provided the Inuvialuit with a financial settlement of \$78 million (1984\$), a one-time payment of \$10 million to an economic enhancement fund and \$7.5 million to a social development fund. The Inuvialuit Final Agreement also includes wildlife harvesting rights, socio-economic initiatives and Inuit participation

in wildlife and environmental management regimes.

IMPLEMENTATION

The Inuvialuit Final Agreement does not have an Implementation Plan.

The Inuvialuit Final Agreement provides for the establishment of a number of implementing bodies to support implementation:

- Inuvialuit Arbitration Board
- Inuvialuit Regional Corporation
- Fisheries Joint Management Committee
- Wildlife Management Advisory Council – Northwest Territories
- Wildlife Management Advisory Council – North Slope

INUVIALUIT FINAL AGREEMENT (NORTHWEST TERRITORIES) (1984) (continued)

- Inuvialuit Environmental Impact Screening Committee
- Inuvialuit Environmental Impact Review Board
- Inuvialuit Game Council

The parties also oversee the implementation of the Agreement through the Inuvialuit Final Agreement Implementation Coordinating Committee, which forms the primary interface for the overall treaty relationship. This committee is not a requirement of the Inuvialuit Final Agreement.

REVIEWS, RENEWALS AND ANNUAL REPORTS

Economic measures reviews were required every three years until 2008, when the Parties agreed to participate in an Economic Measures Working Group instead. Since then the Economic Measures Working Group has been working on practical measures aimed at supporting the Agreement's broader objectives in relation to economic development for Inuvialuit.

Although not a requirement in the Inuvialuit Final Agreement, the Implementation Coordinating Committee prepares an annual report on the status of implementation. In 2009, the format of this report changed to present a summary of the yearly progress on the jointly set implementation priorities of the Inuvialuit Final Agreement Implementation Coordinating Committee.

SECHELT INDIAN BAND SELF-GOVERNMENT ACT (BRITISH COLUMBIA) (1986)

QUICK FACTS

POPULATION:
1,276

LAND BASE:
1,032 hectares of fee simple land reserved for the Indians within the meaning of Class 24 of section 91 of the *Constitution Act 1867*

On May 21, 1986, "An Act relating to self-government for the Sechelt Indian Band" (the Act) came into effect enabling the Sechelt Indian Band to exercise and maintain self-government on Sechelt lands and to obtain control over, and the administration of, the resources and services available to its members. The

Act was passed pursuant to the community-based self-government policy and, unlike other self-government arrangements in Canada, there is no self-government agreement clarifying Sechelt's jurisdiction and responsibilities. The Act did not create a treaty or land claims agreement protected under section 35 of the *Constitution Act, 1982*, nor did it provide for a capital transfer, lands in addition to existing reserves or end the *Indian Act* tax exemption.

The Act removed the Sechelt Indian Band from under most provisions of the *Indian Act*. Indian Reserve lands were transferred in fee simple and, under the Act, lands remain lands reserved for Indians within the meaning of subsection 91(24) of the *Constitution Act, 1982*. The Sechelt Indian Band (its legal name under the Act) government operates in accordance with the Act and the Sechelt Indian Band constitution which provides for democratic elections, structures and procedures of government and accountability to its members.

SECHELT INDIAN BAND SELF-GOVERNMENT ACT (BRITISH COLUMBIA) (1986)

(continued)

The Act is unique in Canada, creating a self-governing entity and a second governing body, the Sechelt Indian Government District, which is a municipal-type government brought into being when the province of British Columbia passed the *Sechelt Indian Government District Enabling Act*. Subsequent to the passage of this legislation, and approval by Sechelt members to transfer some of the band's powers to the Sechelt Indian Government District, the federal Cabinet passed an order transferring a set of [self-government] powers from the Sechelt Indian Band Council to the Sechelt Indian Government District.

Canada's government-to-government relationship is with the Sechelt Indian Band, not the Sechelt Indian Government District. The band is accountable to Canada for funding it receives by ensuring program and service delivery meet national and/or provincial standards and by providing Canada with annual consolidated audits.

IMPLEMENTATION

The Act does not have an Implementation Plan. The Parties (Sechelt Indian Band and the Government of Canada) oversee the implementation of the self-government arrangement through an Intergovernmental Committee consisting of representatives from both governments.

RENEWALS

Sechelt signed a renewed Financial Transfer Agreement, associated with the implementation of the self-government arrangement, effective April 1, 2012.

GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT (NORTHWEST TERRITORIES) (1992)

QUICK FACTS

SETTLEMENT AREA:

57,000 square kilometres in the Mackenzie Delta Region of the Northwest Territories and a "primary use area" in Yukon

SETTLEMENT LANDS:

22,422 square kilometres of land in the NWT, of which 6,158 square kilometres includes mineral rights; and 1,554 square kilometres of Tetlit Gwich'in land in Yukon

DATE SETTLED:

April 22, 1992

EFFECTIVE DATE:

December 22, 1992

POPULATION:

2,500

COMMUNITIES:

Aklavik, Fort McPherson, Inuvik and Tsiigetchic

THE SETTLEMENT

The Gwich'in of the Mackenzie Delta Region was the second group in the Northwest Territories to negotiate a Comprehensive Land Claim Agreement. Their Final Agreement was signed on April 22, 1992, and came into effect in December 1992.

The settlement provided the Gwich'in with \$75 million (1990\$) over 15 years; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with renewable resources, land use planning, environmental impact and assessment review, and land and water use regulation.

IMPLEMENTATION

The Agreement provides for a tripartite Implementation Plan and for the establishment of a number of implementing bodies:

- Gwich'in Arbitration Panel
- Enrolment Board
- Gwich'in Land Use Planning Board
- Gwich'in Land and Water Board
- Gwich'in Renewable Resources Board
- Gwich'in Renewable Resource Councils
- Mackenzie Valley Environmental Impact Review Board

As required by the Agreement, the parties also oversee the implementation of the Agreement through the Implementation Committee which forms the primary interface for the overall treaty relationship.

REVIEWS, RENEWALS AND ANNUAL REPORTS

This year, the Parties will continue to focus their efforts on renewing the current Implementation Plan, which covers the period of 2003-2013.

The Parties are in the process of completing the Annual Reports covering the 2010-2014 period.

COUNCIL OF YUKON INDIANS UMBRELLA FINAL AGREEMENT (YUKON) (1993)

QUICK FACTS

SETTLEMENT AREA:

All of Yukon

SETTLEMENT LANDS:

41,595 square kilometres, of which 25,900 square kilometres includes mines and minerals to be allocated to all 14 Yukon First Nations in accordance with provisions in the Umbrella Final Agreement

DATE OF THE UMBRELLA FINAL**AGREEMENT:**

May 29, 1993

POPULATION:

6,000

COMMUNITIES:

Vuntut Gwich'in First Nation (1995)
First Nation of Nacho Nyak Dun (1995)
Teslin Tlingit Council (1995)
Champagne and Aishihik First Nations (1995)
Little Salmon/Carmacks First Nation (1997)
Selkirk First Nation (1997)
Tr'ondëk Hwëch'in First Nation (1998)
Ta'an Kwach'an Council (2002)
Kluane First Nation (2004)
Kwanlin Dun First Nation (2005)
Carcross/Tagish First Nation (2005)

The Council of Yukon First Nations is a political association that represented all 14 Yukon First Nations on matters of regional interest at the time the Umbrella Final Agreement was signed. It now represents nine of the 11 self-governing Yukon First Nations.

UMBRELLA FINAL AGREEMENT

On May 29, 1993, the Government of Canada, the Yukon Territorial Government, and the Council of Yukon Indians (known as the Council for Yukon First Nations since 1996) signed the Umbrella Final Agreement. The Umbrella Final Agreement includes settlement provisions that provide Yukon First Nations financial benefits of \$242,673,000 (1989\$) in addition to rights in the management of national parks and wildlife areas, specific rights for fish and wildlife harvesting, and economic and employment opportunities.

Since the signing of the Umbrella Final Agreement, 11 of 14 Yukon First Nation

individual land claim and self-government agreements have been negotiated and brought into effect. In accordance with settlement provisions contained in the Umbrella Final Agreement, the 11 self-governing Yukon First Nations will receive financial benefits of \$195,254,166 (1989\$), less loan repayments, paid in 15 annual installments, plus rights specified in the Umbrella Final Agreement.

THE SETTLEMENT

On May 29, 1993, the same date as the signing of the Umbrella Final Agreement, Final and Self-Government Agreements were signed with four Yukon First Nations: Vuntut Gwich'in First Nation; First Nation of Nacho Nyak Dun; Champagne and Aishihik First Nations; and Teslin Tlingit Council. Settlement and self-government legislation was introduced into Parliament on May 31, 1994, and received Royal Assent on July 7, 1994. Surface rights legislation received Royal Assent on December 15, 1994. All three Acts came into force on February 14, 1995 bringing the above Final and Self-Government Agreements into effect.

On July 21, 1997, Final and Self-Government Agreements were signed with Little Salmon/Carmacks and Selkirk First Nations. These Agreements came into effect on October 1, 1997.

COUNCIL FOR YUKON INDIANS UMBRELLA FINAL AGREEMENT (YUKON) (1993) (continued)

On July 16, 1998, Final and Self-Government Agreements were signed with Tr'ondëk Hwëch'in in Dawson City. The Agreements came into effect on September 15, 1998.

On January 13, 2002, Final and Self-Government Agreements were signed with Ta'an Kwach'an Council in Whitehorse. The Agreements came into effect on April 1, 2002.

On October 18, 2003, Final and Self-Government Agreements were signed with Kluane First Nation. The Agreements came into effect on February 2, 2004.

On February 19, 2005, Final and Self-Government Agreements were signed with Kwanlin Dun First Nation. The Agreements came into effect on April 1, 2005.

On October 22, 2005, Final and Self-Government Agreements were signed with Carcross/Tagish First Nation. The Agreements came into effect on January 9, 2006.

IMPLEMENTATION

Each land claim and self-government agreement is accompanied by a tripartite Implementation Plan. In addition, each self-government agreement is accompanied by a financial transfer agreement, which includes specific program transfer agreements.

The Umbrella Final Agreement and individual Final Agreements also provide for the establishment of a number of implementing bodies:

- Dispute Resolution Board
- Renewable Resources Councils
- Training Policy Committee
- Yukon Enrolment Commission
- Yukon Environmental and Socio-Economic Assessment Board
- Yukon Fish and Wildlife Management Board
- Yukon Heritage Resources Board
- Yukon Salmon Sub-Committee
- Yukon Surface Rights Board
- Yukon Water Board

While a formal Implementation Committee is not a requirement of the Yukon agreements, there is an Implementation Working Group consisting of representatives from the 11 Yukon First Nations, the Council for Yukon First Nations and the governments of Yukon and Canada. It was established to monitor the respective Implementation Plans and to address issues-related to the plans.

The Yukon self-government agreements provide for further negotiations on the following matters: the transfer to First Nations of government responsibilities for programs and services (Programs and Services Transfer Agreements); and the development of First Nations administration of justice regimes (Administration of Justice Agreements). Teslin Tlingit Council has negotiated an Administration of Justice Agreement and negotiations have commenced with the Champagne and Aishihik First Nations, Vuntut Gwitch'in First Nation and Kwanlin Dun First Nation. All self-governing First Nations have negotiated Programs and Services Transfer Agreements.

COUNCIL FOR YUKON INDIANS UMBRELLA FINAL AGREEMENT (YUKON) (1993) (continued)

REVIEWS, RENEWALS AND ANNUAL REPORTS

The Umbrella Final Agreement and each First Nations' Final Agreement Implementation Plan provides for a review in the fifth and ninth years. The five-year review was released in 2000 and the nine-year review was released in October 2007. The five year review and the nine year review were only for seven of the Yukon First Nations. The remaining four have completed portions of their review but some portions remain to be completed.

The current Financial Transfer Agreements with the first seven self-governing First Nations are being extended as the parties prepare for renewal negotiations.

Although not a requirement under the Umbrella Final Agreement, Aboriginal Affairs Northern Development Canada prepares one tripartite annual report with input from the Council for Yukon First Nations self-governing First Nations and Yukon Government.

For information regarding the status of on-going negotiations with the remaining Yukon First Nation communities, please refer to the Umbrella Final Agreement description at the end of Section 3.

NUNAVUT LAND CLAIMS AGREEMENT (NUNAVUT) (1993)

QUICK FACTS

SETTLEMENT AREA:

1,994,000 square kilometres in Nunavut

SETTLEMENT LANDS:

Approximately 356,000 square kilometres of land, of which 38,000 square kilometres are subsurface title.

DATE SETTLED:

May 25, 1993

EFFECTIVE DATE:

July 9, 1993

POPULATION:

34,028

COMMUNITIES:

Arctic Bay, Arviat, Baker Lake, Bathurst Inlet, Cambridge Bay, Cape Dorset, Chesterfield Inlet, Clyde River, Gjoa Haven, Grise Fiord, Hall Beach, Igloolik, Iqaluit, Kimmirut, Kugluktuk, Pangnirtung, Kugaaruk, Pond Inlet, Qikiqtarjuaq, Rankin Inlet, Repulse Bay, Resolute, Sanikiluaq, Taloyoak, Coral Harbour and Whale Cove

THE SETTLEMENT

The Nunavut Land Claims Agreement represents the largest comprehensive claim settlement in Canada. The settlement provided the Inuit with \$580 million (1989\$) plus interest in financial compensation paid out over 14 years equaling \$1.148 billion; a share of resource royalties; guaranteed wildlife harvesting rights; and representation on new boards to co-manage land and water resources and wildlife, as well as monitor and evaluate development in the Territory.

A political accord was signed by the federal and territorial governments and the Tunngavik Federation of Nunavut on October 30, 1992. The Accord outlined the powers of and timing for the creation of a Nunavut Territorial Government. A referendum dealing with the boundary of the proposed new territory was approved by a majority of residents of the Northwest

Territories.

