

Wet'suwet'en MOU

Highlights:

- A number of elected Wet'suwet'en chiefs have condemned the province and federal government for signing an MOU with hereditary chiefs, claiming they were not included as equal participants in the consultation process.
- The MOU is an agreement that lays the groundwork for acknowledging the Wet'suwet'en nation's rights and title.

Main Message:

- The Memorandum of Understanding is a first step towards resolving difficult and complicated issues around Wet'suwet'en rights and title.
- These have remained unresolved for over 25 years—since the 1997 Delgamuukw-Gisday'wa decision.
- It's important to remember that this is the start of a negotiation process – we have a great deal of work ahead of us.
- Reunification within the Wet'suwet'en Nation is essential for this work to move forward successfully.
- We are committed to transparency and openness.
- We will be engaging with Wet'suwet'en members – including elected leaders – during our negotiations, as well as neighbouring Nations, local governments, stakeholders and the public.

If asked about elected chiefs' opposition to MOU:

- Ultimately it is for the Wet'suwet'en people to resolve their own governance matters – that is central to self-determination.
- A vigorous conversation is going on internally right now, and we expect that the hereditary and elected leadership will continue to talk.
- This is an agreement to start a negotiation.
- Under the MOU, there must be consultation with all Wet'suwet'en about any agreement we negotiate and there must be clarity on Wet'suwet'en governance structures and systems.
- Reunification within the Wet'suwet'en Nation is essential for this work to move forward successfully.

If asked about impact on Coastal GasLink Project:

- Coastal GasLink is permitted and approved.
- B.C. engaged extensively with Indigenous communities in relation to this the Project, including both hereditary chiefs and elected leadership.
- At the time the MOU was reached, all parties at the table recognized the differences relating to the CGL project remain. That has not changed.

- Our government does things differently.
- We will continue to find ways to bring people together to find solutions, even when it's hard.
- That's why we are working with the Wet'suwet'en Nation to make historic progress on rights and title, together.

COVID-19: First Nations Travel Restrictions

Highlights:

- As B.C. moves into to ease travel restrictions, some tourist-dependent communities are concerned about ongoing efforts by First Nations to restrict non-essential travel.
- The Nuu-Chah-Nulth Tribal Council, representing 14 First Nations along 300 kilometres of west Vancouver Island coast, voted unanimously to restrict entry to its lands — including provincial and federal parks — unless several assurances around testing are put in place.

Main Message:

- We recognize that Indigenous communities have been tragically hard-hit by pandemics in the past.
- We know they are concerned about the impact this virus could cause for their communities and elders.
- Indigenous and remote communities face unique circumstances and have specific needs in responding to the pandemic, and those need to be considered.
- That's why we have launched a new framework to ensure people living in those communities have access to critical health care that meets their unique needs during the pandemic and into the future.
- We also know many tourist-dependent communities are looking forward to safely welcoming visitors as we reopen our economy.
- That's why we are working closely with all communities to build confidence as we carefully resume travel within the province.

On the Nuuchahnulth:

- We are working with the Nuuchahnulth leadership, discussing their concerns, and ensuring they have the information they need.
- B.C. has a robust set of health measures around testing and contact tracing in place and continues to rely on the expert advice of Dr. Bonnie Henry as we move into the next phases of our restart plan.
- BC Parks continues to work with surrounding communities to respect their interests and address concerns about reopening provincial parks.
- We are committed to working together with Nuuchahnulth to ensure everyone's safety and build confidence as we continue carefully resume travel within the province.

On Haida Gwaii and north-central coast:

- We are aware the Haida Nation has concerns about re-opening the island.
- We recognize that medical resources on the island are lean and First Nations are more vulnerable to the pandemic.
- BC's Restart Plan lays out the next steps in our fight against COVID-19—a careful restart of our economy that still protects people and the progress we've made in flattening the curve.
- The safety of the island's residents remains everyone's top priority, and we believe the restart plan will continue to keep people safe.
- We are working with Haida Nation to build confidence in the Restart BC Plan.
- This includes sharing information about reopening steps, revised orders and guidance, and the scientific evidence that Dr. Henry and other public health experts are basing their decisions on.

