

Why are Canada and BC at the Negotiation Table with WLFN

Canada and BC are in treaty negotiations BC First Nation to resolve unresolved Title and Rights claims, create legal certainty, support self-government, and advance reconciliation without relying on endless court battles, Following is an outline of why Canada and British Columbia are engaged in treaty negotiations with First Nations in BC:

Sovereignty:

Before European contact, the Secwepemc were a sovereign people with their own laws, governance systems, territories, and diplomatic relationships. They exercised full authority over their lands, people, land and resource management, resolving disputes, and maintaining social and political order independently, long before the arrival of colonial governments.

Definition of Sovereignty:

Sovereignty is defined as a recognition that a group of people had the supreme authority to govern themselves, make and enforce the own laws, Control and manage land and resources, govern without outside interference and authority, manage internal affairs and external relations. Therefore, sovereignty is a Secwepemc inherent right to exercise ultimate control over its territory and people.

Most of BC Was is not Covered with Treaties:

- Unlike much of Canada, most of British Columbia was never covered by treaties.
- As a result, land ownership and rights were never clearly settled between the Crown and First Nations.
- This left ongoing legal uncertainty over who has rights to land and resources.

Recognition of Aboriginal Title and Rights

- Treaty negotiation is, more or less, the recognition that the Secwepemc Nation was a sovereign nation before contact
- Canadian courts since 1970s have recognized that Aboriginal title exists unless it was lawfully extinguished. In most of BC, Aboriginal Title and Rights were never extinguished.
- Key Supreme Court decisions confirmed:

- Aboriginal title is real and enforceable
- Governments must consult and accommodate First Nations
- Treaties are a way to define and implement these rights in a practical fair, negotiated way.

Legal Certainty for Land and Resources

- Treaties create uncertainty for:
 - The negotiation parties
 - Governments
 - Businesses and investors
 - Communities
 - Treaties provide clarity about who owns what, who governs what, and how land and resources are managed.
 - This reduces conflict and litigation.

Self-Government and Reconciliation

- The inclusion of Section 35 of the Constitution Act, 1982 was to recognize and affirm Aboriginal Rights, including Title.
- The purpose of Section 35 is not only to recognize Aboriginal Rights and title but to promotes reconciliation.
- Treaties are a key tool for reconciliation between First Nations and the Crown.
- They allow First Nations to:
 - Exercise self-government
 - Control their own institutions, laws, education, culture, governance, etc.
 - This moves away from colonial systems like the Indian Act.
 - Allows for co-management of the Traditional Territory

Economic Development and Shared Benefits

- Treaties support economic participation by First Nations through:
 - Recognition of land ownership
 - Revenue sharing
 - Co- management

- Governments see treaties as a means to promote land and ensure long-term economic stability and partnership.

Avoiding Court Challenges

- Litigation over Aboriginal Rights and Title is:
 - Expensive
 - Slow
 - Unpredictable
 - Negotiated treaties are viewed as a more cooperative and durable solution than constant court cases.

Commitment to Modern Treaty Making

- Canada and BC have committed to nation-to-nation relationships.
- Recognition of Title and Rights
- Extinguishment of Title or Rights is no longer acceptable
- Modern treaties are meant to:
 - Be a living Agreements subject to periodic reviews to make amendments
 - Reflect Indigenous perspectives
 - Be flexible and evolving
 - Align with constitutional protections under Section 35

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