NUNAVUT LAND CLAIMS AGREEMENT (NUNAVUT) (1993) (continued)

Both the *Nunavut Land Claims Agreement Act* and the *Nunavut Act* were passed in June 1993. On April 1, 1999, the map of Canada changed with the creation of the new territory of Nunavut.

IMPLEMENTATION

The Nunavut Land Claims Agreement provides for the development of a tripartite Implementation Contract and the establishment of a number of implementing bodies:

- Nunavut Impact Review Board
- Nunavut Planning Commission
- Nunavut Surface Rights Tribunal
- Nunavut Water Board
- Nunavut Wildlife Management Board

The Implementation Panel forms the primary interface for the overall treaty relationship and coordinates, oversees and manages the implementation of the Nunavut Land Claims Agreement.

In 2010, the Nunavut General Monitoring Plan, which tracks the long-term state and health of the ecosystem and socio-economic environment in Nunavut, entered the implementation stage. In 2011-2012, \$1.165 million in funding was allocated to 19 projects spanning all valued component areas. The Nunavut General Monitoring Plan Secretariat is currently preparing a comprehensive Nunavut General Monitoring Summary of Knowledge Report for release in 2012-2013.

On May 18, 2012, Aboriginal Affairs and Northern Development Canada appointed a Chief Federal Negotiator on Nunavut devolution. The Chief Federal Negotiator was engaged with the Government of Nunavut, Nunavut Tunngavik Incorporated and key stakeholders to examine options for progressing on the devolution of land and resource management in Nunavut.

REVIEWS, RENEWALS AND ANNUAL REPORTS

Two independent five-year reviews on the implementation of the Nunavut Land Claims Agreement were completed in 1998 and 2005. Another review is set to begin once the Parties agree on a Terms of Reference and process for that review. A review of Article 23 (Inuit Employment) will commence once the Parties to the Nunavut Land Claims Agreement agree on the process.

Efforts to renew the Implementation Contract began in 2001 and reached an impasse in 2004. On December 6, 2006, the Inuit of Nunavut filed a \$1 billion lawsuit against Canada for alleged contractual and fiduciary breaches of the Nunavut Land Claims Agreement. The litigation is ongoing and Canada continues to implement its responsibilities under the Nunavut Land Claims Agreement to the fullest extent possible.

In July 2013, Canada appointed a Chief Federal Negotiator to negotiate the renewal of the Nunavut Land Claims Agreement Implementation Contract for the 2013-2023 periods. Negotiations are currently underway.

NUNAVUT LAND CLAIMS AGREEMENT (NUNAVUT) (1993) (continued)

The Implementation Panel also prepares an annual report on the status of implementation of the Nunavut Land Claims Agreement, which is tabled in Parliament and in the Nunavut Government legislature.

SAHTU DENE AND MÉTIS COMPREHENSIVE LAND CLAIM AGREEMENT (NORTHWEST TERRITORIES) (1994)

QUICK FACTS

SETTLEMENT AREA:

280,278 square kilometres in the Mackenzie Valley and Great Bear Lake region of the Northwest Territories

SETTLEMENT LANDS:

41,437 square kilometres of land, of which 1,813 square kilometres includes mineral rights

DATE SETTLED:

September 6, 1993

EFFECTIVE DATE:

June 23, 1994

POPULATION:

3,200

COMMUNITIES:

Colville Lake, Déline, Fort Good Hope, Norman Wells and Tulita

THE SETTLEMENT

The Sahtu Dene and Métis were the third group in the Northwest Territories to conclude a Comprehensive Land Claim Agreement. Their Final Agreement was signed on September 6, 1993, and came into effect on June 23, 1994. The settlement provided the Sahtu Dene and Métis with \$75 million (1990\$) over 15 years; guaranteed wildlife harvesting rights; and participation in decision-making bodies dealing with renewable resources, land use planning, environmental impact assessment and review, and land and water use regulation.

IMPLEMENTATION

The Agreement provides for a tripartite Implementation Plan and for the

establishment of a number of implementing bodies:

- Sahtu Arbitration Panel
- Enrolment Board
- Sahtu Land Use Planning Board
- Sahtu Land and Water Board
- Sahtu Renewable Resources Board
- Sahtu Renewable Resource Councils
- Mackenzie Valley Environmental Impact Review Board

As required by the Agreement, the Implementation Committee forms the primary interface for the overall treaty relationship.

REVIEWS, RENEWALS AND ANNUAL REPORTS

The first joint five-year review (1994-1999) was completed in 2000. The Parties have begun the process of the renewal of the current Implementation Plan, which covers the period of 2004-2014. The Parties have made substantial progress in the completion of annual reports, and have recently implemented an improved Annual Report format that will streamline the reporting process and result in more detailed, concise reporting of the Implementation Committee's work.

MI'KMAQ EDUCATION AGREEMENT (NOVA SCOTIA) (1997)

QUICK FACTS

SETTLEMENT AREA:

12 Mi'kmaq First Nations in Nova Scotia

DATE SETTLED:

February 14, 1997

EFFECTIVE DATE:

September 1, 1997

POPULATION:

Approximately 9,200

912 (kindergarten – Grade 12)

Approximately 530 (post secondary)

COMMUNITIES:

Acadia, Annapolis Valley, Bear River, Potlotek, Eskasoni, Membertou, Indian Brook, Pictou Landing, We'koqma'q, Wagmatcook, Paq'tnekek

In 1998, *Mi'kmaq Education Acts* in Parliament and in the Nova Scotia Legislature gave effect to Canada's only sectoral self-government arrangement on education - An Agreement with Respect to Mi'kmaq Education in Nova Scotia (1997).

The Mi'kmaq Education Agreement delegates jurisdiction over education to 12 participating Mi'kmaq communities and Mi'kmaw Kina'matnewey. Mi'kmaw Kina'matnewey is the corporate body established to manage education affairs and is governed by a Board of Directors consisting of the 12 chiefs of the participating communities.

The Agreement stipulates that the primary, elementary, secondary programs and services offered shall be comparable to those provided by other education systems in Canada so as to permit the transfer of students between education systems without academic penalty.

Mi'kmaw Kina'matnewey and the twelve participating communities have been instrumental in improving educational outcomes. Nova Scotia First Nations enjoy the highest secondary school completion rates (87%) among on-reserve citizens in Canada and efforts are underway through formal agreements with Nova Scotia Education and the Council on Mi'kmaq Education to close the gap in educational attainment between Mi'kmaq students and the general provincial student population.

In conjunction with Nova Scotia Education and post secondary institutions in the Province, work continues on incorporating Mi'kmaq language and heritage studies in provincial curriculum and promoting the use of Mi'kmaq language.

REVIEWS, RENEWALS AND ANNUAL REPORTS

A new five-year funding agreement took effect on October 1, 2011.

NISGA'A FINAL AGREEMENT (BRITISH COLUMBIA) (2000)

QUICK FACTS

SETTLEMENT LANDS:

Approximately 2,000 square kilometres, including ownership of subsurface resources

DATE SETTLED:

August 4, 1998 (Initialled)

EFFECTIVE DATE:

May 11, 2000

POPULATION:

6,200 Nisga'a citizens

COMMUNITIES:

Gingolx, Gitwinksihlkw, Laxgalts'ap, and Wii Lax Kap (New Aiyansh)

THE SETTLEMENT

The Nisga'a Final Agreement, also known as the Nisga'a Treaty, was initialled by the Nisga'a, Canada and British Columbia on August 4, 1998 and came into effect May 11, 2000. It was the first modern treaty in British Columbia and the first treaty in Canada to incorporate both land claims and constitutionally protected self-government provisions.

The Nisga'a Treaty provides for the establishment of the Nisga'a Lisims Government and the four Nisga'a Village Governments, collectively referred to as

Nisga'a Government; payment to the Nisga'a Government of a capital transfer of \$196.1 million paid over 15 years, \$11.8 million to increase Nisga'a participation in the commercial fishing industry, \$40.6 million for transition, training and other one-time implementation funding paid over five years, \$4.5 million for forestry revenue amounts; and, entitlements to Nass Area fish stocks and wildlife harvests.

IMPLEMENTATION

The Agreement provides for an Implementation Plan, which identifies the obligations and activities arising from the Final Agreement. As required by the Nisga'a Final Agreement, the Implementation Committee formed the primary interface for the overall treaty relationship for the first 10 years of the agreement. The parties have also negotiated a tripartite Fiscal Financing Agreement as a vehicle to flow funds to support implementation and the delivery of programs and services by the Nisga'a government.

On November 22, 2011, the parties agreed to the re-establishment of the Implementation Committee within are currently reviewing the Implementation Plan of the Nisga'a Final Agreement.

The Nisga'a Final Agreement also provides for the establishment of a number of implementing bodies:

- Wildlife Committee
- Joint Park Management Committee
- Joint Fisheries Management Committee

REVIEWS, RENEWALS AND ANNUAL REPORTS

In accordance to the Nisga'a Final Agreement, annual reports on implementation have been completed for every fiscal year. The Parties are currently engaged in producing the annual report for 2012-2013. The current Fiscal Financing Agreement expires March 31, 2015. The Parties have initiated exploratory discussions on the renewal of the Fiscal Financing Agreement. On November 22, 2011, the Parties agreed to the re-establishment of the Implementation Committee. The Implementation Plan of the Nisga'a Final Agreement, which identifies the obligations and activities arising from the Treaty, is undergoing a tripartite review.

TLICHO AGREEMENT (NORTHWEST TERRITORIES) (2005)

QUICK FACTS

SETTLEMENT AREA:

Approximately 210,000 square kilometres in the North Slave region of the Northwest Territories

SETTLEMENT LANDS:

39,000 square kilometres

DATE SETTLED:

August 25, 2003

EFFECTIVE DATE:

August 4, 2005

POPULATION:

3,897

COMMUNITIES:

Behchokò, Whati, Gamètì, and Wekweètì

The Tlicho is the fourth group in the Northwest Territories to settle a regional land claim agreement and the first treaty in the Northwest Territories to incorporate land claims and constitutionally protected self-government provisions.

THE SETTLEMENT

The Agreement was signed by representatives of the Dogrib Treaty 11 Council, the Government of the Northwest Territories and the Government of Canada on August 25, 2003.

The *Tlicho Land Claims and Self-Government Act* received Royal Assent on February 15, 2005, and on August 4,

2005, the Agreement came into effect.

The Tlicho Agreement provides for the establishment of a Tlicho government, payment to the Tlicho government of \$152 million (2005\$) over 15 years and a share of resource royalties that the government receives from development activities in the Mackenzie Valley. The Agreement also provides for ownership of and self-government over approximately 39,000 square kilometres of land, including surface and subsurface resources.

IMPLEMENTATION

The Agreement provides for a tripartite Implementation Plan. The Parties have also negotiated a tripartite Intergovernmental Services Agreement to fund programs and services, as well as a bilateral Financing Agreement to support implementation.

The Agreement also provides for the establishment of a number of implementing bodies:

- Wek'èezhìi Land and Water Board
- Wek'èezhìi Renewable Resources Board
- Dispute Resolution Administrator

As required by the Agreement, the Implementation Committee forms the primary interface for the overall treaty relationship.

REVIEWS, RENEWALS AND ANNUAL REPORTS

The Agreement requires the Parties to prepare an annual report on the status of implementation. The Parties are in the process of completing the Annual Reports covering the 2010-2014 period. Negotiations for the renewal of the Fiscal Financing Agreement are currently underway. In addition, all parties are undertaking a review of the Intergovernmental Services Agreement and of the Implementation Plan with a view of renewing following its expiry in 2015.

LABRADOR INUIT LAND CLAIMS AGREEMENT (NEWFOUNDLAND AND LABRADOR) (2005)

QUICK FACTS

SETTLEMENT AREA:

Coastline, interior, and offshore of northern Labrador

SETTLEMENT LANDS:

15,799 square kilometres of Labrador Inuit lands

DATE SETTLED:

August 29, 2003

EFFECTIVE DATE:

December 1, 2005

POPULATION:

7,199 Inuit and individuals with mixed Inuit and European ancestry

COMMUNITIES:

Hopedale, Makkovik, Nain, Postville and Rigolet

THE SETTLEMENT

The Labrador Inuit Land Claims Agreement came into effect on December 1, 2005. Signatories to the Agreement include the Government of Canada, the Government of Newfoundland and Labrador and the Labrador Inuit Association (now called the Nunatsiavut Government).

This Agreement also establishes a self-government regime for the Labrador Inuit within their settlement area. Under the Agreement, the Inuit received a capital transfer of \$183.2 million (2005\$) over 15 years and implementation funding of \$172.9 million (2005\$) over 10 years.

IMPLEMENTATION

The Agreement provides for a tripartite Implementation Plan, as well as a tripartite Fiscal Financing Agreement to support the delivery of programs and services by the Nunatsiavut Government.

The Agreement also provides for the establishment of a number of implementing bodies:

- Implementation Committee.
- Dispute Resolution Board
- Torngat Joint Fisheries Board
- Torngat Wildlife and Plants Co-Management Board
- Torngat Secretariat

REVIEWS, RENEWALS AND ANNUAL REPORTS

The Parties to the Agreement prepare an annual report on the status of implementation. A review of the Fiscal Financing Agreement was completed in March 2010, as required in year four. In March 2012, the renewal of the Fiscal Financing Agreement for 2012-2017 was successfully concluded. The Parties are also in the process of reviewing the Implementation Plan which must be renewed every 10 years.

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT (BRITISH COLUMBIA) (2005)

QUICK FACTS

EFFECTIVE DATE:

April 1, 2005

POPULATION:

774

The Westbank First Nation is a self-governing First Nation consisting of members of the Okanagan Syilx people. Its population consists of 774 members, 400 of which reside on reserves along with 9,000 non-members residing on

reserve lands. Its governing structure consists of the Chief and four councillors, which was created through a bilateral agreement between Westbank First Nation and the Government of Canada (effective as of April 1, 2005).