Background:

- With the COVID-19 pandemic, First Nations throughout B.C. have expressed concerns about their ability to manage an outbreak, given over-crowding in many First Nations communities and vulnerable members such as elders, low-income families and those with chronic health conditions like diabetes and COPD.
- Recently, Nuuchahnulth Tribal Council passed a resolution that access to the territory on the West Coast of Vancouver Island for non-residents be restricted, unless the Province has put in place strict public health protection measures, including testing, screening and contact tracing. There has been no indication of how such travel restrictions would be enforced by the Nations outside of communities on reserve lands.
- As part of state of emergency declarations, many First Nations have put in place restrictions on travel in and out of their communities. At least 40 communities (First Nations Leadership Council reports up to 83 communities) have taken the further step of setting up checkpoints with the aim of reducing unnecessary travel into their communities. There have been no reported problems and no restrictions on essential services such as police, fire and ambulance.
- Emergency Management B.C., Ministries of Transportation and Indigenous Relations and Reconciliation and the RCMP have worked to support First Nations wishing to restrict travel to their communities, while maintaining the integrity of the highway system for essential traffic. As well, local RCMP detachments, Indigenous policing and First Nations are working together and in regular contact.
- s.14

Haida Gwaii Travel Concerns

Highlights:

- On July 30, in response to a community outbreak of 20 cases on Haida Gwaii, the Minister of Public Safety and Solicitor General used powers under the current state of provincial emergency to restrict non-resident travel to the archipelago, maintain essential goods and services for residents, and support the Haida Nation and the Province's continued COVID-19 pandemic response.
- As of August 7, there were 26 cases: 5 active and 21 recovered.
- The Queen Charlotte Lodge, which had reopened for several weeks against the wishes of First Nations, is claiming in the media that it is out millions of dollars after being forced to close and believes the province owes it financial assistance, claiming the “process was arbitrary and unfair.” (*Global*, Aug 7)

Main Message

- I think we can all agree that public health and safety is what we need to focus on during a pandemic.

● s.13

- Public health officials, the First Nations Health Authority, as well as indigenous and non-indigenous leaders in the community, are working very cooperatively to contain this outbreak.
- There are a few more weeks to go before we can declare that the Haida Gwaii outbreak is under control.

General Messaging

- We know that some First Nations, including the Haida, are concerned about the impact this virus could have on their communities and elders and we continue to work with them.
- We launched a new framework to ensure people living in remote communities have access to critical health care that meets their unique needs during the pandemic and into the future.
- The First Nations Health Authority has been engaging closely with First Nations directly to support their response throughout the pandemic, including as the Province moves to restart.
- Provincial officials have been meeting weekly with the Haida Nation as part of the United Coastal Communities to discuss pandemic response, identify concerns and share information,
- Regional provincial representatives also regularly meet with the Haida Nation.
- Many communities across the province have begun to welcome visitors, and we continue to work with communities to help build their confidence in the B.C. restart plan, including local tourism.

- I would note Tofino and the Tla-o-qui-aht First Nation put out a joint release welcoming the return of visitors to the area.
- Dr. Henry reminds British Columbians that they need to be respectful of communities and how ready they are to welcome visitors.

Background

- The Queen Charlotte Lodge had been communicating with the Council of the Haida Nation (CHN) their desire to open for the 2020 fishing season in a safe manner.
- The Nation reiterated that their “current state of emergency did not permit re-opening Haida Gwaii to any non-essential travel, including the operation of fishing lodges,” and that the Lodge’s re-opening plan did not meet their requirements.
- The lodges had plans that met WorkSafeBC guidelines and made those plans available to the Haida Nation. The Nation had requested that the operators wait three weeks from the provincial reopening (until mid-July) to see how things went before reopening.
- Two lodges did open to Canadian-only visitors in mid July. In response, a group of Haida people camped at traditional villages close to Queen Charlotte Lodge. They said they were not seeking conflict with the guests but hoped the tourists would see how their arrival had disappointed the local Indigenous population.
- Provincial officials have met regularly with First Nations leadership, and another meeting with the Nuuchahnulth Tribal Council, Tsilhqot’in, and the United Coastal Communities, (including Heiltsuk and Haida).
- Destination BC’s CEO Marsha Walden told CBC on July 15: “I think we always want to encourage businesses to work out arrangements with their neighbours that make sense for everyone... and in general that is what we're hearing is happening, is that our tourism operators have very, very long standing relationships with many Indigenous communities. They're part and parcel of being good citizens together and that as communities reopen those negotiations and discussions occur between the local businesses and the local councils to make sure that everyone's happy with the solution.”
- On Aug 7, the leadership of three northern Nations: the Kaska Dena, Taku River Tlingit First Nation, and Tahltan Nation, announced support for each Nation’s advisories to avoid non-essential travel and activities for recreation and hunting to their collective territories.
- The Hesquiaht First Nation is expressing concerns that boaters continue to show up, despite efforts to keep visitors away during the pandemic.

Tsilhqot'in – Tenure Holders

Highlights:

- The MLA for Cariboo-Chilcotin may ask about government's negotiations with the TNG over title granted to them by the courts.
- Since the 2014 Supreme Court of Canada Tsilhqot'in decision, there has been uncertainty among residents and business owners within the title area over how the decision impacts them.
- A group of residents and tenure holders has recently launched a group called "Canadians for Fairness and Transparency" that claims the federal and provincial governments are negotiating in secret with First Nations over the implementation of title.