AGREEMENTS AND ANNUAL REPORTS

On April 1, 2005, Westbank First Nation's Self-Government Agreement came into effect. The Self-Government Agreement sets out the principles for the fiscal relationship between the Westbank First Nation and the Government of Canada. This includes negotiations with regard to financial transfer agreements. Funding to Westbank First Nation is provided through a five-year Canada / Westbank Self-Government Financial Transfer Agreement. Funding is also provided by Aboriginal Affairs and Northern Development Canada on an annual basis for Westbank First Nations' social development programs, Indian Registry administration, project-based capital infrastructure and housing programs, and funding for Health Canada programs, by means of a separate Aboriginal Affairs and Northern Development Canada targeted funding arrangement outside of the self-government grant payment. The Self-Government Agreement also outlines that title to all Westbank First Nation lands continue to be reserves under section 91(24) of the *Indian Act*. In 1976 Westbank First Nation was granted delegated land management authority under the *Indian Act*. Westbank First Nation and Canada work together to produce an annual report on the implementation of the Westbank First Nation Self-Government Agreement.

ECONOMIC DEVELOPMENT

Since the Westbank First Nation's Self-Government Agreement came into effect, Westbank First Nation has created the "Westbank First Nation Economic Development Commission." Under their economic development strategy, Westbank First Nation focuses on three main principles: capacity building; protection of land and resources for future generations; and support of initiatives based on their Business Rationale. There are more than 200 businesses on reserve and the Westbank First Nation land assessment values have increased 34 percent in 2007.

IMPLEMENTATION

An Implementation Plan was negotiated and agreed upon prior to the ratification of the Final Agreement. The objective of the Implementation Plan is to facilitate timely and efficient fulfillment of the obligations set out in the Final Agreement and in doing so, provide the opportunity to Westbank First Nation for a smooth transition from a First Nation government pursuant to the *Indian Act* to a new self-government model.

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT (BRITISH COLUMBIA) (2005) (continued)

Westbank First Nation and Canada have initiated a formal review of the Westbank First Nation Self-Government Agreement and implementation plan to ensure that all Parties are meeting their obligations under the agreement and as a collaborative method of assessing how Westbank First Nation is managing self-government.

RENEWALS

The Parties have negotiated the renewal of the Financial Transfer Agreement associated with the implementation of the Self-Government Agreement.

NUNAVIK INUIT LAND CLAIMS AGREEMENT (QUEBEC) (2008)

QUICK FACTS

SETTLEMENT AREA:

250,000 square kilometres

SETTLEMENT LANDS:

Approximately 5,100 square kilometres and 400 square kilometres jointly owned with the Cree of Eeyou Istchee.

DATE SETTLED:

December 1, 2006

EFFECTIVE DATE:

July 10, 2008

POPULATION:

No full-time residents

BENEFICIARIES:

11,674 Inuit

COMMUNITIES:

A unique feature of this Agreement is its trans-boundary nature. While the Nunavik Inuit communities are in northern Quebec, the claims are in Nunavut as well as in Newfoundland and Labrador

When amendments to the 1986 Comprehensive Claims Policy made it possible to negotiate marine areas, the Nunavik Inuit of Northern Quebec submitted a new claim to the offshore islands in Nunavut, specifically the marine areas of northeastern James Bay, eastern Hudson Bay, the Hudson Strait, Ungava Bay (the Nunavik Marine Region) and northern Labrador, including an onshore portion.

THE SETTLEMENT

The Nunavik Inuit Land Claims Agreement came into effect on July 10, 2008. Signatories to the Agreement are the Government of Canada, Makivik Corporation (representing the Nunavik Inuit) and the Government of Nunavut.

The Agreement settles unresolved issues stemming from the James Bay and Northern Quebec Agreement.

The Nunavik Inuit Settlement Area is comprised of two areas: the Nunavik Marine Region, and the Labrador portion of the Nunavik Settlement Area. The Nunavik Marine Region covers the Nunavut offshore islands adjacent to Quebec, the intervening waters,

NUNAVIK INUIT LAND CLAIMS AGREEMENT (QUEBEC) (2008) (continued)

and the offshore islands including the ice that separates them. The Nunavik Marine Region is an area of over 250,000 square kilometres, has no full-time residents and is totally within the jurisdiction of Canada and Nunavut. The Labrador portion of the Nunavik Settlement Area covers an offshore area adjacent to Labrador from Killinik Island to north of Hebron and an onshore portion of northern Labrador.

Under the Agreement, the Inuit received approximately \$57.2 million over nine years in the form of capital transfers, \$39.8 million over 10 years to implement the Agreement, and a share of resource royalties accrued by the federal government in the Nunavik Marine Region.

IMPLEMENTATION

The Nunavik Inuit Land Claims Agreement is accompanied by an Implementation Plan, which details the obligations of all the Parties.

The Nunavik Inuit Land Claims Agreement established four implementing bodies:

- Nunavik Inuit Land Claims Agreement Implementation Committee
- Nunavik Marine Region Impact Review Board
- Nunavik Marine Region Planning Commission
- Nunavik Marine Region Wildlife Board

As required by the Agreement, the Implementation Committee forms the primary interface for the overall treaty relationship.

OVERLAP

Territorial overlap agreements have been concluded with the Nunavut Inuit, the Labrador Inuit and the Cree of Eeyou Istchee.

TSAWWASSEN FIRST NATION FINAL AGREEMENT (BRITISH COLUMBIA) (2009)

QUICK FACTS

SETTLEMENT AREA:

Approximately 279,600 hectares including areas of Metro Vancouver, the south Strait of Georgia, and the Gulf Islands

SETTLEMENT LANDS:

Owned and governed by Tsawwassen – 662 hectares

Owned by Tsawwassen, governed by Delta municipality – 62 hectares
Tsawwassen Rights of Refusal on Specified Lands – 278 hectares

DATE SETTLED:

December 6, 2007 (signed)

EFFECTIVE DATE:

April 3, 2009

POPULATION:

435 Tsawwassen Members

COMMUNITY:

Tsawwassen

THE SETTLEMENT

The Tsawwassen First Nation Final Agreement took effect on April 3, 2009. It is the second modern treaty in BC and the first ever treaty in a major urban centre in Canada.

The Final Agreement provides for the establishment of the Tsawwassen First Nation Government with jurisdiction over Tsawwassen First Nation Lands that were transferred from provincial Crown lands and former federal reserves. Tsawwassen may make laws for child care, education, health services, child protection services, and language and culture. Tsawwassen laws operate concurrently with federal and provincial law. On the effective date, Tsawwassen First Nation also became a First Nation member of Metro Vancouver Regional District, and a member of Translink, the regional transportation

authority.

Funding provided to Tsawwassen First Nation under the Final Agreement includes a capital transfer of \$13.9 million, and \$2.0 million for the release of rights to certain subsurface resources. The Final Agreement also sets out Tsawwassen First Nation non-exclusive rights to harvest fish, aquatic plants, wildlife and migratory birds for food, social, and ceremonial purposes. Harvest must take place in specified areas within Tsawwassen First Nation claimed traditional territory. Tsawwassen First Nation commercial fishing activities are governed by a Harvest Agreement, separate from the Final Agreement.

IMPLEMENTATION

Under the Final Agreement, an Implementation Committee with representation from all three parties was established to provide a forum to discuss treaty implementation, and to attempt to resolve issues. The Implementation Committee has met regularly since effective date. A Fiscal Financing Agreement, separate from the Final Agreement, provides a one-time allocation of \$15.8 million to support one-time and ongoing implementation activities, plus \$2.8 million each year to support programs and services. An Own Source Revenue Agreement reduces federal and provincial transfer payments gradually as Tsawwassen becomes more self-sufficient and contributes its own sources of revenue. The Fiscal Financing Agreement and Own Source Revenue Agreement are to be renegotiated periodically

TSAWWASSEN FIRST NATION FINAL AGREEMENT (BRITISH COLUMBIA) (2009) **(continued)**

REVIEWS, RENEWALS AND ANNUAL REPORTS

In accordance to the Final Agreement, annual reports on implementation have been completed for every fiscal year. The Parties are currently engaged in producing the annual report. The Parties are currently in exploratory discussions on the renewal of the Fiscal Financing Agreement.

MAA-NULTH FIRST NATIONS FINAL AGREEMENT **(BRITISH COLUMBIA) (2011)**

QUICK FACTS

SETTLEMENT AREA:

On Vancouver Island in remote areas around Kyuquot Sound and Barkley Sound

SETTLEMENT LANDS:

Approximately 24,550 hectares of former provincial Crown lands, federal reserves, and additional lands

Huu-ay-aht First Nations – 8,258 hectares.

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations – 6,299 hectares

Toquaht Nation – 1,489 hectares

Uchucklesaht Tribe – 3,067 hectares

Yuulu?il?ath – 5,438 hectares

DATE SETTLED:

April 9, 2009 (signed)

EFFECTIVE DATE:

April 1, 2011

POPULATION:

2,200

COMMUNITIES:

Anacla (Huu-ay-aht), Houpsitas

(Ka:'yu:'k't'h'/Che:k'tles7et'h'), Macoah (Toquaht),

Kildonan (Uchucklesaht), and Ittattsoo

(Yuulu?il?ath)

THE SETTLEMENT

The five Maa-nulth First Nations located on the west side of Vancouver Island are Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuulu?il?ath (formerly Ucluelet First Nation). The Maa-nulth First Nations Final Agreement was ratified in 2009 and came into effect on April 1, 2011.

The Final Agreement provides about 24,550 hectares of land to the Maa-nulth First Nations in fee simple, known as Maa-nulth First Nations Lands. Each Maa-nulth First Nation owns and manages all forest and range resources on its Lands, and owns most of the subsurface resources.

The Final Agreement includes a capital transfer of \$96.7 million (2011\$) to the five Maa-nulth First Nations to be paid over nine years, and forest resource revenue sharing payments over a 25-year period.

The Maa-nulth First Nations Final Agreement also establishes a range of law-making authorities for the five Maa-nulth First Nation governments. The Final Agreement sets out harvesting rights for Fish, Migratory Birds, and Wildlife for food social and ceremonial purposes. For commercial fisheries, the Maa-nulth First Nations negotiated a Harvest Agreement for commercial licences separate from the treaty and not constitutionally protected.

IMPLEMENTATION

The Final Agreement established two committees: a Joint Fisheries Committee and an Implementation Committee. The Joint Fisheries Committee is for cooperative management of domestic fisheries. The Implementation Committee is a forum to

MAA-NULTH FIRST NATIONS FINAL AGREEMENT (BRITISH COLUMBIA) (2011) (CONTINUED)

discuss implementation in general and attempt to resolve issues. Both committees have been meeting regularly since effective date.

Each of the five Maa-nulth First Nations has a separate eight-year Fiscal Financing Agreement with Canada and British Columbia. These agreements are used to flow funds to support treaty implementation, self-government, and the delivery of programs and services by the Maa-nulth First Nation Governments. The agreements provide one-time federal funding that totals \$49.1 million (2011\$) to support one-time and ongoing implementation activities; plus \$10.8 million each year to support programs and

services. An Own Source Revenue Agreement with each nation reduces federal and provincial transfer payments gradually as that Maa-nulth First Nation becomes more self-sufficient and contributes its own sources of revenue. The Fiscal Financing Agreement and Own Source Revenue Agreement are to be renegotiated periodically.

REVIEWS, RENEWALS AND ANNUAL REPORTS

In accordance with the Final Agreement, an annual report on implementation is prepared every fiscal year. The 2012-2013 Annual Report was recently tabled in Parliament on December 9, 2014

EEYOU MARINE REGION LAND CLAIMS AGREEMENT – CREE (NUNAVUT) (2012)

QUICK FACTS

SETTLEMENT AREA:

Nunavut offshore islands and the intervening waters adjacent to Quebec in James Bay and south-eastern Hudson Bay, representing approximately 61,270 square kilometres

SETTLEMENT LANDS:

Approximately 1,650 square kilometres of land mass, of which 400 square kilometres, will be jointly owned with the Nunavik Inuit

DATE SETTLED:

July 7, 2010

Effective Date:

February 15, 2012

POPULATION:

No full-time residents.

BENEFICIARIES:

18,134 Cree

COMMUNITIES:

A unique feature of this Agreement is its trans-boundary nature. While the Cree communities are in northern Quebec, the islands being claimed are in Nunavut

THE SETTLEMENT

Canada initially agreed in November 1974 to negotiate with the Quebec Cree, as represented by the Grand Council of the Crees of Quebec (Eeyou Istchee), regarding the islands along the shores of James Bay and Hudson Bay that fall under Nunavut jurisdiction. The Eeyou Marine Region Land Claims Agreement settles unresolved issues stemming from the James Bay and Northern Quebec Agreement.

The Eeyou Marine Region Agreement was signed by the Grand Council of the Crees (Eeyou Istchee), the Government of Canada and the Government of Nunavut, on July 7, 2010. It came into effect on February 15, 2012.

The Agreement settles the land and resource rights, including those of Canada and the Cree, over the islands and the marine waters in this area. These islands represent approximately 1,650

EEYOU MARINE REGION LAND CLAIMS AGREEMENT – CREE (NUNAVUT) (2012) (continued)

square kilometres of land mass, of which almost 1,050 square kilometres will be owned by the Cree, including rights to the land and subsurface resources. Islands in the southern Hudson Bay, which cover an area of nearly 400 square kilometres, will be jointly owned with the Nunavik Inuit. Canada will retain ownership over some islands representing approximately 200 square kilometres of land mass in the area, as well as jurisdiction over marine waters and ownership of the seabed.

Under the Agreement, the Cree received a capital transfer of \$50 million to be paid out over a period of nine years and \$5 million in implementation funding.

IMPLEMENTATION

The Eeyou Marine Region Land Claims Agreement is accompanied by an implementation plan, which details the obligations of all the Parties.

The Eeyou Marine Region Land Claims Agreement also provides for the establishment of four implementing bodies:

- Eeyou Marine Region Land Claims Agreement Implementation Committee
- Eeyou Marine Region Impact Review Board
- Eeyou Marine Region Planning Commission
- Eeyou Marine Region Wildlife Board

As required by the Agreement, the Implementation Committee forms the primary interface for the overall treaty relationship.

OVERLAP

A territorial overlap agreement has been concluded with the Nunavik Inuit. The overlap area consists of the northern part of the Eeyou Marine Region and the southern part of the Nunavik Marine Region

SIOUX VALLEY DAKOTA NATION (MANITOBA) (2014)

QUICK FACTS

EFFECTIVE DATE:

July 1, 2015

POPULATION:

2,492

COMMUNITIES:

Sioux Valley Dakota Nation

THE SETTLEMENT

The Governance Agreement between Sioux Valley Dakota Nation, Canada and Manitoba came into effect on July 1, 2014. The self-government arrangement is the first in Manitoba and the Prairies.

The Governance Agreement empowers Sioux Valley Dakota Nation to move out

from under the *Indian Act* and assume greater control over its own affairs. It provides Sioux Valley Dakota Nation with the ability to make laws in over 50 subject areas according to its own priorities.

IMPLEMENTATION

The Governance Agreement provides for an Intergovernmental Relations and Implementation Support Committee. Since the effective date of the Agreement representation for Sioux Valley Dakota Nation, Canada and Manitoba have appointed their representative to serve on the Intergovernmental Relations and Implementation Support Committee and one meeting has been held. The committee will, among other matters, provide for a forum where the Parties may discuss matters relating to the implementation of the Governance Agreement.

The Parties also concluded an Intergovernmental Relations and Implementation Support Plan which will coordinate timely and efficient fulfillment of the obligations set out in the Governance Agreement.

REVIEWS, RENEWALS AND ANNUAL REPORTS

As this is the first year of the Agreement, no annual reports have been produced to date.

SECTION 3 – SELF-GOVERNMENT AND CLAIMS NEGOTIATIONS

STAND-ALONE SELF-GOVERNMENT NEGOTIATIONS

This section provides a summary of stand-alone self-government negotiations and related Aboriginal and treaty rights processes that are currently under negotiation across Canada, excluding British Columbia. *Population figures are approximate.*

MIAWPUKEK FIRST NATION OF CONNE RIVER (NEWFOUNDLAND AND LABRADOR)

QUICK FACTS

DATE ACCEPTED FOR NEGOTIATION:
2004

POPULATION:
2,800 (860 of which are on reserve)

COMMUNITY:
Conne River

MILESTONE:
Self-government **Framework Agreement** signed in April 2005.

SELF-GOVERNMENT

Miawpukek First Nation has developed a sophisticated vision of self-government since its recognition as a band in 1984.

Self-government framework negotiations began in August 2004. Although already successful under the *Indian Act*, the First Nation seeks self-government arrangements to acquire greater flexibility in the development and delivery of programs for its members. Crucial to the continued development of the community is the further development of government-

to-government relationships with other governments in Newfoundland and Labrador and with the federal government.

The community has developed a formalized mechanism (Self-Government Steering Committee) to allow for community input into self-government negotiations. The Committee has representation from both on- and off-reserve members and non-members living on reserve.

Since the signing of the Framework Agreement (2005), the Parties have made excellent progress at the negotiation table while maintaining flexibility in the process to ensure Miawpukek's approach to community engagement is respected. The Agreement-in-Principle was initialled on May 6, 2013 and it is expected to be signed in autumn 2013. The Parties continue to make steady progress on negotiations toward a final agreement.

NUNAVIK REGIONAL GOVERNMENT (QUEBEC)

QUICK FACTS

POPULATION:

11,674

COMMUNITIES:

Akulivik, Aupaluk, Inukjuak, Ivujivik, Kangiqsualujuaq, Kangiqsujuaq, Kangirsuk, Kuujuaq, Kuujuarapik, Puvirnituq, Quaqtaq, Salluit, Tasiujaq, Taq Pangajuk* and Umiujaq

* *Uninhabited community*

On December 5, 2007, Makivik Corporation (representing the Inuit of Quebec), the Government of Quebec and Canada signed an Agreement-in-Principle setting out the parameters for the negotiation of a final agreement that would lead to the establishment of a regional public government.

On April 27, 2011, a majority of the eligible voters of the Nunavik region

rejected the proposed final agreement. Makivik Corporation has not yet proposed options to the parties on possible courses of action based on this rejection.

MICMAC NATION OF GESPEG (QUEBEC)

QUICK FACTS

POPULATION:

Approximately 710

COMMUNITY:

Gespeg

In 1973, the Micmac Nation of Gespeg was recognized as a band, but without reserve land. It is one of three Micmac communities in Quebec that form the Mi'gmawei Tribal Council.

A tripartite Framework Agreement was signed in May 1999 with the Government of Quebec and the Micmac Nation of Gespeg with a view to negotiate a self-government agreement. Negotiations ceased in April 2014.

CREE NATION GOVERNANCE (QUEBEC)

QUICK FACTS

POPULATION:

18,134

COMMUNITIES:

Chisasibi, Eastmain, Mistissini, Nemaska, Oujé-Bougoumou, Waskaganish, Waswanipi, Wemindji and Whapmagoostui

In 2008, the Grand Council of the Crees (Eeyou Istchee) and Canada signed the New Relationship Agreement, which brings resolution to litigation over implementation of the James Bay and Northern Quebec Agreement in the years following its conclusion (see James Bay and Northern Quebec Agreement

summary in Section 2). The New Relationship Agreement also resolves a number of other matters; sets out agreement over James Bay and Northern Quebec Agreement implementation for 20 years and establishes a two-phase approach for modernizing Cree governance. It stipulates that the Parties—the Cree, Quebec and Canada—should attempt to conclude an agreement-in-principle within three years, and a final agreement within five years, following the coming into force of the New Relationship Agreement on March 13, 2008. The parties agreed to extend this time line to continue negotiations toward an Agreement-in-Principle.

CREE NATION GOVERNANCE (QUEBEC) (continued)

The contemplated Cree Nation Governance Agreement would modernize the current Cree governance regime and include the development of a Cree constitution, the establishment of a Cree Nation government and possible amendments to the James Bay and Northern Quebec Agreement and the *Cree-Naskapi (of Quebec) Act*. After Royal Assent of governance legislation, Canada would provide the Cree with an amount of \$200 million. The Agreement would have to take into account the 2012 Agreement on Governance in the Eeyou Istchee James Bay Territory between the Cree of Eeyou Istchee and the Government of Québec.

FORT FRANCES (ONTARIO)

QUICK FACTS

POPULATION:
5,700

COMMUNITIES:
Anishnaabeg of Naongashiing First Nation,
Couchiching First Nation, Lac La Croix First
Nation, Naicatchewenin First Nation,
Nigigoonisiminikaaning First Nation, Rainy River
First Nation, Seine River First Nation and
Stanjikoming First Nation

BACKGROUND

In 1995, the Fort Frances Tribal Area First Nations entered into negotiations with Canada to seek jurisdictional authority over education for members living on reserve.

A Framework Agreement with 10 Fort Frances First Nations was signed in July 1996 with an Agreement-in-Principle signed in 2002 with eight First Nations.

STATUS OF NEGOTIATIONS

On March 30, 2010 the negotiation was put in abeyance due to an impasse between the Parties' fiscal positions on core issues.

ANISHINABEK NATION (UNION OF ONTARIO INDIANS) AGREEMENTS ON GOVERNANCE AND EDUCATION (ONTARIO)

QUICK FACTS

POPULATION:
58,300

COMMUNITIES:

Aamjiwnaang, Alderville, Algonquins of Pikwakanagan, Atikameksheng, Anishinabek, Aundeck-Omni-Kaning, Beausoleil, Biinjitiwaabik Zaaging Anishinabek, Chippewas of Georgina Island, Chippewas of Kettle & Stony Point, Chippewas of Rama, Chippewas of the Thames, Curve Lake, Dokis, Ft. William, Henvey Inlet, Long Lake #58, Magnetawan, M'Chigeeng, Michipicoten, Mississauga #8, Mississaugas of Scugog Island, Moose Deer Point, Munsee-Delaware, Nipissing, Ojibways of Garden River, Ojibways of the Pic River, Pays Plat, Pic Mobert, Red Rock, Sagamok Anishinabek, Serpent River, Sheguiandah, Sheshegwaning, Thessalon, Wahnapiatae, Wasauksing, Whitefish River, Wikwemikong Unceded Indian Reserve and Zhiibaahaasing

In 1995, the Anishinabek Nation's Grand Council authorized its secretariat arm, the Union of Ontario Indians, to begin self-government negotiations with Canada on behalf of its members First Nations. Negotiations toward agreements in the areas of education and governance began in 1998.

An Agreement-in-Principle on education was signed in November 2002. In February 2007, the Parties signed the Agreement-in-Principle with respect to governance. Final Agreement negotiations are proceeding in parallel. Together, these agreements would mark important steps toward the Anishinabek Nation's long-term objective of supporting participating First Nations to move out from under the *Indian Act*.

ANISHINABEK NATION GOVERNANCE AGREEMENT

BACKGROUND

The Anishinabek Nation Governance Agreement will provide for the establishment of the Anishinabek Nation Government and for the recognition of First Nation lawmaking authority in four core governance areas: leadership selection, citizenship, culture and language, and management and operations of government.

STATUS OF NEGOTIATIONS

Negotiations to conclude the Governance Agreement and the associated Fiscal Transfer Agreement and Implementation Plan are proceeding. To help prepare for self-government in member communities, the Union of Ontario Indians has undertaken a range of activities including a Community Engagement Strategy, the development of an appeal and redress process, a constitutional development process, and a number of capacity development activities.

ANISHINABEK NATION EDUCATION AGREEMENT

BACKGROUND

The Education Agreement-in-Principle authorized the Parties to negotiate a final agreement with respect to lawmaking authority for primary, elementary and secondary education for on-reserve members, and to administer Aboriginal Affairs and Northern Development Canada's post-secondary education assistance program. There are approximately 4,600 school-age children residing on reserve who are enrolled in either on-reserve First Nation schools or provincial schools.

ANISHINABEK NATION (UNION OF ONTARIO INDIANS) AGREEMENTS ON GOVERNANCE AND EDUCATION (ONTARIO) (continued)

STATUS OF NEGOTIATIONS

The Parties continue to make progress toward completing final agreement negotiations, including fiscal arrangements. The Province of Ontario is not a party to these negotiations but is engaged in discussions on particular issues that would assist in the implementation of the final agreement.

AKWESASNE (QUEBEC AND ONTARIO)

QUICK FACTS

POPULATION:
12,000

COMMUNITY:
Akwesasne

BACKGROUND

Akwesasne is in a unique situation in Canada because its reserve is located in both the provinces of Ontario and Quebec (and its territory also includes an American reservation in New York State). This presents a range of practical and jurisdictional challenges for the community as it strives to serve and govern all of its members equally, regardless of their residence on either the Ontario or Quebec portion of the reserve.

A five-year Political Protocol agreement between the Government of Canada and the Mohawk Council of Akwesasne was first signed in 1999. The protocol is a process instrument that commits the Government of Canada to discuss and seek policy-based solutions on a number of identified priorities, with no commitment by either party to reach an agreement. The Political Protocol is managed out of the Ontario Region and the most recent renewal was signed by representatives for Canada and Akwesasne on May 30, 2012. The term of the Protocol is 10 years.

For Akwesasne's stand-alone self-government negotiations, a Process and Schedule Agreement (i.e., Framework Agreement) was signed in June 2005 and renewed in 2011. The Process and Schedule Agreement identifies 23 subject areas in which Akwesasne has an interest in pursuing jurisdictional arrangements. Akwesasne and Canada have chosen first to negotiate a broad Governance Agreement and an accompanying sectoral Lands and Estates Agreement. The two Agreements-in-Principle were signed on November 4, 2013.

STATUS OF NEGOTIATIONS

Akwesasne and Canada are currently in final agreement negotiations for both their Governance Agreement and their sectoral Lands and Estates Agreement. The Parties are exploring adding Education as another jurisdiction. Akwesasne would like to expand the negotiations to include areas of provincial jurisdiction for justice, health, child and family services, but this would require both the provinces of Ontario and Québec to be parties at the negotiating table.

NISHNAWBE ASKI NATION (ONTARIO)

QUICK FACTS

POPULATION:

42,236

COMMUNITIES:

Albany, Aroland, Attawapiskat, Bearskin Lake, Beaverhouse, Brunswick House, Cat Lake, Chapleau Cree, Chapleau Ojibway, Constance Lake, Deer Lake, Eabametoong, Flying Post, Fort Severn, Ginoogaming, Hornepayne, Kasabonika Lake, Kee-Way-Win, Kingfisher, Koocheching, Lac Seul, Long Lake #58, Martin Falls, Matachewan, Mattagami, McDowell Lake, Mishkeegogamang, Missanabie Cree, Moccreebec, Moose Cree, Muskrat Dam, Neskantaga, Nibinamik, North Caribou Lake, North Spirit Lake, Pikangikum, Poplar Hill, Sachigo Lake, Sandy Lake, Slate Falls, Taykwa Tagamou, Wahgoshig, Wapekeka, Wawakapewin, Webique, Weenusk, Whitewater and Wunnum

BACKGROUND

The Nishnawbe Aski Nation is an aggregation of 49 remote First Nations communities in northern Ontario.

Bilateral Framework Agreements on governance and education jurisdictions were formally signed between Canada and Nishnawbe Aski Nation on October 16, 1999. The First Nations of Nishnawbe Aski Nation that could be eligible to sign Agreements-in-Principle pursuant to the Framework Agreements have a total registered Indian population of 42,236, split between 24,902 on- and 15,617 off-reserve members—with 1,717 living on provincial Crown land. Students are served by approximately 36 band-operated educational institutions.

Agreements-in-Principle were initialled in 2009. Since that time, efforts have been focused on increasing capacity amongst Nishnawbe Aski Nation First Nations through the development of Governance Strategic Plans and an aggregate education model.