Main Message:

- As the Member knows, the Supreme Court granted the T̓silhqot'in and Xeni Gwet'in title for 1,700 square kilometres in the Chilcotin in 2014.
- That means they effectively own the land—and have the rights and responsibility to manage how it is used.
- I also recognize the concerns of people like ranchers who rely on access to the land for their business.
- That's why we are working together with everyone affected by this decision—the Indigenous governments, the federal government, local communities, and tenure holders.
- That includes finding solutions for tenure holders.
- As the first declaration of title, this is new ground for all of us and very complex – working it out will take time.

Is the government negotiating in secret?

- There are no secret negotiations over land transfers.
- The court granted title to the lands.
- We are now working with Xeni Gwet'in on how the governance for things like tenures should be transitioned to the Nation.
- Our government and the Nation have been keeping stakeholders informed as these discussions have proceeded.
- There is new ground for all of us—and working out how this will work takes time.

Contrast:

- s.13
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- They were granted title to these lands by the courts.
- It is our responsibility as government and Members of this legislature to work with everyone affected by the decision to chart a fair path forward.

Background:

- Since the 2014 Supreme Court of Canada Tsilhqot'in decision, which gave TNG title but did not lay out a clear path on how to implement that decision, there has been uncertainty among residents and business owners within the title area over how the decision impacts them.
- In 2019 B.C., Canada and TNG signed the tripartite Gwets'en Nilt'i Pathway Agreement which builds on work started under previous bilateral agreements, and includes addressing priorities such as self-governance, title transition, lands & resources and socio-economic initiatives.
- The new agreement helps deal with the practical issues of transferring management, benefit and control of the Declared Title Area. This includes addressing Xeni Gwet'in's concerns about the need for resources to manage existing tenures.
- s.13

Tiny House Warriors

Highlights:

- For the past 2 years, the Tiny House Warriors have set up a camp in Blue River, vowing to stand in the way of the Trans Mountain Pipeline construction. The protest is happening in the traditional territory of the Simpcw, who say the occupation violates Secwepemc laws and customs.
- On July 26, there was a rally in Blue River of “pipeline supporters to ‘reclaim’ Indigenous land.”
- Simpcw and the Tk'emlups te Secwepemc First Nation Chiefs have been calling for an end to the Tiny House Warriors protest and issued a statement on July calling for them to stand down. They have stated in the media that their Nations provided free, prior, and informed consent for the TMEP pipeline to be built in their territory.
- Chief Judy Wilson, Neskonlith Indian Band, put out a statement on July 20 “respectfully disagreeing” with the two chiefs.

Main Message:

- I appreciate the frustration that people are feeling.
- The Police have a role to ensure public safety in our communities.
- It is our expectation that if people feel their safety is impacted or their business infringed upon, that they call the RCMP.
- Politicians cannot, and frankly should not, interfere with or direct police on such matters.
- Our government recognizes the public’s right to engage in peaceful protests and lawful assembly.
- The Solicitor General has met with the Thompson-Nicola Regional District (June 2019).

- And I understand that the office of the Minister of Indigenous Relations & Reconciliation will be reaching to set up a meeting Chiefs Loring and Casimir.

Are you unwilling to end the protest because you also oppose TMX?

- Our government recognizes the public's right to engage in peaceful protests and lawful assembly, but if actions are threatening or harassing, the police should be notified.
- Our role now, with regard to the pipeline, is to make sure that the proponent is living up to the requirements of the environmental certificates and that everything possible is being done to protect the coast.

On TMX project:

- With respect to the pipeline itself, our government has been clear that we are concerned by the risk an oil spill poses to our environment, our coast and the tens of thousands of jobs that rely on it.
- The Courts have ruled that the project can go ahead.
- Our government's job to make sure the proponent is living up to the requirements of the environmental certificates and that we're doing everything possible to protect the coast.

Background:

- On July 16, Thompson Nicola Regional District voted on Thursday to request a meeting with Premier Horgan about disruptions related to the Tiny House Warriors camp, and also to send a delegation to Victoria.
- s.16
- s.15; s.16
- Chief Loring has said that she feels “the province is standing silent and taking a relaxed approach, not really wanting to make a decision one way or the other... It's time for them to step up and recognize that this is a public safety and security issue. They cannot sit back silent on the matter.” (CBC, Jul 3rd)
- On July 2nd, Chiefs Loring and Rosanne Casimir of the Tk'emlúps te Secwépemc released a statement condemning the “occupation and often disrespectful conduct of the Tiny House Warriors” and their “aggressive actions.”
- Kanahus Manuel, a leader of the Tiny House Warriors whose people are Secwepemc and Ktunaxa, told the CBC on July 3rd that she rejects the chiefs' authority, saying it is limited to their reserves.
- She says they've faced escalating racism since a night attack on their encampment on April 19th and there is a belief that the RCMP are targeting the group.