BLOOD TRIBE (ALBERTA)

QUICK FACTS

POPULATION:

10,400

COMMUNITY:

Blood Tribe

BACKGROUND

The Blood Tribe, members of the Blackfoot Confederacy, entered into Treaty 7 in 1877. The Blood Tribe has two reserves, including the largest geographic reserve in Canada. It is located in southern Alberta with

approximately two thirds of the membership residing on reserve.

In April 2000, Canada and the Blood Tribe signed a Framework Agreement to negotiate a sectoral Child Welfare Self-Government Agreement. The Blood Tribe sought to move away from administrative arrangements and assume jurisdictional control over their child and family service affairs. The Framework Agreement further provided for a joint Canada/Blood invitation made to Alberta to participate in tripartite negotiations.

On October 17, 2003, Canada, Alberta and the Blood Tribe officials signed an Agreement-in-Principle on governance and child welfare. At the Agreement-in-Principle stage, the negotiations expanded from a sectoral negotiation to an umbrella negotiation, which contemplates negotiating future jurisdictions. In December 2010, the Blood Tribe, the Government of Canada and the Government of Alberta successfully completed the negotiation of Final Agreements on governance and child, youth and family matters. The Final Agreements will allow the Blood Tribe to exercise jurisdiction and authority

BLOOD TRIBE (ALBERTA) (continued)

over child, youth and family matters, and governance matters which include elections, membership and financial management on Blood Tribe lands.

STATUS OF NEGOTIATIONS

On July 9, 2011, for the three parties initialled the self-government documents on July 9, 2011, marking the completion of negotiations. The Blood Tribe community vote was held on December 14, 2011 and resulted in an unsuccessful ratification. The Parties have yet to determine the next steps.

MEADOW LAKE FIRST NATIONS (SASKATCHEWAN)

QUICK FACTS

POPULATION:
13,490

LAND BASE:
77,698.9 hectares

COMMUNITIES:
Birch Narrows Dene Nation, Buffalo River Dene Nation, Canoe Lake Cree Nation, Clearwater River Dene Nation, English River First Nation, Flying Dust First Nation, Island Lake First Nation, Makwa Sahgaiehcan First Nation

BACKGROUND

The Meadow Lake First Nations are located in three treaty areas (6, 8, and 10) in northwest Saskatchewan with approximately half the members living off-reserve.

A Framework Agreement was signed in 1991 with the Meadow Lake Tribal Council representing the Meadow Lake First Nations. The province of Saskatchewan joined negotiations in

1996.

In 2001, the Parties concluded a self-government Agreement-in-Principle for a Governance Agreement (Canada and Meadow Lake First Nations) and a Tripartite Governance Agreement (Canada, Saskatchewan and Meadow Lake First Nations), and they continued to negotiate towards a final agreement.

The Governance Agreement would establish the First Nations' governments and provide them with jurisdiction in a number of areas. The Tripartite Governance Agreement confirms provincial recognition of the First Nations' governments and sets out the province's role in implementing the arrangements.

STATUS OF NEGOTIATIONS

Saskatchewan withdrew from negotiations in July 2010 to undertake a review of its self-government policies and have not returned to the table. Waterhen Lake First Nation has formally notified Canada of its withdrawal from the Meadow Lake First Nations negotiations. In August 2014, Canada placed the self-government negotiations in hiatus to provide the Meadow Lake Tribal Council and the Meadow Lake First Nations with an opportunity to focus on a reassessment process.

WHITECAP DAKOTA FIRST NATION SELF-GOVERNMENT NEGOTIATIONS

QUICK FACTS

POPULATION:

616; On-Reserve 298

LAND BASE:

1,894 hectares

ECONOMIC DEVELOPMENT:

- Host over 1.4M tourists annually
- Dakota Dunes Golf Links
- Dakota Dunes Casino and Resort
- Plan to construct a hotel and spa

In 2009, Whitecap Dakota First Nation (Whitecap) submitted its proposal to enter into self-government negotiations. In January 2012, Whitecap and Canada signed a Governance Framework Agreement. The Framework Agreement guides negotiations among the Parties and sets out the substantive issues, process and timing to complete the Agreement-in-Principle. Whitecap is already undertaking additional

responsibilities under the *First Nation Land Management Act* and has concluded tax agreements with Canada First Nation Good and Services Tax and Saskatchewan (gas, alcohol, and tobacco sales on reserve).

STATUS OF NEGOTIATIONS

Negotiations of the Governance Agreement-in-Principle began in March 2012 and are progressing well.

Currently, negotiations are bilateral; Saskatchewan is attending negotiation sessions as an observer. The Framework Agreement includes provisions which permit the Province to become a Party later in the negotiation process, if Saskatchewan decides to do so after it has concluded a comprehensive review of its self-government policy.

FINAL AGREEMENT WITH RESPECT TO THE EXERCISE OF EDUCATION JURISDICTION (BRITISH COLUMBIA)

Negotiation of bilateral and tripartite education agreements involving Canada, British Columbia and First Nations in that province, represented by the First Nation Education Steering Committee, have been concluded, and the *First Nations Jurisdiction over Education in British Columbia Act* received Royal Assent on December 12, 2006. This legislation enables subsequently negotiated Canada–First Nations Education Jurisdiction Agreements and establishes a First Nation Education Authority. The First Nations that enter into Canada–First Nations Education Jurisdiction Agreements will not be governed by the *Indian Act* with respect to education.

NORTHWEST TERRITORIES

INUVIALUIT

In 1996, the Inuvialuit Regional Corporation commenced self-government negotiations with Canada, the Government of the Northwest Territories, and in concert with the Gwich'in Tribal Council, with which they envisioned the operation of a regional public government structure, combined with a system of guaranteed Aboriginal representation.

An Agreement-in-Principle was reached in April 2003 but was later rejected by the Gwich'in Tribal Council. The Inuvialuit signed a new Process and Schedule Agreement May 2007, and an Agreements-in-Principle was initialled in June 2014.

NORTHWEST TERRITORIES (continued)

GWICH'IN

In 1996, the Gwich'in Tribal Council commenced self-government negotiations with Canada, the Government of the Northwest Territories, and in concert with the Inuvialuit Regional Corporation, with which they envisioned the operation of a regional public government structure, combined with a system of guaranteed Aboriginal representation. An Agreement-in-Principle was reached in April 2003 but was later rejected by the Gwich'in Tribal Council. The Gwich'in Tribal Council signed a new Process and Schedule Agreement March 2007.

After review of other self-government agreements-in-principle and after having consulted Gwich'in members and hosted a nation discussion forum on Aboriginal self-government, the Gwich'in developed draft agreement-in-principle text and a proposal on self-government that was shared with the Parties in April 2014. This text and proposal are being renewed by the Parties and have formed the basis for ongoing agreement-in-principle.

DÉLINE – SAHTU DENE AND MÉTIS

In 1996, the Déline Land Corporation, on behalf of the Sahtu Dene and Métis Comprehensive Land Claim Agreement beneficiaries of Déline, returned to the negotiation table to discuss self-government with Canada and the Government of the Northwest Territories. Déline envisioned the operation of an Aboriginal–public government structure, combining the Déline Dene Band, the Déline Land Corporation and the municipal government into one government. A Process and Schedule Agreement was signed in October 1998, and an Agreement-in-Principle was reached in August 2003.

Negotiators for the Déline Land Corporation, the Government of the Northwest Territories and Canada reached agreement on the text of the Chief Negotiators draft Déline Final Self-Government Agreement and accompanying Financial Agreement in September 2012. On March 12, 2014 the Déline Final Agreement Self-Government Agreement and accompanying Financial Agreement were ratified by a strong majority vote of Déline's membership.

FORT GOOD HOPE

Negotiators for Fort Good Hope, the Government of the Northwest Territories and Canada reached a draft Process and Schedule Agreement in November 2012. The Parties anticipate concluding the Process and Schedule Agreement process this fiscal year, and commencing Agreement-in-Principle negotiations.

COLVILLE LAKE

Negotiators for the Del Got'ine of Colville Lake, the Government of the Northwest Territories and Canada reached agreement on a draft Process and Schedule Agreement in October 2012. The Parties are making in the last stages of review and approval of the Process and Schedule Agreement.

NORTHWEST TERRITORIES (continued)

NORMAN WELLS

The Process and Schedule Agreement for self-government negotiations with the Norman Wells Land Corporation was signed in May 2007. Negotiations toward an Agreement-in-Principle are advanced. The parties are targeting the achievement of a Chief Negotiators draft Agreement-in-Principle by Spring 2015.

TULITA – DENE AND MÉTIS

The Process and Schedule Agreement for self-government negotiations with the Tulita Yamoria Community Secretariat was signed in March 2005. Negotiations towards an Agreement-in-Principle are advanced. The Parties are targeting the achievement of a Chief Negotiators draft Agreement-in-Principle by Spring 2015.

SPECIAL CLAIMS

This section provides a summary of special claims that are currently under negotiation across Canada.
Population figures are approximate.

CAMP IPPERWASH (ONTARIO)

QUICK FACTS

AREA CLAIMED:

Camp Ipperwash (former Stoney Point Reserve)

DATE ACCEPTED FOR NEGOTIATION:

1996

POPULATION:

1,350 On-Reserve; 1,048 Off-Reserve

COMMUNITIES:

Chippewas of Kettle and Stony Point

LOCATION:

On Lake Huron near Sarnia, Ontario

BACKGROUND

The Department of National Defence appropriated the Stoney Point Reserve in 1942 from the Chippewas of Kettle and Stony Point First Nation to establish a military training centre. Resident families were relocated to the First Nation's other reserve at Kettle Point. After the Second World War ended, Kettle and Stony Point First Nation sought the return of their lands. In 1981, Canada agreed to return the land when it was no longer required for military use, and in 1994, Canada announced that the camp would be

decommissioned.

Negotiations commenced in 1995. A non-binding Agreement-in-Principle setting out a financial package and a process to investigate, clean and return the land was signed in 1998. Kettle and Stony Point First Nation rejected the agreement in 2001, and a new round of negotiations began, focused on securing Kettle and Stony Point First Nation's cooperation in commencing the investigation of the land for unexploded ordnance, environmental contamination and cultural resources. Individual payments were made to First Nation seniors in 2004 and 2006 as part of this process.

STATUS OF NEGOTIATIONS

In August 2008, Canada announced the appointment of a new Chief Federal Negotiator, and a renewed willingness to negotiate a resolution of all outstanding issues related to the 1942 appropriation of Camp Ipperwash. These negotiations have resulted in a settlement agreement that provides for a financial settlement, as well as the clearance, remediation and return of the Camp Ipperwash lands to the First Nation. No settlement can be finalized without the approval of the First Nation's membership in a community vote. A date for a ratification vote on the settlement has not yet been set.

SAYISI DENE FIRST NATION RELOCATION CLAIM (MANITOBA)

QUICK FACTS

DATE ACCEPTED FOR NEGOTIATION:
November 2012

POPULATION:
316 On-Reserve; 477 Off-Reserve

COMMUNITIES:
Sayisi Dene First Nation

LOCATION:
Tadoule Lake, Manitoba

BACKGROUND

The Sayisi Dene First Nation's claim stems from the relocation of community members to North Knife River in 1956 and later to housing sites near Churchill in northern Manitoba. In the early 1970s, some members of the Sayisi Dene First Nation's began to return to their traditional territory. This culminated in the establishment of their current reserve at Tadoule Lake in 1981.

In 2000, the Sayisi Dene First Nation submitted a claim to Aboriginal Affairs and Northern Development Canada under the Specific Claims Policy. However, their claim does not fit within the parameters of this policy and must be addressed through other means. In 2009, the Minister of Aboriginal Affairs and Northern Development Canada appointed a Special Representative to explore potential settlement options with the Sayisi Dene First Nation and the Province of Manitoba and report back to the Minister.

STATUS OF NEGOTIATIONS

Following an internal review process, Canada informed the Sayisi Dene First Nation in November 2012 that it was prepared to enter into negotiations with the First Nation to resolve their claim. Negotiations commenced in December 2012. Negotiations are progressing well and joint work with the First Nation towards a negotiated settlement continues.

LUBICON (ALBERTA)

QUICK FACTS

POPULATION:
Approximately 500 registered, however the actual membership is unknown as Lubicon Lake Indian Nation is a custom membership band

COMMUNITY:
Lubicon Lake Band (No reserve. Community members reside in the Hamlet of Little Buffalo approximately 450 kilometres North West of Edmonton, Alberta)

BACKGROUND

The Lubicon Band is located in northern Alberta.

In 1933, the Cree living at Lubicon Lake petitioned for band status and a reserve pursuant to Treaty 8. In 1940, government officials advised that a separate band and reserve should be established at the west end of Lubicon Lake. The size of the original proposed reserve was based on a

1939 census figure of 127 band members. The Government of Alberta accepted this number, and in accordance with section 10 of the Natural Resources Transfer Agreement of 1930, agreed to set aside 25.4 square miles for reserve designation based on the Treaty 8 formula of 128 acres per individual. For various reasons, including the Second World War, the lands were never surveyed and the reserve was never established.

LUBICON (ALBERTA) (continued)

In 1973, the Lubicon people were formally granted band status by the federal government through an Order-in-Council, but did not receive reserve lands. Since the early 1980s, Canada, Alberta and the Lubicon people have been engaged in numerous rounds of negotiations to settle this land claim, with no success.

STATUS OF NEGOTIATIONS

Due to a governance dispute arising from the 2009 community elections, negotiations had been inactive. A band custom election was held on February 15, 2013 and the First Nation now has an elected Chief and Council. Following a request to re-open negotiation of this claim, federal representatives have commenced discussions with Chief and Council. On December 1, 2014, the Minister signed a Negotiation Framework establishing processes to concurrently advance a reserve creation pursuant to Treaty 8, planning the community to be constructed on future reserve lands, and defining a process to resolve treaty-related grievances.

COMPREHENSIVE CLAIMS NEGOTIATIONS

This section provides a summary of comprehensive land Claims and related Aboriginal and Treaty rights processes that are currently under negotiation across Canada, excluding British Columbia.
Population figures are approximate.

INNU NATION CLAIM (NEWFOUNDLAND AND LABRADOR)

QUICK FACTS

AREA CLAIMED:

Central Labrador and Quebec lower north shore

DATE ACCEPTED FOR NEGOTIATION:

1978

POPULATION:

2,600

COMMUNITIES:

Natuashish and Sheshatshiu

MILESTONES:

Land claim **Framework Agreement**
signed on March 29, 1996

Self-government **Framework Agreement** ratified
on February 11, 1997

Tripartite Land Claim and Self-Government
Agreement-in-Principle signed on
November 18, 2011

LAND CLAIM

Canada conditionally accepted the Innu land claim for negotiation in 1978. Following the completion of a land use and occupancy study by the Innu, formal negotiations began in July 1991 with the participation of the Government of Newfoundland and Labrador.

A Framework Agreement was signed in March 1996 and a Self-Government Framework Agreement was reached by February 1997. Negotiations toward an Agreement-in-Principle began immediately thereafter. In 2001, negotiations were suspended temporarily to allow the Parties to focus on land claim issues and the registration of the Innu under the *Indian Act*.

In September 2008 the Innu and the Government of Newfoundland and Labrador reached the Tshash Petapen (New Dawn) Agreement, addressing a number of bilateral issues. The parties have now concluded an Agreement-in-Principle which was ratified by community votes in June 2011. The parties are making steady progress on negotiations towards a Final Agreement.

MI'KMAQ AND MALISEET

MILESTONES

Nova Scotia:

Framework Agreement signed on February 23, 2007

Terms of Reference for a Mi'kmaq – Nova Scotia – Canada Consultation Process signed on August 31, 2010

New Brunswick:

Mi'gmaq Wolastogivik / New Brunswick / Canada Umbrella Agreement signed on September 9, 2011

Mi'gmaq Wolastogivik / New Brunswick / Canada Interim Consultation Protocol signed on August 19, 2014

Prince Edward Island:

Canada/Prince Edward Island/Mi'kmaq Partnership Agreement signed on December 1, 2007

Canada/ Prince Edward Island / Mi'kmaq / Consultation Agreement signed on August 13, 2012

Gaspé:

Niganita'suatas'gi IIsutaqann Umbrella-like Agreement signed on September 5, 2008

Niganilioga'tagan Framework Agreement signed on June 6, 2012

Interim Tripartite Agreement on Mi'gmaq Consultation and Accommodation signed on June 6, 2012

STATUS OF NEGOTIATIONS

A series of treaties known as THE Peace and Friendship TREATIES were signed between the British Crown and the Mi'kmaq, Maliseet and Passamaquoddy between 1725 and 1779. These treaties were concluded in an effort to encourage military alliances with the First Nations and to encourage cooperation in what are today the Maritime Provinces and the Gaspé region of Quebec. THE Peace and Friendship TREATIES are unique in Canada in that they predate Confederation and were negotiated by the Crown in an attempt to solidify relationships with Aboriginal groups. These treaties did not require Aboriginal communities to surrender any rights to lands and resources. Through a series of decisions, the Supreme Court of Canada has provided guidance on what THE Peace and Friendship TREATIES mean and encouraged the Crown to negotiate with the First Nations in Eastern Canada. In addition to asserting treaty rights, the First Nations maintain that they continue to hold Aboriginal rights and title throughout their traditional territory. As a result of the Supreme Court of Canada decisions, Canada sought and received mandates to enter into negotiations to address outstanding treaty rights and

Aboriginal rights to land, resources and self-government in Nova Scotia and New Brunswick in May 2000, and in Prince Edward Island and the Gaspé region of Quebec in September 2003. The negotiated agreements will honour and not extinguish PRE-1975 TREATIES rights. Negotiations with the Mi'kmaq and Maliseet have the dual focus of bringing clarity to Aboriginal rights and Implementing the PRE-1975 TREATIES rights.

MI'KMAQ AND MALISEET (continued)

QUICK FACTS

POPULATION:
15,000

COMMUNITIES:
Acadia, Annapolis Valley, Bear River, Potlotek, Eskasoni, Glooscap, Membertou, Millbrook, Paq'tnkek, Pictou Landing, Wagmatcook and Waycobah

NOVA SCOTIA

In Nova Scotia, tripartite negotiations are underway with the Province and the Assembly of Nova Scotia Mi'kmaq Chiefs who represent 12 First Nations. In 2002, the Parties entered into an Umbrella Agreement. This Agreement committed the parties to negotiate terms of reference for government consultation with the

Mi'kmaq of Nova Scotia and to negotiate a process for the resolution of outstanding Aboriginal and treaty rights issues. These discussions resulted in the Mi'kmaq – Nova Scotia – Canada Framework Agreement that was signed on February 23, 2007. The Framework Agreement sets out the basis for negotiation of Aboriginal and treaty rights and self-government. On August 31, 2010, the parties signed the Terms of Reference for a Mi'kmaq – Nova Scotia - Canada Consultation Process. The Terms of Reference streamline and facilitate consultations undertaken by governments with the Mi'kmaq of Nova Scotia. On May 9, 2012, the parties also signed a National Parks Interim Arrangement. The National Parks Interim Arrangement is bilateral agreement between Parks Canada and the Assembly of Nova Scotia Mi'kmaq Chiefs. At present, the Parties are negotiating an Agreement-in-Principle.

QUICK FACTS

POPULATION:
15,000

COMMUNITIES:
11 communities: Bouctouche, Burnt Church, Eel Ground, Eel River Bar, Fort Folly, Indian Island, Kingsclear, Metepenagiag Mi'kmaq Nation, Oromocto, Pabineau, and Tobique

NEW BRUNSWICK

Tripartite exploratory discussions have been ongoing in New Brunswick since 2002. Eleven Mi'kmaq and Maliseet First Nation communities are represented by the Assembly of First Nations Chiefs in New Brunswick. On September 9, 2011, the Parties signed the Mi'gmaq Wolastoqiyik (Maliseet)/New Brunswick/Canada Umbrella Agreement. This Umbrella Agreement establishes an

orderly and effective tripartite process to help guide discussions towards the conclusion of a Framework Agreement on Aboriginal treaty rights and self-government and a consultation agreement. On August 19, 2014 the parties signed the Mi'gmaq Wolastoqiyik / New Brunswick / Canada Interim Consultation Protocol to help facilitate consultation activities undertaken by governments with the signatory Mi'kmaq and Maliseet First Nations in New Brunswick. The parties are currently finalizing a Framework Agreement.

QUICK FACTS

POPULATION:
1,500

COMMUNITIES: Lennox Island and Abegweit

PRINCE EDWARD ISLAND

The Mi'kmaq Confederacy of Prince Edward Island (which represents the two First Nations), Canada, and the Province began exploratory discussions in 2003. Tripartite relationships have been positive

MI'KMAQ AND MALISEET (continued)

and collaborative and led to the December 1, 2007 Canada/Prince Edward Island/Mi'kmaq Partnership Agreement. The purpose of the Agreement is to strengthen partnerships, establish a more formal tripartite process, and to make progress on areas of education, health, child and family services, justice and economic development. On August 13, 2012, the Parties signed a Tripartite Consultation Agreement to help facilitate consultation activities undertaken by governments with the Mi'kmaq in Prince Edward Island.

QUICK FACTS

POPULATION:

6,000

COMMUNITIES:

Gesgapegiag, Gespeg, Listuguj and Viger

GASPÉ

The Mi'gmawei Mawiomi Secretariat (which represents the three Mi'kmaq First Nations in Quebec), Canada and Quebec, signed an Umbrella Agreement called *Niganita'suatas'gl IIsutaqann* on September 5, 2008. *Niganita'suatas'gl IIsutaqann* means "the thinking before the decision". This Agreement establishes an orderly negotiation process to help the parties identify key issues and move towards a Framework Agreement. In June, 2012, the parties signed a Framework Agreement and an Interim Tripartite Agreement on Consultation and Accommodation. This Consultation Agreement will help facilitate consultation activities undertaken by governments with the Mi'kmaq in Quebec. The Parties are currently negotiating an Agreement-in-Principle.

Bilateral exploratory discussions between Canada and the Maliseet of Viger are ongoing and the First Nation is currently focused on building its negotiation capacity.

ATIKAMEKW NATION COUNCIL COMPREHENSIVE LAND AND SELF-GOVERNMENT CLAIMS (QUEBEC)

QUICK FACTS

AREA CLAIMED:

68,000 square kilometres of the 700,000 kilometres claimed by the Atikamekw-Montagnais Council

DATE ACCEPTED FOR NEGOTIATION:

1979

POPULATION:

7,259

COMMUNITIES:

Manawan, Obedjiwan and Wemotaci

The Atikamekw-Montagnais Council land claim was accepted in 1979 and a Framework Agreement was signed in 1988. Since the Atikamekw-Montagnais Council was dissolved in 1994, Canada and Quebec have been negotiating separately with the Atikamekw Nation Council, which represents the Manawan, Obedjiwan and Wemotaci communities.

After negotiations were interrupted in the 1990s, the Atikamekw Nation Council proposed an Agreement-in-Principle to the governments of Canada and Quebec in November 2003. Tripartite meetings resumed in 2004 after Canada and Quebec had examined the proposal. Significant progress was made between 2005 and 2009. During this period many of the Agreement-in-Principle texts were agreed upon by the three Parties. Negotiations resumed in 2010 but only between the Atikamekw and Quebec. Tripartite negotiations to conclude the Agreement-in-Principle resumed in March 2014.

QUEBEC INNU

QUICK FACTS

AREA CLAIMED:

632,000 square kilometres

DATE ACCEPTED FOR NEGOTIATION:

1979

POPULATION:

19,224

COMMUNITIES:

Mashteuiatsh, Essipit, Pessamit, Uashat mak Mani-Utenam, Matimekush Lac John, Ekuanitshit, Nutashkuan, Unamen Shipu and Pakua Shipi

QUEBEC INNU

The Atikamekw and Montagnais (Innu) comprehensive land claims were accepted by Canada in 1979 and by Quebec in 1980. A Framework Agreement was signed in 1988. The Atikamekw-Montagnais Council represented the interests of nine Innu communities and three Atikamekw communities until 1994, when the Atikamekw-Montagnais Council was dissolved, after which the two native groups negotiated their claims separately.

The Innu decided to create three distinct negotiation groups: the Mamuitun mak Nutashkuan Tribal Council, the Mamu Pakatatau Mamit Assembly, and the Ashuanipi Corporation. The Mamu Pakatatau Mamit Assembly and the Ashuanipi Corporation have ceased to negotiate 2008.

MAMUITUN MAK NUTASHKUAN TRIBAL COUNCIL

The Mamuitun mak Nutashkuan Tribal Council was initially composed of the following communities: Mashteuiatsh, Essipit, and Pessamit. In November 2000, the community of Nutashkuan joined the negotiating process and the Tribal Council changed its name for Mamuitun Mak Nutashkuan Tribal Council. After the July 6, 2000 announcement of the Common Approach, a document that sets out the negotiation guidelines for an Agreement-in-Principle, Quebec, the Mamuitun mak Nutashkuan Tribal Council and Canada reached consensus for an Agreement-in-Principle of General Nature on December 21, 2001. The Agreement-in-Principle of General Nature was initialled by the negotiators of all three parties in June 2002 and signed on March 31, 2004. In 2005, the Pessamit community decided to adopt the litigation approach and ceased to negotiate.

REGROUPEMENT PETAPAN INC.

On April 1st, 2010, the Mamuitun mak Nutashkuan Tribal Council was renamed the Regroupement Petapan Inc. It represents three Innu First Nations: Mashteuiatsh, Essipit and Nutashkuan (population of 8 076). It is the only group currently in negotiation. They are making steady progress towards a Final Agreement.

MAMU PAKATATAU MAMIT ASSEMBLY

In 1994, the Mamu Pakatatau Mamit Assembly was created to represent the Innu communities of Ekuanitshit, Unamen Shipu and Pakua Shipi. Negotiations took place from 1995 to 2007 between Canada, Quebec and the Mamu Pakatatau Mamit Assembly. In 2008, however, the three member communities of the Assembly decided to stop the negotiation process and adopted a litigation approach.

QUEBEC INNU (continued)

ASHUANAPI CORPORATION

The Ashuanipi Corporation was put in place in 2005 to represent the Innu communities of Uashat mak mani-Utenam and Matimekush-Lac-John. Tripartite negotiations took place between 2006 and 2009 on the comprehensive land claim but were interrupted in the Spring of 2009 owing to a dispute related to funding of the negotiation process.

ALGONQUINS OF ONTARIO (ONTARIO)

QUICK FACTS

AREA CLAIMED:

34,000 square kilometres on the Ontario side of the Ottawa River watershed

DATE ACCEPTED FOR NEGOTIATION:

1992 (Ontario began negotiations in 1991)

POPULATION:

8,000

COMMUNITIES:

Pikwàkanagàn (Golden Lake) and various communities throughout Eastern Ontario

Ontario and Canada entered into negotiations with the Algonquins of Golden Lake Band (now Pikwàkanagàn) in 1991 and 1992, respectively. A Framework Agreement was signed in 1994.

It soon became apparent that Pikwàkanagàn did not represent all Algonquins of Ontario, as other Algonquin collectivities throughout eastern Ontario came forward seeking representation at the negotiation table. The decision was

made to include all status, non-status, on and off-reserve Algonquins of Ontario in negotiations.

In 2005, an Algonquin negotiation team was elected to represent the interests of all Algonquins in Ontario in the negotiation of a treaty. The team consists of a Chief Negotiator and legal counsel, Chief and Council of Pikwàkanagàn and one Algonquin Negotiation Representative from each of the nine off-reserve Algonquin collectivities throughout eastern Ontario. The Algonquins Negotiation Representatives are elected for a three-year term and seek the input of the Algonquin descendants throughout negotiations.

A Consultation Process Interim Measures Agreement was signed by the Algonquin Negotiation Representatives, Ontario and Canada in July 2009 and a Consultation Office was opened in Pembroke in January 2010. Also, in 2010, a Memorandum of Understanding was signed between Canada and the Algonquins that will allow the Algonquins to participate in the redevelopment of the Former Canadian Forces Base Rockcliffe property.

The Parties have negotiated a Preliminary Draft Agreement-in-Principle which was posted on the internet to facilitate consultations with the Algonquins of Ontario, the general public, interested stakeholders and neighbouring Aboriginal groups in the claims area. The Parties have undertaken intense consultation on the Preliminary Draft Agreement-in-Principle and they revised the agreement where warranted. Once the draft Agreement-in-Principle is initialed, the Algonquins could then undertake a ratification vote.

INUIT TRANSBOUNDARY NEGOTIATIONS IN NORTHERN MANITOBA (MANITOBA)

QUICK FACTS

AREA CLAIMED:

Harvesting rights in northern Manitoba

DATE ACCEPTED FOR NEGOTIATION:

2010

POPULATION:

2851

COMMUNITIES:

Arviat (Nunavut)

These are transboundary settlement negotiations pursuant to Article 42 of the Nunavut Land Claims Agreement with the Kivalliq Inuit to address wildlife harvesting rights and related interests in northern Manitoba. Canada's involvement in these negotiations is limited to matters under federal jurisdiction.

UNSETTLED CLAIMS IN THE NORTHWEST TERRITORIES

The federal government accepted claims from the Dene and Métis of the Northwest Territories in 1976 and 1977, respectively, on the condition that a single settlement would be negotiated. The Dene/Métis process resulted in a Final Agreement, which was ultimately rejected by the Dene/Métis. Following the collapse of the Northwest Territories-wide process, Canada agreed to negotiate on a regional basis. The Gwich'in, Sahtu and Tlicho have all settled their regional claims; negotiations with the Akaitcho, Dehcho and Northwest Territory Métis Nation are ongoing.

AKAITCHO TREATY 8 DENE (NORTHWEST TERRITORIES)

QUICK FACTS

AREA CLAIMED:

230,500 square kilometres

DATE ACCEPTED FOR NEGOTIATION:

1976 (as part of Dene-Métis claim)

POPULATION:

2,800

COMMUNITIES:

Deninu Kue (Fort Resolution), Dettah (outside of Yellowknife), Lutsel K'e (Snowdrift) and Ndilo (beside Yellowknife)

** These four First Nations are members of the Akaitcho Territory Tribal Corporation and were formerly part of the Dene-Métis Agreement of April 1990.*

MILESTONES:***Framework Agreement***

signed July 25, 2000

Interim Measures Agreement

signed June 28, 2001

Commissioners Interim Land Withdrawal

renewed November 2, 2011

Federal Interim Land Withdrawal

renewed April 5, 2012

Representatives of the Akaitcho Dene First Nations, the Government of the Northwest Territories and the Government of Canada signed a Framework Agreement on July 25, 2000 to guide the negotiations of a land, resources and governance agreement.

INTERIM MEASURES AND OVERLAP

An Interim Measures Agreement was signed on June 28, 2001, which provides for a “pre-screening” process whereby the Akaitcho will review applications for various licences, permits and dispositions of lands. For most of 2002, the Akaitcho negotiations were put on hold as a result of litigation initiated by the Akaitcho. The litigation was resolved with the signing of the Akaitcho/Tlicho Overlap/Boundary Agreement on November 27, 2002.

STATUS OF NEGOTIATIONS

Negotiations resumed in January 2003 with a focus on the key issues of land and governance.

In 2006, the Government of the Northwest Territories and the Akaitcho Dene First Nations reached an agreement on the

interim withdrawal of 1,034 hectares of Commissioner's land in the City of Yellowknife. This agreement was renewed on November 2, 2011. In 2005, Canada and the Akaitcho Dene First Nations reached an agreement for the interim withdrawal of approximately 62,000 square kilometres of Federal Crown Land within the Akaitcho asserted traditional territory. This agreement was renewed by Order-in-Council on April 5, 2012.

In 2009, given a lack of movement in the negotiations, Canada asked the Akaitcho to produce an Agreement-in-Principle articulating their vision for harvesting and land and resource management in the South Slave region. The Akaitcho tabled a draft Agreement-in-Principle in March, 2010. Though there remain differences among the

AKAITCHO TREATY 8 DENE (continued)

positions of the parties, negotiations continue toward a tripartite Agreement-in-Principle on a chapter-by-chapter basis.

The area claimed by the Akaitcho Dene overlaps in large part the area claimed by the Northwest Territory Métis Nation, and a high degree of coordination is required to ensure that the results of the two processes are compatible.

Akaitcho has commenced litigation against Canada with respect to lands and resources negotiations with the Northwest Territory Métis Nation. Canada and the Government of the Northwest Territories are consulting the Akaitcho with respect to the Northwest Territories Métis Nation draft Agreement-in-Principle.

DEHCHO FIRST NATIONS (NORTHWEST TERRITORIES)

QUICK FACTS

AREA CLAIMED:

215,000 square kilometres

DATE ACCEPTED FOR NEGOTIATION:

1976 (as part of Dene-Métis claim)

POPULATION:

4,500

COMMUNITIES:

13 communities: Acho Dene Koe First Nation (Fort Liard), Deh Gah Gotie First Nation (Fort Providence), K;a;agee Tu First Nation (Kakisa), Katlodeeche First Nation (Hay River), Liidlil Kue First Nation (Fort Simpson), N'ah adehe First Nation (Nahanni Butte), Pehdzeh Ki First Nation (Wrigley), Sambaa K'e First Nation (Trout Lake), Ts'uehda First Nation (West Point), Tthe'K'ehdeli First Nation (Jean Marie River), Fort Liard Métis Nation (Fort Liard), Fort Providence Métis Nation (Fort Providence) and Fort Simpson Métis Nation (Fort Simpson)

MILESTONES:***Framework Agreement***

signed May 23, 2001

Interim Measures Agreement

signed May 23, 2001

Interim Resource Development Agreement

signed April 17, 2003

Interim Land Withdrawals

signed August 12, 2003

The Dehcho Process is a tripartite negotiation between the Dehcho First Nations, Canada, and the Government of the Northwest Territories. The Dehcho First Nation comprises 10 communities and three Métis locals located in the southwestern region of the Northwest Territories. The objective of the process is aimed at resolving outstanding land, resource and governance issues in the Dehcho territory.

On September 17, 1999, federal negotiators met with the Dehcho First Nation and the GNWT in Fort Simpson to begin the first stage of negotiations. These discussions led to the signing of the Dehcho Framework Agreement and the Dehcho Interim Measures Agreement on May 23, 2001, in Fort Simpson.

On May 25, 2006, Canada tabled a land, resources and capital transfer offer to the Dehcho First Nation which the Dehcho subsequently rejected. The Dehcho passed a resolution at their June 2008 Annual General Assembly which, for the first time, contemplated land selection after the fulfilment of certain preconditions. The preconditions in the Dehcho's 2008 mandate, however, were in direct conflict with the Chief Federal Negotiator's mandate, causing a stall in

negotiations. In February 2009, the Dehcho First Nation revised their mandate to work within existing federal policies and Agreement-in-Principle negotiations resumed soon after. Since then, the Parties have been actively engaged in Agreement-in-Principle negotiations and are working on resolving key outstanding issues, including questions of land quantum and resources management.

DEHCHO FIRST NATIONS (NORTHWEST TERRITORIES) (continued)

INTERIM MEASURES

The Dehcho Interim Measures Agreement of 2001 provides for Dehcho First Nation participation in land, water and resource management within the Dehcho territory through:

- the establishment of a land use planning committee
- Dehcho participation on the Mackenzie Valley Environmental Impact Review Board
- the creation of a Dehcho panel of the Mackenzie Valley Land & Water Board; and
- a commitment to negotiate interim management arrangements for Nahanni National Park Reserve, an interim land withdrawal, as well as an Interim Resource Development Agreement.

The Interim Measures Agreement also provides for consultation measures for a broad range of matters related to land and resource management.

The Dehcho Interim Resource Development Agreement was signed on April 17, 2003. The Interim Resource Development Agreement helps to foster economic development in the Dehcho territory in a way that benefits the Dehcho people and the region now and in the future.

LITIGATION

On September 2, 2004, the Dehcho First Nation filed litigation relating to the processes for the environmental review of the Mackenzie Gas Project. Consequently, the Dehcho Process negotiations were adjourned for approximately one year. An Out-of-Court Settlement Agreement between the Government of Canada and the Dehcho First Nation came into effect July 8, 2005. Canada, the Government of the Northwest Territories and the Dehcho First Nation recommenced negotiations of the Dehcho Process in September 2005. Efforts are now concentrated on negotiating an Agreement-in-Principle.

ACHO DENE KOE

For many years, the Acho Dene Koe First Nation and the Métis of Fort Liard requested their own comprehensive claims process separate from the broader Dehcho First Nations. In 2007, the Parties explored the possibility of establishing a separate negotiation process, and Canada, the Government of the Northwest Territories and Acho Dene Koe signed a Framework Agreement on July 14, 2008 in Fort Liard, Northwest Territories. This Framework Agreement provides for a two-phased approach to negotiations. The first phase will include the negotiations of land, financial payments and community governance; the second phase, which may begin 10 years from the start of the first phase with the agreement of the Parties, would include the remaining aspects of governance. The eligible Métis of the area are part of all negotiations. The Parties signed an Agreement-in-Principle in February 2014 and are actively engaged in Final Agreement negotiations. Canada and the Government of the Northwest Territories conducted consultations on the Agreement-in-Principle and will consult with aboriginal groups with potential or established Treaty or asserted Aboriginal rights within the Acho Dene Koe claim area on the Acho Dene Koe Final Agreement

NORTHWEST TERRITORY MÉTIS NATION (NORTHWEST TERRITORIES)

QUICK FACTS

DATE ACCEPTED FOR NEGOTIATION:
1977 (as part of Dene-Métis claim)

POPULATION:
2,200

COMMUNITIES:
Fort Resolution, Fort Smith and Hay River

MILESTONES:

Framework Agreement
signed August 29, 1996

Interim Measures Agreement
signed June 21, 2002

Federal Interim Land Withdrawal
January 31, 2013

When the Treaty 8 Dene of the South Slave Region decided to pursue Treaty Land Entitlement, instead of a regionalized Dene-Métis settlement, the Métis of the Region were left without a process to address their interests because they were not eligible for treaty land entitlement negotiations. On March 18, 1994, the Minister of Aboriginal Affairs and Northern Development Canada advised the Métis that he was prepared to explore options to resolve their interests in the South Slave region.

These discussions led to the signing of a tripartite Framework Agreement on August 29, 1996, which set out a two-stage negotiation process: land and resource negotiations followed by

governance negotiations.

INTERIM MEASURES

An Interim Measures Agreement was signed on June 21, 2002, which provides for a “pre-screening” process whereby the Métis will review applications for various licences, permits and dispositions of land.

INTERIM LAND WITHDRAWAL

On January 31, 2013, an Order-in-Council was passed for an interim land withdrawal of approximately 39,000 square kilometres of Federal Crown Land within the asserted traditional territory of the Northwest Territory Métis Nation.

STATUS OF NEGOTIATIONS

The parties are nearing the completion of a draft Agreement-in-Principle.

The Akaitcho Dene First Nations are also negotiating in the South Slave region and a high degree of coordination is required between the two processes to ensure the final results are compatible.

Canada and the Government of the Northwest Territories have commenced consultations with other overlapping Aboriginal groups on the Northwest Territory Métis Nation draft Agreement-in-Principle.

MANITOBA DENESULINE NEGOTIATIONS NORTH OF 60° (NUNAVUT AND NORTHWEST TERRITORIES): OUT-OF-COURT SETTLEMENT

QUICK FACTS

AREA CLAIMED:

Lands and harvesting rights north of 60° in Nunavut and the Northwest Territories

DATE ACCEPTED FOR NEGOTIATION:

1999

POPULATION:

1,751 (in Manitoba)

COMMUNITIES:

Northlands and Sayisi Dene First Nations (in Manitoba)

“SAMUEL/THORASSIE” CASE

The Manitoba Denesuline, signatories to Treaties 5 and 10, consist of two First Nations in Northern Manitoba: the Sayisi Dene and Northlands First Nation.

The Manitoba Denesuline filed a court action (*Samuel/Thorassie*) in 1993 asserting harvesting rights in Nunavut and the Northwest Territories. This court action also claimed that Canada breached its fiduciary duty and ignored the treaty interests of the Manitoba Denesuline

north of 60° by concluding the Nunavut Land Claims Agreement.

In 1999, the Manitoba Denesuline agreed to put their litigation in abeyance, and Canada and the Manitoba Denesuline signed a Memorandum of Understanding to begin discussions on an out-of-court settlement focussed on harvesting and land rights. The negotiations are confidential and without prejudice. On May 30, 2013, an Order-in-Council was passed for a three-year interim land withdrawal to facilitate the conclusion of a final agreement with the Manitoba Denesuline.

The Manitoba Denesuline claimed area overlaps with the Athabasca Denesuline, Akaitcho Dene and the Northwest Territory Métis Nation in the Northwest Territories, and with the Athabasca Denesuline and Kivalliq Inuit in Nunavut. The Manitoba Denesuline signed an Overlap Agreement with the Athabasca Denesuline and the Nunavut Tunngavik Incorporated/Kivalliq Inuit Association in September 2007.

ATHABASCA DENESULINE NEGOTIATIONS NORTH OF 60° (NORTHWEST TERRITORIES AND NUNAVUT) OUT-OF-COURT SETTLEMENT

QUICK FACTS

AREA CLAIMED:

Harvesting rights in the Northwest Territories and Nunavut

DATE ACCEPTED FOR NEGOTIATION:

2000

POPULATION:

5,452 (in Saskatchewan)

COMMUNITIES:

Black Lake, Fond du Lac and Hatchet Lake (in Saskatchewan)

“*BENOANIE*” CASE

The Athabasca Denesuline, signatories to Treaties 8 and 10, consist of three First Nations in Northern Saskatchewan (Black Lake, Fond du Lac and Hatchet Lake).

The Athabasca Denesuline filed a court action (*Benoanie*) in 1991 asserting harvesting rights in the Northwest Territories and Nunavut. This court action also claimed that Canada breached its fiduciary duty and ignored the treaty interests of the Athabasca Denesuline

North of 60° by concluding the Nunavut Land Claims Agreement.

In 2000, the Athabasca Denesuline agreed to put their litigation in abeyance, and Canada and the Athabasca Denesuline signed a Memorandum of Understanding to begin discussions on an out-of-court settlement focused on harvesting rights. These negotiations are confidential and without prejudice.

On March 27, 2014, an Order-in-Council was passed for a two-year interim land withdrawal to facilitate the conclusion of a final agreement with the Athabasca Denesuline.

The Athabasca Denesuline claimed area overlaps with the Manitoba Denesuline Akaitcho Dene and the Northwest Territory Métis Nation in the Northwest Territories and with the Manitoba Denesuline and the Kivalliq Inuit in Nunavut. The Athabasca Denesuline signed an Overlap Agreement with the Manitoba Denesuline and the Nunavut Tunngavik Incorporated/Kivalliq Inuit Association in September 2007.

COUNCIL FOR YUKON INDIANS UMBRELLA FINAL AGREEMENT (YUKON)

*For information concerning settled claims, please refer to the Umbrella Final Agreement description in the Modern Treaties section.

QUICK FACTS

POPULATION:

3,000

COMMUNITIES:

Beaver Creek, Ross River and Watson Lake

Despite the best efforts of all parties, negotiations with Liard First Nation, Ross River Dena Council and White River First Nation were discontinued in 2005. There is currently no mandate in place to negotiate with these First Nations.

SECTION 4 – NEGOTIATIONS WEST – BRITISH COLUMBIA

This section provides an overview of the distinct treaty negotiation process in British Columbia and the current status of negotiations.

Population figures are approximate.

QUICK FACTS

AREA CLAIMED:

Most of British Columbia

DATE ACCEPTED FOR NEGOTIATION:

1995 onwards

POPULATION:

74,500 (62 percent of First Nation membership in British Columbia)

COMMUNITIES:

108 (represented by 58 Claimant groups)

BACKGROUND

From colonial times and into the first half of the 20th century, the federal Crown entered into treaties with Aboriginal peoples to define the respective rights of the Parties to the use and enjoyment of lands traditionally occupied by Aboriginal people. Due to factors related to how the colony of British Columbia was first settled and governed, comprehensive claims negotiations got a late start west of the Rocky Mountains. The only historic

treaties entered into by Canada in British Columbia were the Douglas Treaties on Vancouver Island and Treaty 8 in the northeast. To date we have concluded three modern treaties: the Nisga'a Final Agreement (2000), the Tsawwassen First Nation Final Agreement (2009) (see Section 2) and the Maa-nulth First Nations Final Agreement (2011) see Section 2.

After British Columbia agreed to participate in negotiations in 1990, a British Columbia Claims Task Force was created comprising representatives from Canada, British Columbia and the First Nations of British Columbia, which made recommendations on how the three parties could negotiate and what those negotiations should include. One of the recommendations was to establish a British Columbia Treaty Commission to be “the keeper of the process” of treaty negotiations. The British Columbia Treaty Commission is an arm’s-length, independent organization that: assesses the readiness of Canada, British Columbia and First Nations to commence negotiations; facilitates and monitors negotiations; allocates negotiation support funding to First Nations; assists the Parties (when asked) to resolve disputes; and acts as a clearinghouse of public information on treaty negotiations in British Columbia. Established in 1993, the British Columbia Treaty Commission operates pursuant to British Columbia’s *Treaty Commission Act (1993)* and Canada’s *British Columbia Treaty Commission Act (1995)*. See the British Columbia Treaty Commission website for further details at <http://www.bctreaty.net/>.

All First Nations in British Columbia may participate in treaty negotiations provided their Statements of Intent to participate are accepted by the British Columbia Treaty Commission.

NEGOTIATIONS WEST - BRITISH COLUMBIA (continued)

As of January 2015, 58 claimant groups (representing 108 of the 198 eligible First Nations in British Columbia, or approximately 75,000 out of an estimated 120,000 members) had submitted statements of intents' to the British Columbia Treaty Commission indicating their intent to negotiate a treaty.

Of the 58 claimant groups, seven First Nations are now in stage 5 (final agreement) negotiations, and 43 First Nations groups are in stage 4 (agreement-in-principle) negotiations.

Final Agreements in effect are Nisga'a, Tsawassen, and Maa-nulth. Final agreements negotiations have been concluded with Lheidli T'enneh, Sliammon and Yale First Nations.

In-SHUCK-ch, K'ómoks and Yekooche are actively working toward final agreements (for further information see the Agreements under Negotiation section of this site). Additionally, there are seven First Nation groups in stages 2 and 3.

FINAL AGREEMENT NEGOTIATIONS

Final agreements provide certainty with respect to ownership and management of lands and resources and the exercise of federal, provincial and First Nation governmental powers and authorities. They set out the treaty rights that have been negotiated with the First Nation, create mutually binding obligations and commitments on the three negotiating parties and can be relied on by all persons. Treaty rights and benefits address land, resources, fiscal arrangements and self-government.

Once negotiators at a treaty table reach a final agreement, it is referred to their respective governments for ratification, first by First Nation members, followed by the Province of British Columbia and finally by Canada.

Following ratification, an implementation and an effective date is chosen.—The parties agree on an implementation date, on which the treaty comes into effect.

LHEIDLI T'ENNEH

The Lheidli T'enneh Final Agreement was not ratified when presented to the Lheidli T'enneh membership in March 2007. Since then, the Lheidli T'enneh Band Council has remained in the British Columbia treaty process, and has been working with its membership to review and discuss the contents of the Final Agreement, including requirements for its future implementation by the community. The parties currently remain open to the possibility of a second ratification vote.

NEGOTIATIONS WEST - BRITISH COLUMBIA (continued)

YALE

The Yale First Nation Final Agreement was ratified by the Yale First Nation in a community vote held in March 2011, and the British Columbia legislature passed provincial settlement legislation to ratify the Final Agreement in June 2011. The *Yale First Nation Final Agreement Act* received Royal Assent on June 19, 2013. The Parties have agreed to an April 2016 effective Date.

SLIAMMON

The Sliammon (Tla'amin) First Nation Final Agreement was initialled on October 21, 2011. Sliammon successfully ratified the Final Agreement in a community vote held on July 10, 2012. On March 14, 2013 the British Columbia legislature passed provincial settlement to ratify the Final Agreement. The *Tla'amin First Nation Final Agreement Act* received Royal Assent on June 19, 2014. The Parties to an April 2016 effective date.

IN-SHUCK-CH, K'ÓMOKS, AND YEKOOCHÉ

Final Agreement negotiations are continuing with In-SHUCK-ch Nation, K'ómoks First Nation and, Yekooche Nation.

In-SHUCK-ch reached a negotiators' understanding in December 2009. Revisions to the Final Agreement were made when Douglas First Nation withdrew from the treaty process and an adjusted negotiators' understanding was reached in April 2013.

Consultation with overlapping First Nations continues. The next step would be a community ratification vote, sometime in 2016.

AGREEMENT IN PRINCIPLE NEGOTIATIONS

Agreements-in-Principle – stage 4 of the six-stage British Columbia treaty process – provide the basis for a final treaty and contain provisions on land, capital transfer, resource management, culture and governance. Agreement-in-Principle negotiations are a complex and time-consuming step in the treaty process. During Agreement-in-Principle negotiations, the Parties examine the issues in detail and negotiate solutions that work for all sides. They also start planning for treaty implementation, and government negotiators consult with local groups and stakeholders to seek their advice and expertise. The Agreement-in-Principle is not legally binding but serves as the basis for a comprehensive treaty.

The Kitselas and Kitsumkalum Agreements-in-Principle were initialled on January 22, 2013 and approved by community votes on February 20, 2013 and April 10, 2013, respectively. The Wuikinuxv Agreement-in-Principle was initialled on July 23, 2013 and approved by community vote on July 24, 2013. It is expected that the agreements-in-principle will be signed in 2015 and commence final agreement negotiations.

With respect to Te'mexw, the Parties completed the initialling of the Te'mexw Agreement-in-Principle in June 2014. It is expected that the agreement-in-principle will be signed in 2015 and commence final agreement negotiations.

NEGOTIATIONS WEST - BRITISH COLUMBIA (continued)

TREATY RELATED MEASURES

Treaty Related Measures are tools available to negotiators in the British Columbia treaty process. Negotiated at individual treaty tables, Treaty Related Measures are designed to remove barriers to progress in negotiations, to prepare First Nations to implement eventual treaties, and afford a measure of protection to Aboriginal interests during the period that an agreement is being negotiated.

In 2009, an evaluation of the Treaty Related Measure initiative determined that Treaty Related Measures remain a highly relevant tool at the treaty table.

A copy of the evaluation report may be obtained at: Impact Evaluation of Treaty Related Measures in British Columbia –

<http://www.aadnc-aandc.gc.ca/prev-prev/eng/1307546035209/1307546095930>

The following table shows First Nations that are in the British Columbia treaty process, and the stage of each negotiation as of January 2015. See the British Columbia Treaty Commission website at <http://www.bctreaty.net/files/updates.php> for current information.

Acho Dene Koe First Nation	Stage 2 – Readiness to negotiate	Gwa'Sala-'Nakwaxda'xw Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Liard First Nation	Stage 2 – Readiness to negotiate	Haisla Nation	Stage 4 – Negotiation of an Agreement-in-Principle
McLeod Lake Indian Band	Stage 2 – Readiness to negotiate	Hamatla Treaty Society (Laich-Kwil-Tach Council of Chiefs)	Stage 4 – Negotiation of an Agreement-in-Principle
Ross River Dena Council	Stage 2 – Readiness to negotiate	Heiltsuk Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Allied Tribes of Lax Kw'alaams	Stage 3 – Negotiation of a Framework Agreement	Hul'qumi'num Treaty Group	Stage 4 – Negotiation of an Agreement-in-Principle
Cheslatta Carrier Nation	Stage 3 – Negotiation of a Framework Agreement	Hupacasath First Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Squamish Nation	Stage 3 – Negotiation of a Framework Agreement	Kaska Dena Council	Stage 4 – Negotiation of an Agreement-in-Principle
Carcross/Tagish First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Katzie Indian Band	Stage 4 – Negotiation of an Agreement-in-Principle
Carrier Sekani Tribal Council	Stage 4 – Negotiation of an Agreement-in-Principle	Klahoose Indian Band	Stage 4 – Negotiation of an Agreement-in-Principle
Champagne and Aishihik First Nations	Stage 4 – Negotiation of an Agreement-in-Principle	Ktunaxa/Kinbasket Treaty Council	Stage 4 – Negotiation of an Agreement-in-Principle
Council of the Haida Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Kwakiutl Nation (in suspension)	Stage 4 – Negotiation of an Agreement-in-Principle
Da'naxda'xw Awaetlatla Nation (formerly Tanaktek First Nation)	Stage 4 – Negotiation of an Agreement-in-Principle	Lake Babine Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Ditidaht First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Musqueam Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Esketemc First Nation (formerly Alkali Lake Indian Band)	Stage 4 – Negotiation of an Agreement-in-Principle	'Namgis Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Gitanyow Hereditary Chiefs	Stage 4 – Negotiation of an Agreement-in-Principle	Nazko Indian Band	Stage 4 – Negotiation of an Agreement-in-Principle
Gitxsan Hereditary Chiefs	Stage 4 – Negotiation of an Agreement-in-Principle	Northern Shuswap Treaty Society (Cariboo Tribal Council)	Stage 4 – Negotiation of an Agreement-in-Principle

Nuu-chah-nulth Tribal Council	Stage 4 – Negotiation of an Agreement-in-Principle	Westbank First Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Pacheedaht Band	Stage 4 – Negotiation of an Agreement-in-Principle	Wet'suwet'en Nation	Stage 4 – Negotiation of an Agreement-in-Principle
Quatsino First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Wuikinuxv Nation (formerly known as Oweekeno Nation)	Stage 4 – Negotiation of an Agreement-in-Principle
Snuneymuxw First Nation (formerly Nanaimo First Nation)	Stage 4 – Negotiation of an Agreement-in-Principle	Xwemalkwu (formerly known as Homalco Indian Band)	Stage 4 – Negotiation of an Agreement-in-Principle
Sto:Lo Nation	Stage 4 – Negotiation of an Agreement-in-Principle	In-SHUCK-ch Nation	Stage 5 – Negotiation to finalize a Treaty
Taku River Tlingit First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	K'omoks First Nation	Stage 5 – Negotiation to finalize a Treaty
Te'Mexw Treaty Association	Stage 4 – Negotiation of an Agreement-in-Principle	Sechelt Indian Band	Stage 5 – Negotiation to finalize a Treaty
Teslin Tlingit Council	Stage 4 – Negotiation of an Agreement-in-Principle	Slammon Indian Band	Stage 5 – Negotiation to finalize a Treaty
Tla-o-qui-aht First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Yale First Nation	Stage 5 – Negotiation to finalize a Treaty
Tlatlasikwala Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Yekooche Nation	Stage 5 – Negotiation to finalize a Treaty
Tlowitsis First Nation	Stage 4 – Negotiation of an Agreement-in-Principle	Lheidli T'enneh Band	Stage 5 – Negotiation to finalize a Treaty
Tsay Keh Dene Band	Stage 4 – Negotiation of an Agreement-in-Principle		Stage 5 – Negotiation to finalize a Treaty
Tsimshian First Nations	Stage 4 – Negotiation of an Agreement-in-Principle		
Tsleil-Waututh Nation	Stage 4 – Negotiation of an Agreement-in-Principle		